

# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FY 2014

Congressional  
Budget Justification

Submitted to the Congress  
of the United States

April 2013





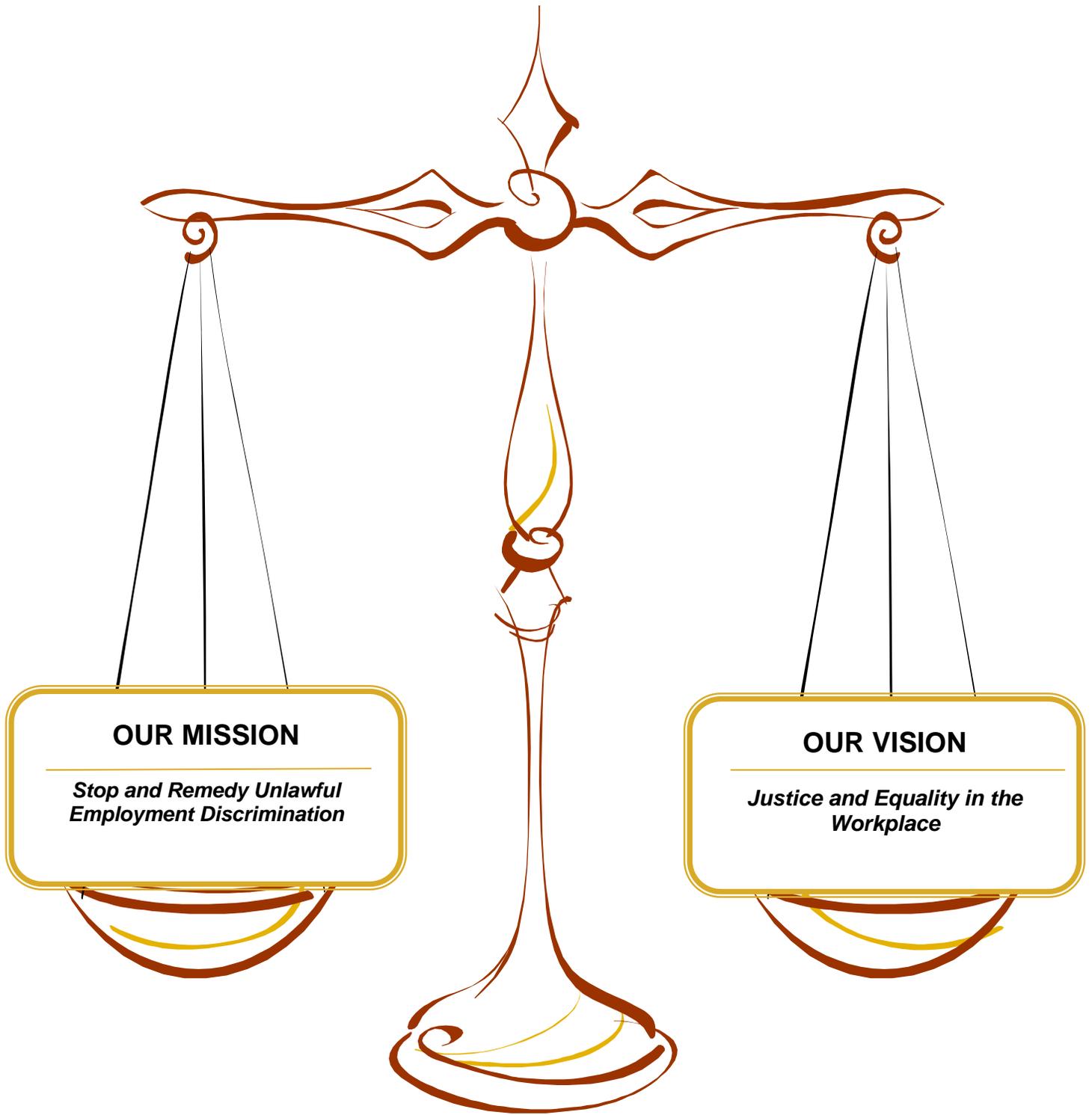
***Fiscal Year 2014  
Congressional Budget Justification***

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Opportunity Commission***

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Congress of the United States***





**OUR MISSION**

*Stop and Remedy Unlawful  
Employment Discrimination*

**OUR VISION**

*Justice and Equality in the  
Workplace*



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## I. CHAIR'S REPORT

### A. Fiscal Year 2014 Performance Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to stopping and remedying employment discrimination on the basis of race, color, national origin, sex, religion, pregnancy, age, disability, and family medical history or genetic information. The EEOC is requesting a budget of \$372,923,000 which includes \$29,500,000 for State and Local programs for fiscal year 2014. This request represents a combined increase of \$12.923 million from the fiscal year 2012 appropriation.

The EEOC was created as part of the historic Civil Rights Act of 1964. Title VII of the Civil Rights Act prohibited discrimination on the basis of race, color, national origin, sex, and religion in private sector employment throughout the United States. During the past 49 years, our jurisdiction over employment discrimination issues has grown and now includes the following areas:

- **Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, as amended, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Title VII of the Civil Rights Act of 1964**, as amended, which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **Pregnancy Discrimination Act of 1978**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **Age Discrimination in Employment Act of 1967**, as amended, which protects workers 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Rehabilitation Act of 1973**, as amended, which prohibits discrimination on the basis of disability in federal government programs.
- **Americans with Disabilities Act of 1990**, as amended, which prohibits employment discrimination by private sector respondents and state and local governments against qualified individuals on the basis of disability.
- **Genetic Information Nondiscrimination Act of 2008**, which prohibits employment discrimination on the basis of an applicant's or employee's genetic information, generally prohibits acquisition of genetic information from applicants and employees, and requires covered entities to keep such information confidential.

- **Lilly Ledbetter Fair Pay Act of 2009**, which codified the EEOC’s long-held position that each paycheck that contains discriminatory compensation is a separate violation regardless of when the discrimination began.

Together, these laws protect individuals from employment discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information and family medical history. 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.

## **B. Chair’s Message**

I am pleased to present the U.S. Equal Employment Opportunity Commission’s (EEOC’s) fiscal year 2014 Congressional Budget Justification. This year’s budget is the first to incorporate the EEOC’s new Strategic Plan for fiscal years 2012 – 2016. The Commission made significant progress during fiscal years 2009 and 2010 toward rebuilding the capacity needed to effectively enforce Federal employment discrimination laws. The positive impacts of investments made in these years were reflected in the agency’s accomplishments in fiscal year 2011. For example, during fiscal year 2011, we achieved a record total of 112,499 resolutions, and for the first time in nearly a decade, reduced the inventory of pending charges by nearly ten percent. This was possible, despite the imposition of a hiring freeze after the first quarter of fiscal year 2011, because staff members hired in prior fiscal years had completed training and gained relevant experience during the year and were able to contribute more fully to the overall productivity of the agency.

On February 22, 2012, the Commission adopted the Strategic Plan for Fiscal Years 2012 - 2016. The Plan establishes a framework for achieving the EEOC’s mission to “stop and remedy unlawful employment discrimination,” so that the nation might realize the vision of “justice and equality in the workplace.” The plan has three objectives: 1) Combat employment discrimination through strategic law enforcement; 2) Prevent employment discrimination through education and outreach; and 3) Deliver excellent and consistent service through a skilled and diverse workforce and effective systems. As discussed in greater detail throughout this Congressional Budget Justification, the EEOC’s new Strategic Plan shifts the agency’s approach to fulfilling its mission and recognizes that with demand for agency services frequently outpacing available resources, it is more important than ever to ensure that resources are used in the most efficient and effective manner possible.

An increasing number of job seekers and workers have turned to the EEOC for assistance with discrimination complaints over the past 20 years. However, resources available to the EEOC have often failed to keep pace with this demand. Between fiscal years 2000 and 2008 our staffing level dropped by nearly 30 percent while our jurisdiction expanded and the number of discrimination charges filed with the EEOC reached historic levels. The convergence of these factors produced a growing inventory of unresolved discrimination charges and strained resources available for other critical priorities. Hiring and training of staff were severely curtailed and investments in new technology were also limited during this period. However,

during fiscal years 2009 and 2010, we began the process of rebuilding our enforcement capacity as well as strategically managing existing resources.

Investments in staffing, training and technology have been reflected in key aspects of agency performance. For example, in fiscal year 2010, despite receiving a record number of new charges (99,922), the EEOC dramatically slowed the growth of the private sector charge inventory to less than one percent. In fiscal year 2011 we continued this progress and ended fiscal year 2011 with a pending inventory of 78,136 discrimination charges, which was nearly 10 percent below the pending inventory at the end of fiscal year 2010. Fiscal Year 2012 reflected similar successes with the pending inventory declining by 10 percent for a second consecutive year, to 70,312 charges. In fiscal year 2012, we also secured more than \$365.4 million in monetary benefits through administrative enforcement, which was the largest total monetary relief secured in the EEOC's history. These are just two of the outstanding agency achievements discussed in our Fiscal Year 2014 Congressional Budget Justification.

Despite these accomplishments, our rebuilding efforts are incomplete and the progress is fragile. Given the agency's varied enforcement responsibilities, we are constantly challenged to meet the growing public demand for the services we provide. We are mindful of the need for all federal government agencies to identify ways to reduce spending and have worked diligently to identify new ways to cut costs that will not compromise or undermine our ability to fulfill our mission. EEOC employees have worked to improve operations, provide better service to the public and more effectively and efficiently enforce the federal laws prohibiting employment discrimination. This budget submission requests a level of funding for the EEOC that will allow us to continue to implement our strategic plan and effectively carry out the agency's mission.

### **C. Fiscal Year 2014 Priorities**

The EEOC opened its doors in 1965 with a mandate to end employment discrimination on the basis of race, color, national origin, sex and religion. In later years the EEOC's charge expanded to include eradicating employment discrimination on the basis of age, disability, and family medical history or genetic information. The EEOC also assumed responsibility for enforcing the Equal Pay Act (which formerly resided with the U.S. Department of Labor) and federal government departments and agencies were added to the list of employers subject to Title VII. Some discriminatory practices that were commonplace when the agency opened its doors have disappeared or greatly diminished over the years, but unlawful discrimination continues to be a problem for too many workers and job seekers in the United States. This proposed budget will enable the EEOC to focus on serving the public more efficiently, addressing both enduring and emerging discriminatory practices in the workplace, and enforcing the law more effectively with the full array of tools available to address workplace discrimination and advance equal employment opportunity in the 21<sup>st</sup> century.

#### ***Serving the Public More Efficiently***

One of the agency's greatest challenges has been, and continues to be, resolving discrimination charges filed by private and federal sector employees and job seekers promptly, while at the same time ensuring that the rights of the charging parties and respondents receive appropriate

attention and respect. These challenges are addressed in the EEOC's Strategic Plan for fiscal years 2012 – 2016.

One of the overriding concerns among stakeholders has been improving the quality and efficiency of EEOC investigations. To this end, the Strategic Plan calls for the creation of a quality control system for investigations and conciliations and a framework for developing measures to ensure that quality benchmarks set are met. We expect that system to be designed and approved by the Commission in Fiscal Year 2013.

In addition to new quality control measures, the Strategic Plan also sets forth a measure to ensure that our conciliations, consent decrees, and legal resolutions, in general, benefit not only the charging party or parties, but actually seek to end and prevent recurrence of the discrimination at issue, for the benefit of every present and future employee and job applicant.

Reducing the inventory of unresolved charges remains an important goal for the EEOC. As noted earlier, in recent years, with the benefit of renewed investment in the staffing, training and technological needs of the EEOC, we have made progress in this area. Moreover, the agency is moving away from addressing this issue as a short term or episodic problem and is, instead, increasingly working to enhance and reinvigorate existing systems and develop innovative methods to address this recurring challenge consistently and sustainably. While recent investments and sustained management attention have helped to achieve a nearly 20 percent reduction in our inventory of unresolved charges since 2010, the adoption of a Strategic Enforcement Plan establishing new priorities will also assist agency leaders and staff in implementing the Priority Charge Handling Procedures (PCHP) and facilitate management and resolution of pending discrimination charges.

Finally, with respect to improving customer service, the Plan requires the Commission to make even greater use of technology and facilitate and expedite communication with the agency by allowing the public to submit and receive more information electronically and check on the status of a pending charge electronically as well. As we have heard from representatives of employees and employers, streamlining the private sector charge filing system and making information about the status of pending charges accessible electronically will serve the interests of charging parties, respondents and the EEOC as we seek to make the best possible use of scarce resources.

### ***Enforcing the Law More Effectively***

As a law enforcement agency, the EEOC must marshal its limited resources to achieve the greatest impact, which includes developing and preserving a strong nationwide systemic enforcement program. There is a strong bipartisan foundation of Congressional and Commission support for, and prioritization of, systemic enforcement. The Strategic Plan for 2012 – 2016 reaffirms this agency priority.

Even as the Commission accepts and investigates individual charges of discrimination -- in fiscal year 2012 alone nearly 100,000 new discrimination charges were filed with the EEOC -- we also have a responsibility to survey the employment landscape to identify and develop a plan for addressing those discriminatory practices that have persisted throughout the years or that are

newly emerging. This includes pursuing systemic investigations and cases, which the Commission's Systemic Task Force recognized in 2006, would help to prevent unlawful discrimination through deterrence and by directing scarce resources towards conduct, practices, and policies that affect many jobs seekers or employees and/or impact multiple workplaces.

Implementation of a Strategic Enforcement Plan (SEP), which is the core of the first Performance Measure for Strategic Plan Objective I, began in December 2012 when the Commission approved the SEP, and will continue throughout fiscal years 2013 and 2014. The SEP will guide our selection and deployment of the various tools available to us -- public education and outreach; regulatory and policy development; technical assistance; investigation; data collection and analysis; mediation; conciliation; and trial and appellate litigation, including amicus participation – to enforce the federal laws prohibiting employment discrimination in the most efficient and effective manner possible.

### ***Leadership in Civil Rights Enforcement***

In the past two years the EEOC has collaborated much more closely with enforcement partners in federal, state and local government, and heard from a wide range of stakeholders in the development of the Strategic Plan and Strategic Enforcement Plan. This will continue to be a hallmark of our work in the future, particularly as it is a key strategy in our Strategic Plan that cuts across many of our Strategic Objectives and measures. Collaboration is especially important now because it allows us to achieve savings and operate more efficiently by avoiding redundant enforcement efforts and leveraging the work of other federal, state and local agencies responsible for civil rights law enforcement.

Effective collaboration also minimizes burdens for the regulated community by preventing adoption of duplicative or conflicting compliance measures. Consistent with this priority, we will continue to collaborate with the Office of Federal Contract Compliance Programs of the Department of Labor (OFCCP) concerning collection of data from employers, and to work with OFCCP, the U.S. Department of Justice (DOJ), state and local Fair Employment Practice Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs) to coordinate investigative and enforcement strategies and activities as appropriate, and to develop and conduct joint outreach, public education, and staff training programs wherever possible. In recent years we have entered into or renewed Memoranda of Understanding (MOUs) with the OFCCP and TEROs, and are working on refinements and updates to our MOUs with the U.S. Department of Justice and the Office of Special Counsel.

The EEOC has also engaged with other federal government agencies and contributed to the work of intergovernmental efforts such as the National Equal Pay Enforcement Task Force, the Cabinet-level Reentry Council, the White House Initiative on Asian Americans and Pacific Islanders, the Presidential Inter-agency Taskforce on Human Trafficking, and the President's HIV/AIDS Strategy, among other collaborations. Finally, the EEOC's work in the federal sector includes advising and training a wide range of officials across the federal government in the fundamentals of EEO compliance as well as efforts they can undertake to advance diversity and promote inclusion in the federal workplace.

### ***Prevention through Education and Outreach***

Effective law enforcement begins with aggressive and creative efforts to inform the public about the requirements of the law, with the goal of raising awareness about prohibited conduct and promoting voluntary compliance to the greatest extent possible. Outreach and education are the focus of Strategic Objective II in the EEOC Strategic Plan for Fiscal Years 2012-2016.

As one of only three Strategic Objectives approved in the Strategic Plan, prevention of unlawful discrimination through education and outreach is now clearly identified as a top priority for the agency. Consistent with this, the Commission has already launched a Small Business Task Force, led by Commissioner Constance Barker, and has begun to consult with business leaders, trade association representatives and others who can assist us in identifying ways to improve the EEOC's outreach to small businesses. These employers do not often have the benefit of equal employment professionals and are in need of more easily accessible explanations of their rights and responsibilities under the law. We also recognize that technology affords us an unprecedented opportunity to share information about our work and the requirements of the laws we enforce at relatively low cost to larger, geographically dispersed audiences.

The Strategic Plan builds upon existing outreach efforts targeting small businesses and encourages both our program analysts in the field and headquarters staff involved with training, outreach and public education, to engage in significant partnerships with organizations that serve small businesses, including local Chambers of Commerce, and target small and new businesses directly through their outreach efforts.

Consistent with the Strategic Plan, the Commission has developed and started implementation of a plan to review, update, and augment with plain language materials its sub-regulatory guidance so that every member of the public will have ready access to a current and accurate explanation of their rights and responsibilities under the law. We believe that this will ultimately help to prevent discriminatory conduct in the workplace, which benefits employers *and* employees. The new Strategic Plan also prioritizes outreach to vulnerable workers and underserved communities and encourages greater use of technology to communicate with all stakeholders.

Finally, given EEOC's research, data collection and receipt of charges and complaints in the private, public and federal sectors, the agency is well-suited to identify emerging trends. Swift and responsive attention to recent events, newly enacted legislation, and developing judicial and administrative interpretations and theories helps to prevent the spread of discriminatory practices by promoting greater awareness of new legal requirements and facilitating voluntary compliance.

### ***Investing in Our Workforce and Systems to Improve Service to the Public***

Strategic Objective III of EEOC's Strategic Plan for 2012 - 2016 is delivering "excellent and consistent service through a skilled and diverse workforce and effective systems." Full implementation of Executive Order 13522 is an important part of our work to improve Labor-Management relations and facilitate collaboration between managers and employees concerning improved delivery of service to the public and agency performance. In Fiscal Year 2010, the EEOC reached an agreement with the National Council of EEOC Locals, No. 216 to implement Executive Order 13522. Members of the National and District-level Labor-Management Forums

created to implement Executive Order 13522 within the EEOC were appointed and have been trained by the Federal Mediation and Conciliation Service. The proposed Fiscal Year 2014 budget includes support for continued operation of the forums.

One of the sub-committees of EEOC's Labor-Management forum is working to develop proposals to reduce costs, and is currently working on a proposal to reduce office rent and associated overhead with increased use of telework and other space saving measures. The proposed budget includes funds for technological enhancements necessary to implement this proposal, which has the potential to reduce rent and related expenses in out-years, as well as increase employee satisfaction without compromising efficiency or the quality of service to the public.

The Commission is proud of its history of stopping and remedying discriminatory employment practices, in cooperation with the brave men and women who put so much on the line by filing charges with the EEOC to challenge discrimination, and working with employers to provide guidance and training to promote voluntary compliance to the greatest extent possible. Building upon this legacy, we must continue our work to achieve the mission of ending employment discrimination across the United States. I continue to be encouraged by the progress that the EEOC has been able to accomplish throughout its history and am gratified and inspired by the achievements of our dedicated workforce. I look forward to continued progress during the 2014 fiscal year.

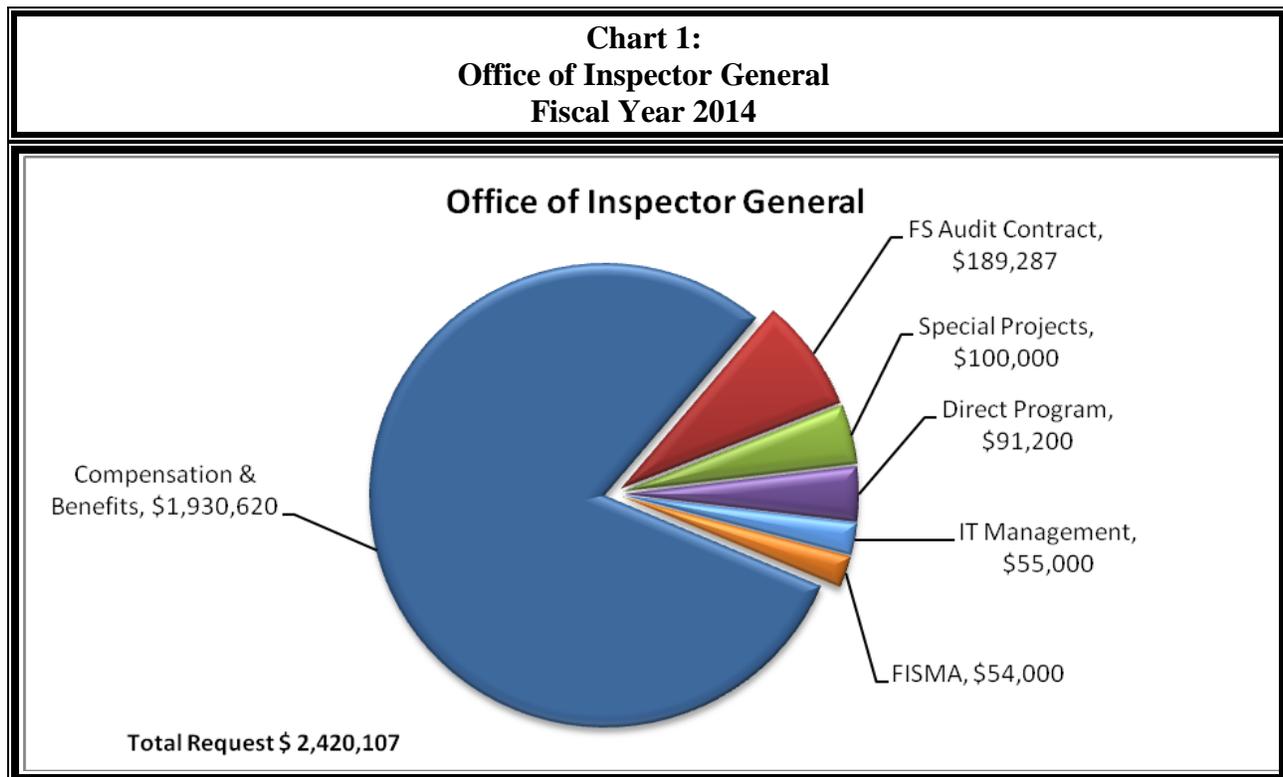
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## II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

The Equal Employment Opportunity Commission 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; 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	\$2,420,107
Aggregate amount of funds	\$2,420,107 <sup>1</sup>
Portion of amount for training	\$24,000 <sup>2</sup>
Amount needed to support CIGIE	\$5,808 <sup>3</sup>

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



<sup>1</sup> This is the total aggregate request for the Office of Inspector General.

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for fiscal year 2014.

<sup>3</sup> .24% of \$2,420,107 or \$5,808 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, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, Section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110-233), 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 \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$372,923,000: Provided, 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 Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.*

*Note: A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared, therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 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 fiscal years 2012 through 2014.

<b>Table 1: Total Agency Staffing and Funding Profile Fiscal Year 2012 to Fiscal Year 2014 (Dollars in thousands*)</b>				
	<b>FY 2012 (Actual)</b>	<b>FY 2013 (CR)</b>	<b>FY 2014 (Request)</b>	<b>Change From FY 2012</b>
<b>Strategic Objective I: Combat employment discrimination through strategic law enforcement</b>				
1. Private Sector Enforcement	\$284,900	\$286,831	\$295,881	\$10,981
State and Local	\$29,500	\$29,500	\$29,500	
2. Federal Sector Enforcement	\$40,000	\$40,272	\$41,542	\$1,542
<b>Total Strategic Objective I</b>	<b>\$354,400</b>	<b>\$356,603</b>	<b>\$366,923</b>	<b>\$12,523</b>
<b>Strategic Objective II: Prevent employment discrimination through education and outreach</b>				
Outreach (Non Fee based)	\$5,600	\$5,600	\$6,000	\$400
<b>Total Strategic Objective II</b>	<b>\$5,600</b>	<b>\$5,600</b>	<b>\$6,000</b>	<b>\$400</b>
<b>Agency Total (includes Strategic Objective III Resources)</b>	<b>\$360,000</b>	<b>\$362,203</b>	<b>\$372,923</b>	<b>\$12,923</b>
<b>Total Full Time Equivalents**</b>	<b>2,346</b>	<b>2,226</b>	<b>2,253</b>	<b>27</b>
<b>Strategic Objective III: Deliver excellent and consistent service through a skilled and diverse workforce and effective systems</b>				
<b>Highlighted Resource Areas [Information Technology]</b>	<b>\$15,060</b>	<b>\$14,777</b>	<b>\$16,907</b>	<b>\$2,130</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 fiscal year 2013 to fiscal year 2014. The significant changes reflect mandated increases in compensation, increases for rent and security, office relocations and Information Technology (IT).

<b>Table 2: Analysis of Change Fiscal Year 2014 (Dollars in thousands*)</b>		
	<b>FTE</b>	<b>Amount</b>
<b>Fiscal Year 2012 Appropriation – Includes \$29.5 million for State and Local and Reimbursable 14 FTE from Revolving Fund</b>	<b>2,346**</b>	<b>\$360,000</b>
<b>Compensation and Benefits</b>		
1. Annualization of FY 2013 Hires		1,860
2. FY 2014 Pay Raise-Provides 1% pay increase, effective January 2014		1,969
3. Hires – Funding provided to hire 110 front-line FTE primarily investigators, mediators, office automation assistants (OAA), attorneys, and support staff to reduce agency private sector charge inventory.		7,879
4. Promotions and with-in-grade increases \$2,500; Estimated Separation savings (\$7,035) equals a net decrease of (\$4,535)		(4,535)
<b>Program Support Increases – Funding increase for non-pay program and operating expenses</b>		
1. Rent and DHS Security		515
2. Office Relocations (Includes moves directed by GSA) - 6 offices targeted for relocation which totals about 75,000 square feet.		3,105
3. IT –Funding provided for continued telecommunications expansion, desktop virtualization, cloud based collaboration and Strategic Plan Priorities to streamline agency processes through Innovative Technology.		2,130
<b>FY 2014 Request – Includes reimbursable FTE from Revolving Fund</b>		<b>\$372,923</b>
<b>Total Net Change FY 2012 – FY 2014</b>		<b>\$12,923</b>

\*May not add due to rounding

\*\*FTE as of September 30, 2012 per OPM Report (113g)

**D. Object Class – Agency Summary**

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

<b>Table 3: Object Class Schedule – Agency Summary Requirements by Object Class Fiscal Year 2012 to Fiscal Year 2014 (Dollars in thousands*)</b>			
<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2012 (Actual)</b>	<b>FY 2013 (CR)</b>	<b>FY 2014 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$196,082	\$196,900	\$199,500
11.3 Other than FTP	2,200	2,400	2,700
11.5 Other personnel compensation	2,100	2,100	2,300
<b>Total Personnel Compensation</b>	<b>200,382</b>	<b>201,400</b>	<b>204,500</b>
12.1 Civilian personnel benefits	59,477	59,800	61,300
13.1 Benefits to former personnel	180	200	200
<b>Total Compensation and Benefits</b>	<b>260,039</b>	<b>261,400</b>	<b>266,000</b>
21.1 Travel of persons	4,156	4,100	4,100
22.0 Transportation of things	25	25	25
23.1 Rental payment to GSA	27,888	29,469	30,400
23.2 Other rent/communications	5,741	5,900	6,700
24.0 Printing and reproduction	100	200	250
25.1 State and Local contracts	29,486	29,500	29,500
25.2 Security services	2,910	3,170	3,218
25.2 Other services from non federal sources	15,974	14,359	18,250
25.2 Litigation support	3,330	3,500	3,700
25.3 Other goods & serv. from federal sources	4,918	5,100	5,200
26.0 Supplies and materials	4,152	4,200	4,300
31.0 Equipment	1,281	1,280	1,280
<b>Total Other Objects</b>	<b>99,961</b>	<b>100,803</b>	<b>106,923</b>
<b>Agency Total</b>	<b>\$360,000</b>	<b>\$362,203</b>	<b>\$372,923</b>

\*May not add due to rounding

#### **IV. STRATEGIC PLAN AND PERFORMANCE MEASURES**

##### **A. The Fiscal Years 2012-2016 Strategic Plan**

###### **1. Introduction**

On February 22, 2012, the U.S. Equal Employment Opportunity Commission (EEOC) approved a new Strategic Plan (“Strategic Plan” or “Plan”) for fiscal years (FY) 2012-2016. Developing a new mission and vision for the agency, as well as new strategic objectives, goals and performance measures for the Plan, was prompted in part by enactment of the Government Performance and Results Modernization Act of 2010 (P.L. 111-352), commonly referred to as GPRAMA. In addition, we wanted to acknowledge lessons learned and successes realized from our previous Strategic Plan; while incorporating commentary received from a broad range of public and private participants from Congressional, State, and local arenas, as well as the EEOC workforce and Union in the development process -- all representatives who share an interest in our mission. The Strategic Plan establishes a framework for achieving the EEOC’s mission to “stop and remedy unlawful employment,” so that the nation might soon realize the Commission’s vision of “justice and equality in the workplace.”

###### **2. Strategic Objectives, Goals, and Strategies Overview**

The Plan serves as a framework for EEOC to achieve our new mission by focusing on the following three strategic objectives:

Strategic Objective I: To combat employment discrimination through strategic law enforcement. This Objective reflects our primary mission of preventing unlawful employment discrimination through the use of: 1) administrative (investigation, mediation and conciliation) and litigation enforcement mechanisms with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) adjudicatory and oversight mechanisms with regard to Federal employers. In keeping with the agency’s statutory mandate, the majority of the EEOC’s financial and human resources will be devoted to Strategic Objective I. There are seven performance measures under Strategic Objective I. The performance measures and 2012 results for these measures are more fully described in Section V.B., starting on page 20.

Strategic Objective II: To prevent employment discrimination through education and outreach. This Objective acknowledges that to successfully prevent employment discrimination through education and outreach, we must also work to prevent employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means by which the agency fulfills its mission and vision. Title VII also requires 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. There are four performance measures under Strategic Objective II. The performance measures and 2012 results for these measures are more fully described in Section VI.B., starting on page 42.

Strategic Objective III: To deliver excellent and consistent service through a skilled and diverse workforce and effective systems. This Objective ensures that we deliver excellent and consistent service through our efforts to support a skilled workforce and the deployment of effective systems. There are two performance measures under Strategic Objective III. The performance measures and 2012 results for these measures are more fully described in Section VII.B., starting on page 50. Performance Measure 14, which ensures that the agency's budgetary resources align with the Strategic Plan, is more fully described in Section VII.B., on page 53.

The outcome goals related to these strategic objectives and the 14 performance measures identified in the Plan will help gauge our progress as we approach fiscal year 2016. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the Strategic Plan Diagram, on the following pages.

**STRATEGIC PLAN DIAGRAM**

<b>MISSION</b> Stop and Remedy Unlawful Employment Discrimination		<b>VISION</b> Justice and Equality in the Workplace
<b>STRATEGIC OBJECTIVE I</b> Combat employment discrimination through strategic law enforcement.	<b>STRATEGIC OBJECTIVE II</b> Prevent employment discrimination through education and outreach.	<b>STRATEGIC OBJECTIVE III</b> Deliver excellent and consistent service through a skilled and diverse workforce and effective systems.
<p><b>Outcome Goal I.A</b> Have a broad impact in reducing employment discrimination at the national and local levels.</p> <p><b>Strategy I.A.1:</b> Develop and implement a Strategic Enforcement Plan that: (1) establishes EEOC priorities and (2) integrates the EEOC’s investigation, conciliation and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities.</p> <p><b>Strategy I.A.2:</b> Rigorously and consistently implement charge and case management systems to focus resources and enforcement on the EEOC’s priorities.</p> <p><b>Strategy I.A.3:</b> Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination.</p> <p><b>Strategy I.A.4:</b> Use EEOC decisions and oversight activities to target pervasive discriminatory practices and policies in federal agencies.</p> <p><b>Outcome Goal I.B</b> Remedy discriminatory practices and secure meaningful relief for victims of discrimination.</p> <p><b>Strategy I.B.1:</b> Ensure that remedies end discriminatory practices and deter future discrimination.</p> <p><b>Strategy I.B.2:</b> Seek remedies that provide meaningful relief to individual victims of discrimination.</p>	<p><b>Outcome Goal II.A</b> Members of the public understand and know how to exercise their right to employment free of discrimination.</p> <p><b>Outcome Goal II.B</b> Employers, unions and employment agencies (covered entities) prevent discrimination and better resolve EEO issues, thereby creating more inclusive workplaces.</p> <p><b>Strategy II.A.1:</b> Target outreach to vulnerable workers and underserved communities.</p> <p><b>Strategy II.B.1:</b> Target outreach to small and new businesses.</p> <p><b>Strategy II.A.2 and II.B.2:</b> Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.</p>	<p><b>Outcome Goal III.A</b> All interactions with the public are timely, of high quality, and informative.</p> <p><b>Strategy III.A.1:</b> Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce.</p> <p><b>Strategy III.A.2:</b> Rigorously and consistently implement charge and case management systems to deliver excellent service.</p> <p><b>Strategy III.A.3:</b> Use innovative technology to facilitate responsive interactions and streamline agency processes.</p>

STRATEGIC OBJECTIVE I Performance Measures	STRATEGIC OBJECTIVE II Performance Measures	STRATEGIC OBJECTIVE III Performance Measures
<p><b>Performance Measure 1 for Strategy I.A.1</b> By FY 2016, the EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.</p> <p><b>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2016, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p><b>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2016, 100% of federal sector case inventory is categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p><b>Performance Measure 4 for Strategy I.A.3</b> By FY 2016, TBD% of the cases in the agency's litigation docket are systemic cases.</p> <p><b>Performance Measure 5 for Strategy I.A.4</b> By FY 2016, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.</p> <p><b>Performance Measure 6 for Strategies I.B.1 and I.B.2</b> By FY 2016, a TBD% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.</p> <p><b>Performance Measure 7 for Strategies I.B.1 and I.B.2</b> By FY 2016, a TBD% of resolutions by FEPAs contain targeted, equitable relief.</p>	<p><b>Performance Measure 8 for Strategy II.A.1</b> By FY 2016, the EEOC is maintaining TBD significant partnerships with organizations that represent vulnerable workers and/or underserved communities.</p> <p><b>Performance Measure 9 for Strategy II.B.1</b> By FY 2016, the EEOC is maintaining TBD significant partnerships with organizations that represent small or new business (or with businesses directly).</p> <p><b>Performance Measure 10 for Strategies II.A.1 and II.B.1</b> By FY 2013, the EEOC implements a social media plan.</p> <p><b>Performance Measure 11 for Strategies II.A.2 and II.B.2</b> The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.</p>	<p><b>Performance Measure 12 for Strategy III.A.1</b> The EEOC strengthens the skills and improves the diversity of its workforce.</p> <p><b>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2016, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p><b>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2</b> By FY 2016, 100% of federal sector case inventory are categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p><b>Performance Measure 13 for Strategy III.A.3</b> The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</p>

<p><b>BUDGETARY RESOURCES MEASURE</b> <b>Performance Measure 14</b> The EEOC's budgetary resources for FY 2014 – 2017 align with the Strategic Plan.</p>
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## **V. STRATEGIC OBJECTIVE I - Combat employment discrimination through strategic law enforcement.**

### **A. Introduction**

To aid in our ability to support a strategic law enforcement objective, we have focused our efforts toward achieving the following outcome goals that are critical to the success of the agency's mission: 1) Have a broad impact in reducing employment discrimination at the national and local levels; and 2) Remedy discriminatory practices and secure meaningful relief for victims of discrimination.

To effectively impact a reduction of employment discrimination in a far reaching and extensive manner, we have identified four key strategies that are currently being developed and/or implemented, as directed by the agency's Fiscal Years 2012-2016 Strategic Plan and the administrative priorities established by the Office of the Chair:

- Develop and implement a Strategic Enforcement Plan that: 1) establishes EEOC priorities; and 2) integrates EEOC's investigation, conciliation, and litigation responsibilities in the private and State and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities;
- Rigorously and consistently implement charge and case management systems to focus resources and enforcement on agency priorities (beginning in fiscal year 2013);
- Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination; and
- Use agency decisions and oversight activities to target discriminatory practices and policies in federal agencies (beginning in fiscal year 2013).

Our strategies for remedying discriminatory practices and seeking equitable relief where discrimination has occurred are twofold: 1) Ensure that remedies end discriminatory practices and deter future discrimination; and 2) Seek remedies that provide meaningful relief to individual victims of discrimination.

EEOC has developed Performance Measures 1 through 6 to track our progress in pursuing these strategies and Performance Measure 7 to track the progress of our State and local partners.

Table 4 outlines our budget information for the agency's enforcement programs under Strategic Objective I.

<b>Table 4: Budget Request Summary for Strategic Law Enforcement Fiscal Year 2012 to Fiscal Year 2014 (Dollars in thousands*)</b>			
	<b>FY 2012 (Actual)</b>	<b>FY 2013 (CR)</b>	<b>FY 2014 (Request)</b>
<b>Private Sector Enforcement</b>	<b>\$314,400</b>	<b>\$316,331</b>	<b>\$325,381</b>
Administrative Charge Resolution	187,700	188,972	194,935
Mediation	25,090	25,260	26,057
Litigation	72,110	72,599	74,889
State and Local	29,500	29,500	29,500
<b>Federal Sector Enforcement</b>	<b>40,000</b>	<b>40,272</b>	<b>41,542</b>
Hearings	22,716	22,871	23,591
Appeals	12,090	12,172	12,556
Mediation	579	583	602
Oversight	4,615	4,646	4,793
<b>Total</b>	<b>\$354,400</b>	<b>\$356,603</b>	<b>\$366,923</b>

\*May not add due to rounding.

## B. Performance Measures and Results

### Strategic Enforcement Plan

<b>Performance Measure 1: By FY 2016, the EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	<p>The agency develops a draft Strategic Enforcement Plan.</p> <p>The Commission votes on a Strategic Enforcement Plan no later than September 30, 2012.</p>	<p>The agency distributes implementation guidance for the Strategic Enforcement Plan.</p> <p>The agency begins to implement the Strategic Enforcement Plan.</p> <p>If required in the Strategic Enforcement Plan, District Offices and the Office of Federal Operations develop local and federal sector enforcement plans by March 29, 2013.</p>	<p>The agency fully implements the Strategic Enforcement Plan.</p>
Results	SEP approved December 17, 2012		
			<b>Target Partially Met*</b>

\* Targets 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.

Under its first objective the Strategic Plan directed the Commission to develop a Strategic Enforcement Plan (SEP). Its development will ensure a targeted, concentrated, and deliberate effort to identify and pursue priority issues and practices that significantly affect applicants, employees, and employers.

The SEP will further an integrated, holistic approach to enforcement by: 1) lowering the conceptual barrier between the EEOC's work in the investigation and conciliation stage and its work in the litigation stage; 2) incorporating the EEOC's oversight and adjudicatory work in the federal sector; and 3) integrating the agency's education and outreach activities into its enforcement efforts. The desired outcome will be an EEOC where all operations work in tandem to achieve its mission of stopping and remedying unlawful employment discrimination.

For fiscal year 2012, the target for this measure was to develop a draft SEP for agency approval by September 30, 2012. In March, the Chair designated the SEP Workgroup to develop a draft SEP for agency consideration. From April through June, the Workgroup met regularly to develop a draft and program offices briefed the Workgroup and the Commissioners on issues related to the SEP's development. On June 5, 2012, the Workgroup solicited public input into the development of the SEP—receiving numerous comments. In July, the Commission held a public meeting to receive input from more than 30 stakeholders on the issues they believed should be addressed in the SEP. In September, the Commission released a draft plan and invited comments from the public and EEOC staff. Following extensive consideration of the input received, the Commission approved the agency's Strategic Enforcement Plan on December 17, 2012.

The SEP is one of the primary mechanisms of the agency's Strategic Plan for shifting resources to enforcement and outreach on priority issues that will have the greatest impact in reducing discriminatory practices. The agency is expeditiously implementing the Strategic Enforcement Plan and is already seeing increased collaboration between EEOC offices and staff, along with increased public and staff input into the development of several components of the SEP, including a subregulatory plan for legal guidance, a Federal Sector Complement Plan, and District Complement Plans.

### Quality Control Plan

**Performance Measure 2: By FY 2016, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.**

	FY 2012	FY 2013	FY 2014
Targets	N/A**	The agency develops a draft Quality Control Plan that establishes criteria to measure the quality of investigations and conciliations and develops a peer review assessment system.  The Commission votes on a Quality Control Plan no later than February 28, 2013.	Apply the criteria and the peer review assessment system to a statistically significant sample of investigations and conciliations. Based on that analysis, develop a baseline of existing quality and set targets for improved quality.
Results	N/A**		

\*\* Not applicable for FY 2012.

Performance Measure 2 requires EEOC to develop appropriate criteria for measuring the quality of investigations and conciliations. These criteria, for example, would likely address whether charges are appropriately reassessed on a timely basis, how efficient and timely the investigation has been, what the investigation consisted of, and whether the investigation correctly applied the law to the facts of the charge. In addition, this measure requires the agency to develop a peer review assessment system that will be used to judge the quality of investigations and conciliations. To satisfy these requirements, in December 2012, the agency convened a Quality Control Plan Working Group (QCPWG) and panel of advisory group members. The goal of the QCPWG is to develop a draft Quality Control Plan that establishes the necessary criteria and the peer review assessment system in fiscal year 2013. A draft Plan is expected to be presented to the Commissioners for their vote by May 2013.

### Case Management System

<b>Performance Measure 3: By FY 2016, 100% of federal sector case inventory is categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	N/A**	Develop categories for federal sector cases. Develop, pilot and implement new processes and technology, ensuring appropriate guidance, documentation, and staff training.	100% of all incoming hearings requests and appeals and 50% of old case inventory are categorized.  Develop a Federal Sector Quality Control Plan to establish criteria to measure the quality of federal sector hearings and appeals.
Results	N/A**		

\*\* Not applicable for FY 2012.

### Systemic Cases

<b>Performance Measure 4: By FY 2016, 22-24% of the cases on the agency's active litigation docket are systemic cases.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Establish a baseline based upon the proportion of systemic cases on the active docket as of 9/30/12 and project future annual targets against baseline.	Increase the percentage of systemic cases on active docket is 18 - 21%.	Increase the percentage of systemic cases on active docket is 19 - 21%
Results	Established a baseline of 20% and set future targets through FY2016.		
			<b>Target Met</b>

The fiscal year 2012 target for Performance Measure 4 was to establish a baseline and project corresponding future targets. To meet that goal, the Office of General Counsel established a baseline of approximately 20 percent, which represented the proportion of systemic cases on the active litigation docket at the end of fiscal year 2012. Systemic cases are defined as pattern or practice, policy, or class cases where the alleged discrimination has a broad impact on the industry, occupation, or geographic area. Utilizing this baseline, as well as a comprehensive review of historical suit filing and resolution trends, and systemic case development trends, the agency projected targets for performance through fiscal year 2016. By fiscal year 2016, the agency projects that 22-24 percent of cases on its active litigation docket will be systemic cases.

### Federal Sector Workforce Analysis

**Performance Measure 5: By FY 2016, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.**

	FY 2012	FY 2013	FY 2014
Targets	N/A**	Create and implement a data system of complaint, hearing, and statistical employee data in order to establish priorities in the federal sector	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.
Results	N/A**		

\*\* Not applicable for FY 2012.

The Federal Government is the largest employer in the United States. Therefore, reducing unlawful employment discrimination in the federal sector is an integral part of achieving Strategic Objective I and fulfilling the mission of the agency. Performance Measure 5 will be effective starting in fiscal year 2013. At that time, this measure will require the agency to create and implement a data system of complaint, hearing, and statistical employee data in order to establish priorities in the federal sector; i.e., an integrated data system that can identify discriminatory policies or practices in those agencies and help set priorities for the prevention of discrimination in the Federal government.

### Administrative and Legal Resolutions with Targeted Relief

**Performance Measure 6: By FY 2016, a TBD% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.**

	FY 2012	FY 2013	FY 2014
Targets	N/A**	Collect data on the percentage of administrative and legal resolutions currently containing targeted, equitable relief. Establish baseline of existing targeted, equitable relief in resolutions and project future targets for different types for different types of targeted, equitable relief.	Increase targets by TBD% or maintain targets.
Results	N/A**		

\*\* Not applicable for FY 2012.

## FEPA Resolutions with Targeted Relief

<b>Performance Measure 7: By FY 2016, a TBD% of resolutions by FEPAs contain targeted, equitable relief.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	In conjunction with FEPAs, identify, design, and implement reporting process(es) to determine what percentage of resolutions by FEPAs contain targeted, equitable relief.	Collects data from FEPAs, establishes baseline of existing targeted, equitable relief in resolutions and project future targets for different types of targeted equitable relief.	FEPAs increase targets by TBD% or maintain targets.
Results	Based on discussions with FEPAs, the reporting format and process for both the EEOC and the FEPAs was designed so that by Fiscal Year 2013, sufficient and complete data will be collected to develop the baseline level, as well as the projected targets for Fiscal Years 2014–2016.		
			<b>Target Met</b>

Performance Measures 6 and 7 were designed to encourage EEOC and the FEPAs to seek targeted equitable relief in every cause case. 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 training for supervisors and employees, development of policies and practices to deter future discrimination, cessation of existing discriminatory policies or practices, and external monitoring of employer actions, as appropriate. In fiscal year 2012, efforts were made to develop a strategy for the targeted equitable relief categories of monetary and non-monetary relief that would be captured in Integrated Mission System (IMS), as well as the definitions for the calculations to reflect the measure’s achievements in the out-years.

Performance Measure 6 will be effective in fiscal year 2013. At that time, this measure will require the agency to collect data on the percentage of administrative and legal resolutions currently containing targeted, equitable relief. In addition, we will need to establish a baseline of existing targeted, equitable relief in resolutions and project future targets for different types of targeted, equitable relief. At present, the agency has developed a strategy for determining which types of relief will qualify as targeted equitable relief and for tracking that information in its charge database.

The fiscal year 2012 target for Performance Measure 7 was to identify, design, and implement, in accord with the State and local Fair Employment Practices Agencies (FEPAs), a new reporting

process for determining what percentage of FEPA resolutions contain targeted, equitable relief. The EEOC's FEPA 2012 Annual Training Conference held May 29 through June 1, 2012, in St. Louis, Missouri, provided the forum for the launch of a dialogue with the EEOC's FEPA partners about the reporting processes. Members of the EEOC/FEPA Joint Standing Committee held discussions to secure further feedback. Based on their input, the EEOC's Office of Field Programs (OFFP) developed content for the Office of Information Technology (OIT) to use in the data collection plan for targeted equitable relief and related reporting for both FEPAs and EEOC. The design for the reporting process was developed with an eye toward consistency within IMS for recording targeted equitable relief data.

## **C. Program Areas**

### **1. Private Sector Enforcement**

#### *Charge Receipt and Inventory*

As discussed earlier in this request, the Agency's new Strategic Plan places a strong emphasis on ensuring our enforcement efforts reduce employment discrimination and provide remedies that correct discriminatory practices in the workplace as well as meaningful relief for those affected by such practices. In fiscal year 2012, through our strong enforcement activity, we achieved 111,139 resolutions, our second highest level ever, with a merit factor resolution rate of 17.2 percent. (Merit factor resolutions include mediation and other settlements and cause findings, which, if not successfully conciliated, are considered for litigation). The EEOC also secured more than \$365.4 million in monetary benefits through its private sector administrative enforcement activities—the highest level of monetary relief obtained through administrative enforcement in the Commission's history. Overall, the EEOC secured both monetary and non-monetary benefits for 23,446 people through administrative charge resolution. We anticipate that with the launch of data collection in fiscal year 2013 for Performance Measure 6, which is focused on tracking our efforts to secure targeted equitable relief in cause cases, our fiscal year 2014 enforcement benefits reporting will reflect an increase in equitable remedies obtained for aggrieved individuals.

#### *A Decrease in Frontline Staff and Increased Receipts Contributed to Growth in Inventory*

While the agency has achieved some significant successes as outlined above, these successes are better understood in light of the challenges confronting the agency over the past 10 years. The EEOC's charge inventory had been growing since fiscal year 2002. Increases in the agency's budget in fiscal years 2009 and 2010 allowed us to make strides in managing the inventory which we have continued to see through fiscal year 2012, with a second consecutive year of inventory reduction resulting in a pending inventory level of 70,312.

We remain committed to improving our internal processes and enhancing our productivity to make progress in managing the inventory. The 10 investigator hires we have identified in our fiscal year 2013 budget will allow us to replace some of the front-line staff positions that have become vacant due to attrition since the hiring freeze was imposed in the second quarter fiscal year 2011. Additionally, the fiscal year 2014 budget request provides for investigator and mediator hires, which will help restore some of the prior years' losses to the front-line staffing levels. During fiscal year 2014, we will continue our focus on identifying creative approaches to

addressing the inventory and utilizing PCHP in a manner that will produce reductions in the inventory. We also recognize that we must balance our efforts to address the inventory while still maintaining a high level of quality in our investigations and conciliations. In fiscal year 2014, the implementation of the new Quality Control Plan outlined in Performance Measure 2 will allow the agency to develop a baseline of current quality levels through the application of defined criteria and utilization of a peer review assessment system and set targets for improved levels for future years. This measure will provide the public with the confidence that our inventory reduction focus will be complemented by our emphasis on maintaining high quality in our enforcement activities.

The most significant factor in successfully managing the inventory was the ability to hire front-line staff to perform critical enforcement activities. After nearly 10 years of losing investigators and mediators, we were able to hire 164 investigators and mediators in fiscal year 2009 and fiscal year 2010. This hiring created a corresponding surge in charge resolutions, from 81,081 at the end of fiscal year 2008, to two record levels of 112,499 in fiscal year 2011, and 111,139 in fiscal year 2012. Because of this success, we have recorded two consecutive years of significant inventory reductions, ending fiscal year 2012 with a pending inventory level of 70,312 charges that reflects the first significant decline in our inventory level in 10 years.

To sustain this level of continued improvement in our inventory, we recognize that the EEOC must continue to maintain frontline capacity. That is why this fiscal year 2014 budget justification requests 68 FTE for investigator positions that will replace some of the 51 FTE positions that will vacate during the year to maintain our staffing levels and better match our workload. We will continue to identify other ways to address the inventory and increase productivity to make the best of a difficult fiscal environment.

As demonstrated above, the EEOC has made significant progress toward rebuilding the capacity needed to effectively enforce Federal employment discrimination laws through the strategic management of existing resources. Yet further investments in staff, training and technology are necessary to resolve continued record levels of charge receipts.

Chart 2 below shows the growth of the pending inventory that is likely to occur with the limited hiring in fiscal year 2013 followed by the authorized hiring in fiscal year 2014.

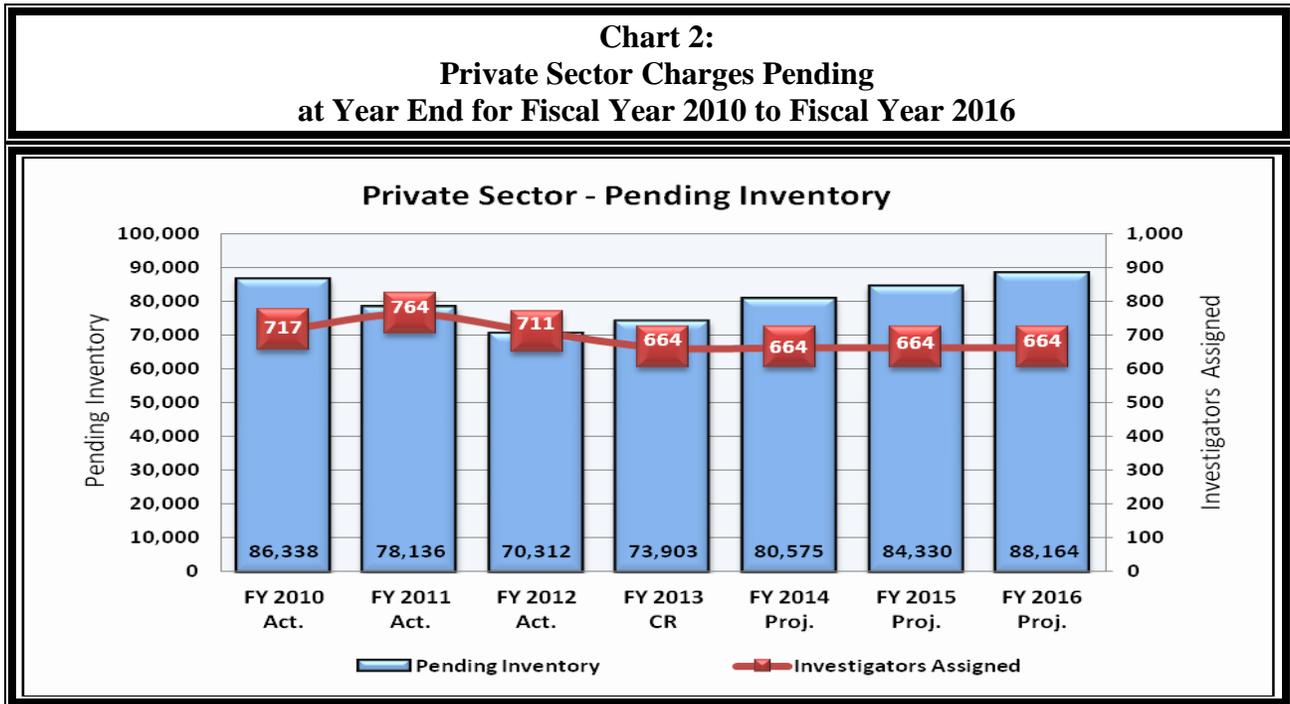
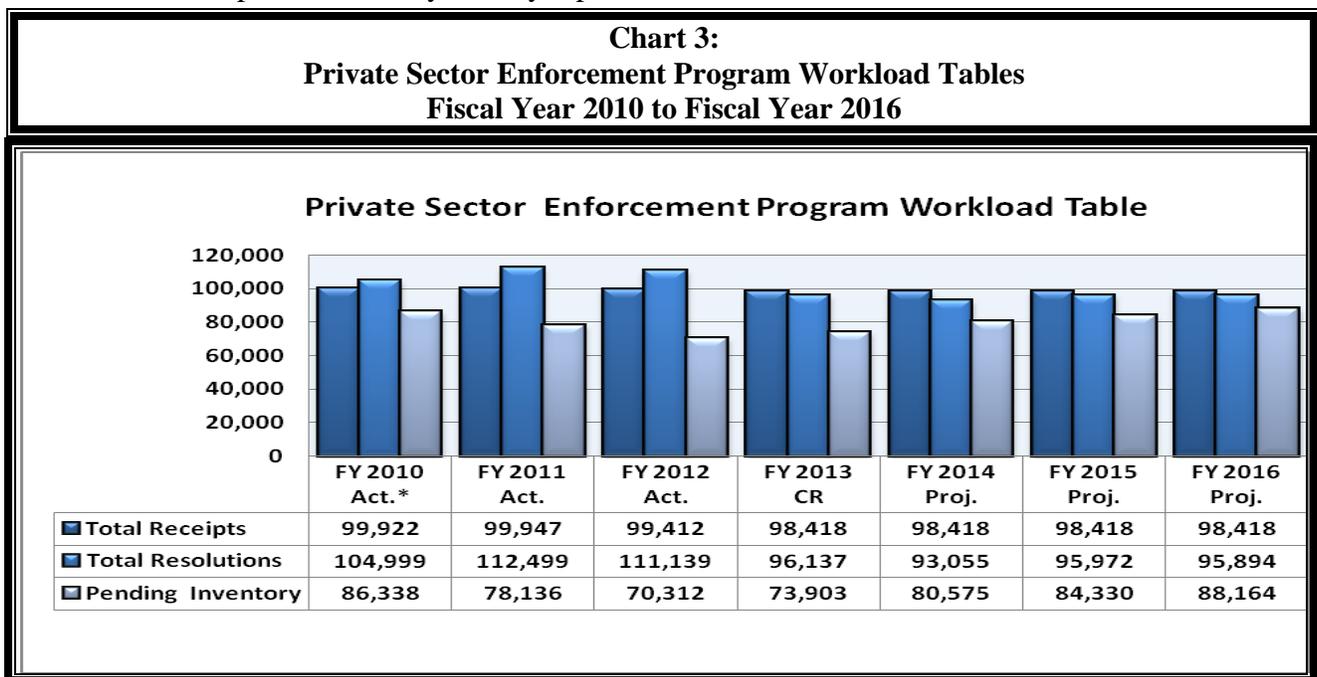


Chart 3 below depicts the actual Workload for Private Sector Enforcement for fiscal years 2010 through 2012 and projected Workload through fiscal year 2016. As Chart 3 demonstrates, the pending inventory increases marginally in fiscal year 2013 because receipts remain high and limited hiring will not permit the Commission to replace front-line vacancies that arise. Similar increases will occur in 2014 through 2015, again because of the high number of receipts and inability to fully replace front-line staff.



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

Table 5 shows the actual private sector charges received by Statute for fiscal year 2010 – fiscal year 2012 and the projected charges through fiscal year 2016. As can be seen by Table 5 the largest portion of the charges received by the agency involves those with allegations covered by Title VII.

**Table 5:  
Charges Filed by Statute Fiscal Year 2010 to Fiscal Year 2016**

	FY 2010 (Act.)	FY 2011 (Act.)	FY 2012 (Act.)	FY 2013 (CR)	FY 2014 (Proj.)	FY 2015 (Proj.)	FY 2016 (Proj.)
<b>Title VII Only</b>							
Charges filed	55,814	55,224	54,446	54,140	54,140	54,140	54,140
Charges resolved	60,069	63,279	59,885	52,939	51,242	52,848	52,805
<b>Title VII With Concurrents</b>							
Charges filed	73,058	71,914	71,578	70,838	70,838	70,838	70,838
Charges resolved	77,644	82,980	79,310	69,758	67,522	69,638	69,582
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	9,420	10,116	9,257	9,563	9,563	9,563	9,563
Charges resolved	10,353	10,268	11,886	9,528	9,223	9,512	9,504
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	23,264	23,465	22,857	22,867	22,867	22,867	22,867
Charges resolved	24,800	26,080	27,335	22,966	22,230	22,927	22,908
<b>Equal Pay Act Only</b>							
Charges filed	52	48	61	54	54	54	54
Charges resolved	47	50	50	43	42	43	43
<b>Equal Pay Act with Concurrents</b>							
Charges filed	1,044	919	1,082	988	988	988	988
Charges resolved	1,083	1,101	1,139	963	932	961	961
<b>Americans with Disabilities Act Only</b>							
Charges filed	14,691	15,115	15,480	15,104	15,104	15,104	15,104
Charges resolved	13,945	15,904	16,427	13,900	13,455	13,876	13,865
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	25,165	25,742	26,379	25,732	25,732	25,732	25,732
Charges resolved	24,401	27,873	28,799	24,365	23,584	24,324	24,304
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed	13	17	20	18	18	18	18
Charges resolved	3	16	25	18	17	18	18
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed	201	245	280	259	259	259	259
Charges resolved	56	211	319	228	221	228	228
<b>Total*</b>							
Charges filed	99,922	99,947	99,412	98,418	98,418	98,418	98,418
Charges resolved	104,999	112,499	111,139	96,137	93,055	95,972	95,894

\*Totals for all charges do not equal the sum of all statutes because many charge filings allege issues/bases under more than one statute.

### Mediation Program

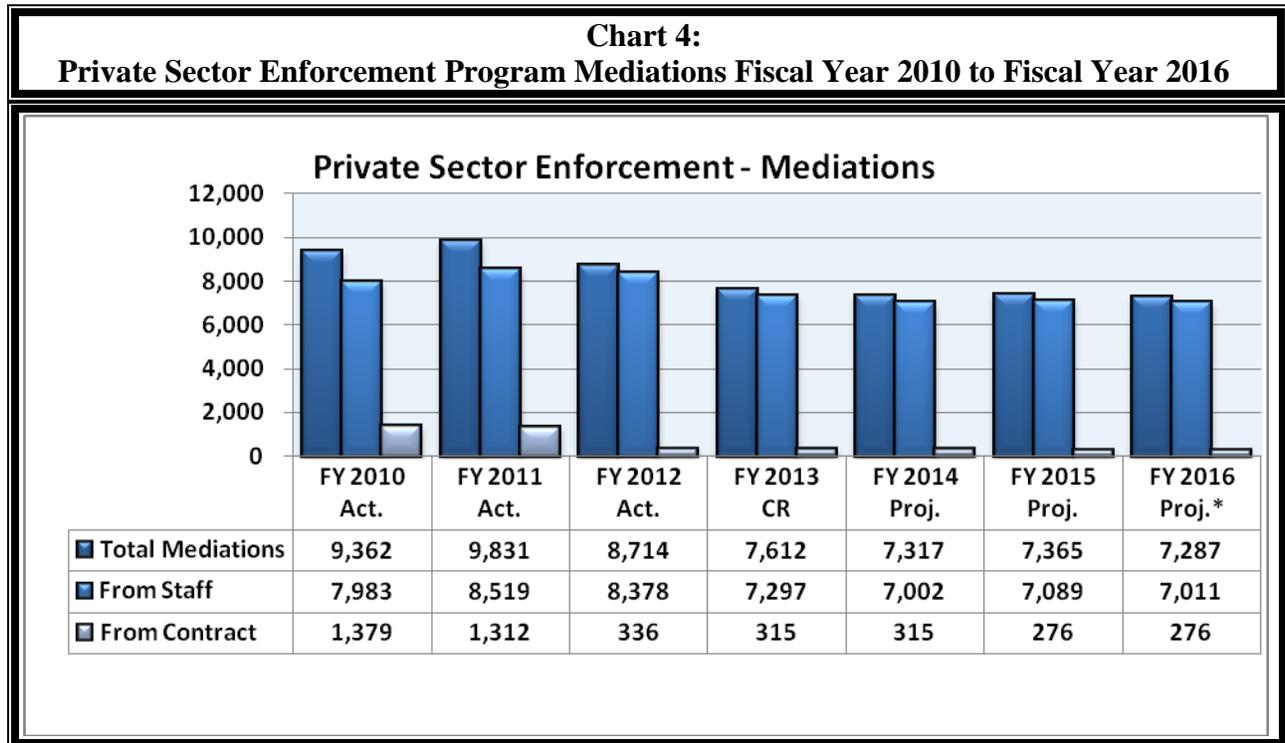
A key component of the Commission's enforcement strategy is the continued emphasis on the use of Alternate Dispute Resolution (ADR) as an effective tool to quickly resolve appropriate charges of discrimination. We continue to pursue efforts to secure greater participation by employers, through the use of our Universal Agreements to Mediate (UAM), informational materials and outreach events that highlight the benefits of mediation for employers.

The mediation program continues to enhance the Commission's efforts in providing the timely resolution of discrimination charges. In fiscal year 2011, the program resolved a record 9,831 employment disputes in an average time of 87 days and obtained over \$170 million in benefits. At the conclusion of fiscal year 2012, the program's resolution level had tapered to 8,714 successful resolutions completed in an average time of 93 days and with over \$153.2 million in benefits secured. The Commission projects a loss of staff mediators due to attrition during fiscal years 2013 and 2014, even with limited hiring in fiscal year 2014. The EEOC is requesting that contract mediation funds remain steady at \$400,000; level with the fiscal year 2013 amount. This funding will assist EEOC in continuing its efforts in offering a fair, efficient and timely alternative to the traditional investigative process.

Additionally, 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 fiscal year 2012, 97.7 percent of all participants indicated that they would utilize the mediation process in a future charge filed with EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program result in fewer charges that remain in our inventory for investigation, thus alleviating the growth of the overall charge inventory.

Through our outreach to employer representatives and other related stakeholders, we will continue to emphasize and highlight the value of alternative dispute resolution in appropriate charges of discrimination filed with the Commission. We believe the success of the mediation program helps build a persuasive case to convince employers to participate in our mediation program. By the conclusion of 2012, the agency secured 262 National UAMs and had more than 1,878 Regional and Local UAMs, with a cumulative total of 2,140 agreements to mediate, a 7.1 percent increase over the prior year.

Chart 4 below depicts the division of mediations between staff and contractors. As can be seen in Chart 4 staff are responsible for most of the mediations conducted.



\*May not add due to rounding

**a. State and Local**

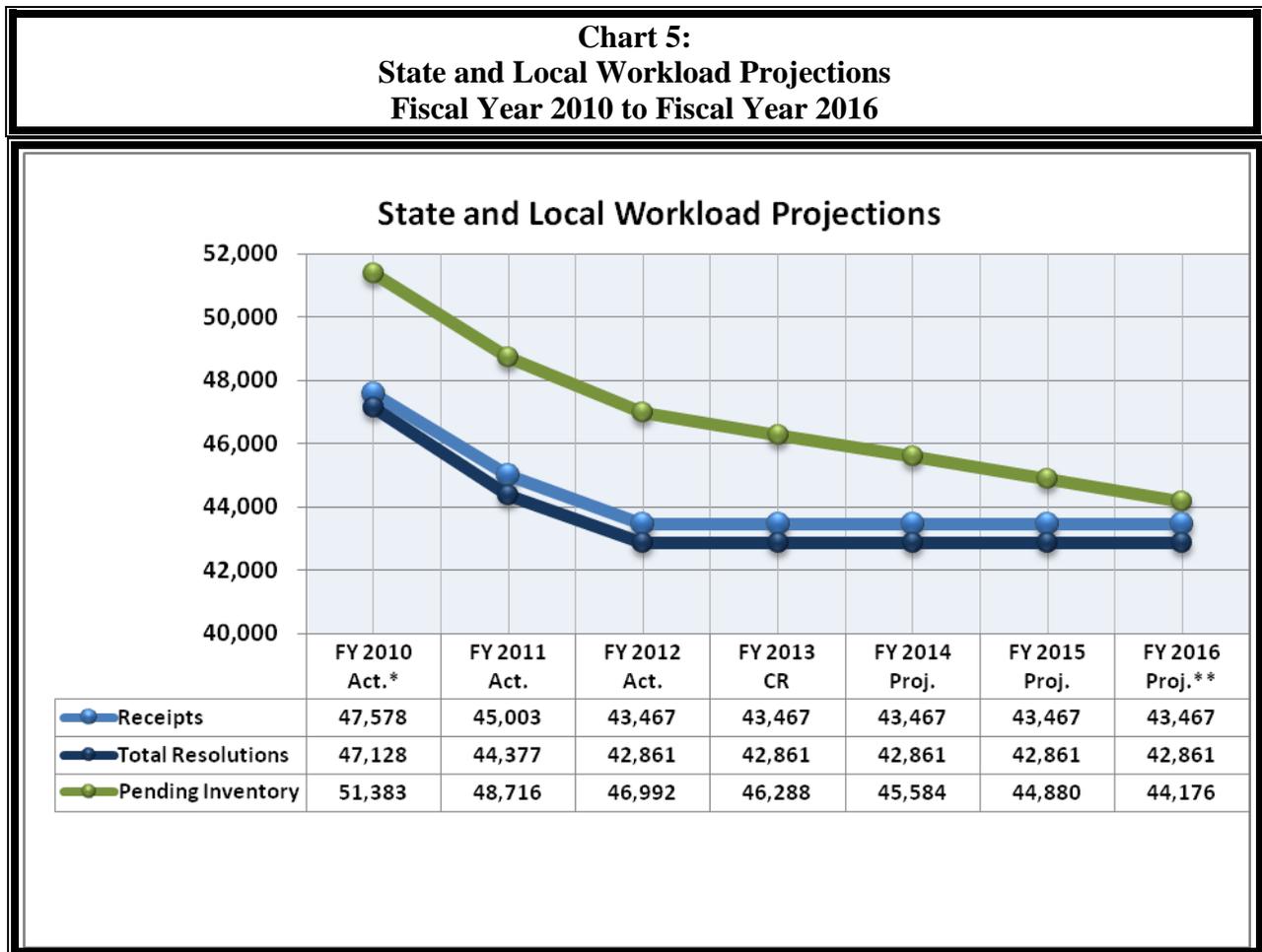
The President’s request for fiscal year 2014 is based on level funding for State and Local activities totaling \$29,500,000. The fiscal year 2014 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in the EEOC’s goal of achieving justice, opportunity and inclusive workplaces. The FEPAs help the EEOC to resolve charges of employment discrimination and to 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 EEOC field staff, to explain the provisions of Federal, state and local laws regarding employment discrimination to various groups and other members of the public.

During fiscal year 2012, we continued efforts launched earlier to reassess our relationship with the FEPAs and TEROs and to identify areas where we can achieve efficiencies for all parties involved in this relationship. Our primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its FEPA and TERO partners. In fiscal year 2012, we increased the per charge reimbursement rate from \$600 to \$650, with the \$29.5 million provided for State and Local activities as part of the agency’s overall appropriation. During fiscal year 2012, EEOC worked to improve the technology used to communicate and interact with the FEPAs and TEROs. Recently, the Commission approved a proposed model Memorandum of Understanding (MOU) which can be used as a template by EEOC offices for

agreements with individual Indian tribes. Under the MOU, each tribe wishing to enter into an MOU with EEOC would first have to adopt a non-discrimination ordinance covering employment on the tribe’s reservation or land. We also engaged in an involved dialogue with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to EEOC’s new Strategic Plan covering fiscal years 2012 through 2016 including developing mechanisms such as model worksharing agreements to encourage FEPA support of SEP priorities.

EEOC field offices will continue to invite FEPAs in their jurisdiction to participate in training offered to the EEOC staff. During fiscal year 2012, the EEOC continued to utilize an on-line government social networking mechanism in an attempt to facilitate communications between the FEPAs and EEOC, and throughout the year continued to explore alternative mechanisms that would even more effectively enhance communication. This will remain a focal point in fiscal years 2013 and 2014, as we continue to identify opportunities to link technology advances with improved interactions with our partners.

Chart 5 below depicts the actual State and Local receipts, total resolutions and pending inventory for fiscal years 2010 - 2012, and projections for fiscal years 2013 - 2016.



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

\*\*May not add due to rounding

Systemic Program

In 2006, following the issuance of its Systemic Task Force Report, the Commission resolved that investigating and litigating cases of systemic discrimination would be a top agency priority because systemic cases have a significant impact on employers engaging in discrimination and people who are harmed as a result of employment discrimination. Since that time, the Commission has focused enforcement resources on systemic work and has seen its results grow in the area of high impact enforcement work.

In fiscal year 2012, the EEOC adopted a new Strategic Plan that sets the course for the Agency over the next five years. On December 17, 2012, the EEOC adopted a Strategic Enforcement Plan. The two plans establish the Agency’s enforcement priorities, including priorities for systemic work, along with performance measures that are consistent with the newly established priorities. Our systemic efforts in fiscal year 2014 will be guided by the focus outlined in these Plans together with the District Complement Plans that supplement the SEP.

A key indicator of success in EEOC’s systemic work is reflected by the remedies secured in cases in which discrimination is found to have occurred. The voluntary compliance, or conciliation process, is one of the primary ways in which EEOC obtains remedies for persons subjected to systemic discrimination. The other is through litigation filed against employers who are found to have engaged in discrimination but who are unwilling to resolve the claims voluntarily.

In fiscal year 2012, EEOC field offices completed work on 240 systemic investigations and obtained \$36.5 million in remedies in these systemic cases. These resolutions included voluntary conciliation agreements in 46 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. In addition, reasonable cause determinations finding discrimination were issued in 94 systemic investigations.

<b>Table 6: Systemic Program Fiscal Year 2010 to Fiscal Year 2012</b>			
	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
Systemic Resolutions	165 Investigations	167 Investigations	240 Investigations
Systemic Cause Findings	71 Investigations	96 Investigations	94 Investigations
Systemic Litigation Filed	20	23	10
Pending Systemic Inventory	465 Investigations	580 Investigations	538 Investigations

To promote its systemic work, the Commission has assigned nine Lead Systemic Investigators to work exclusively on systemic cases. Additionally, the Commission has hired nine social science research experts to support field systemic investigations. Consistent with the Commission’s 2006 Directives on systemic work, we have promoted multi-district partnerships among field offices to marshal our resources on major systemic cases. The Commission also continues to utilize available technological tools to support systemic work, which is essential to manage the vast amounts of data involved in investigating and litigating systemic cases.

## **b. Litigation**

The Commission's litigation program is a vital tool to fulfill our mandate to enforce the federal civil rights employment laws. Recognizing its resource limitations, the Commission has long emphasized that the litigation program should focus on issues which have the potential to impact multiple workplaces or large groups of employees, address emerging or novel issues where the agency's expertise may be especially critical to achieving a successful outcome, and encompass individual cases where broader law enforcement goals can be advanced with the successful resolution of the case.

One of the Commission's top priorities, as evidenced by its adoption of the agency's Strategic Plan for Fiscal Years 2012-2016, is to increase its focus on cases of systemic discrimination, which typically involve broad-based employment practices affecting large numbers of individuals. As required by the Strategic Plan, the Commission expects to increase the representation of systemic litigation cases on its active docket over the next several budget cycles. The Commission does plan to continue litigation of smaller cases but will focus its resources on those smaller cases that present an emerging issue or have a broad impact on an industry, occupation, business or geographic area.

Systemic cases, which are extremely resource-intensive, involve challenges to discriminatory policies or challenges to practices that affect anywhere from 20 to thousands of individuals. These types of cases often continue in active litigation over a multi-year period and last far longer than smaller-sized cases. The Commission's active docket of litigation changes from day to day but we are currently litigating 51 systemic cases which represents 20.7 percent of our total active litigation docket.

As a greater proportion of our docket is focused on systemic cases, the cost of funding the litigation program will rise. Systemic cases require significant resources in terms of professional staff time and litigation expenses, such as retaining expert witnesses, voluminous motion and discovery practice, and extensive travel. The length and cost of these cases has increased in recent years. Therefore, even a modest increase in systemic litigation activity has a major impact on the resources needed and could impact the quantity of smaller sized cases the Commission is able to litigate. While the cost of litigating all types of cases has been increasing, the increase in the number of systemic discrimination cases on our docket is largely responsible for the large increase in litigation costs.

With the requested appropriation, the Commission will increase the representation of systemic cases on the active docket over the next several years. The Commission will also continue to bring litigation cases that reach communities, population groups and geographic locations where private enforcement of anti-discrimination laws is rare. Absent litigation by the EEOC, victims of discrimination in these areas would have minimal access to the legal system to protect their rights. The Commission projects filing 150 new lawsuits in fiscal 2013 which is a small increase in filings from the previous year.

In all of our litigation, the Commission seeks to secure substantial injunctive and equitable relief as well as appropriate monetary relief for all aggrieved individuals. In fiscal years 2009-

2012, the Commission recovered \$300.1 million in damages and back pay for 20,091 victims of discrimination.

## **2. Federal Sector Programs**

### **a. Federal Sector Enforcement Activities**

In order to meet the increasingly complex needs of our nation, federal 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 fully utilize the talents of all, without regard to race, color, religion, national origin, sex, age, disability or genetic information.

To this end, Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 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 EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the over two million men and women across the country and around the world who have dedicated their lives to public service. EEOC Management Directive 715 (MD-715) is the key vehicle for agencies to identify and remove barriers to equal employment.

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.

## **b. Federal Sector Improvements – Hearings**

The overarching goal of the federal sector program is enforcement of the nation's laws outlawing 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 fiscal year 2012, the EEOC secured more than \$61 million dollars in relief for parties who requested hearings. There were a total of 7,728 requests for hearings, 5 percent less than the 8,113 received in fiscal year 2011. Additionally, the Commission's hearings program resolved a total of 7,538 complaints.

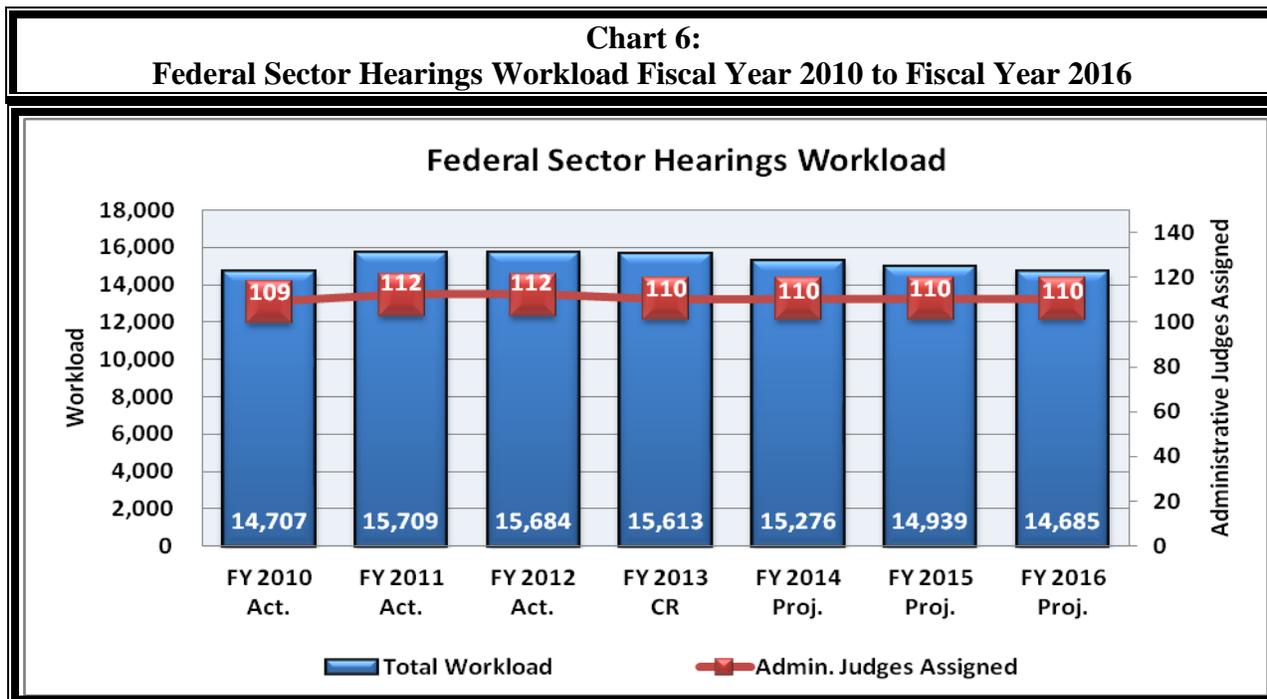
Consistent with the Strategic Plan, the Commission continued its focus on expanding the use of technology to make the Federal Hearings process faster and more effective. This focus on technology includes the on-going development of the EEOC File Exchange (EFX) web-based portal system for hearings units nationwide and the expanded use of Hot Docs technology for AJs.

The EFX system is designed to allow federal agencies and federal complainants the ability to securely submit electronic Reports of Investigation, Complaint Files, and other documents to the EEOC in support of the federal hearings and appellate processes. The system has been implemented in all 26 EEOC field office hearings units, the Office of Federal Operations (OFO), and over 110 (44 agencies and 71 sub-agencies.) agencies or sub-components including the US Postal Service, Department of Veterans Affairs, Department of Homeland Security, Treasury Department, Department of the Navy, Department of Air Force, and the Defense Logistics Agency. Upon conclusion of the pilot period, the system is available to all federal agencies. Expansion of EFX by the end of fiscal year 2013 will enable the system to be available to complainants, and their representatives, providing the vehicle by which they can file motions, submit supporting documentation and obtain information about the status of their case.

Moreover, Administrative Judges will be able to issue Orders and Decisions through EFX. This will allow the federal sector hearings process to become more streamlined, efficient and transparent, thereby improving customer service to all stakeholders.

The federal sector hearings program is also exploring other tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its Administrative Judges, thereby helping to manage the growing hearings inventory. With initiatives such as Hot Docs, which involves the creation of standardized Orders and Decisions that Administrative Judges can utilize as templates; as well as expanding efforts to encourage informal resolution of claims at the hearings stage, such techniques will further improve customer service to those individuals having claims adjudicated through the federal sector hearings process.

Chart 6 below demonstrates the actual workload and number of Administrative Judges assigned to handle hearing complaints for fiscal years 2010 through 2012 and projections for fiscal years 2013 through 2016. Based on recent data, hearings receipts are projected to decrease slightly in fiscal years 2013 through 2016.



**c. Appeals and Oversight of Federal EEO Programs**

The EEOC’s regulations at 29 C.F.R. Part 1614 provide the Commission with the responsibility for acting as the neutral arbiter in the federal sector for appeals from agency decisions on 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.

The appellate decisions issued by the Commission in this adjudicative capacity serve as a vehicle for the development and promulgation of the Commission’s EEO policy in the federal sector. Moreover they provide invaluable insight into the Commission’s policy and legal interpretation of EEO law. They address complex issues in areas of the law where EEO policy is less clear or evolving. Further, they serve to educate federal sector complainants, agencies, and the public sector about the law, guide agencies in their efforts to become model workplaces, and vindicate the public interest in eradicating discrimination in federal employment.

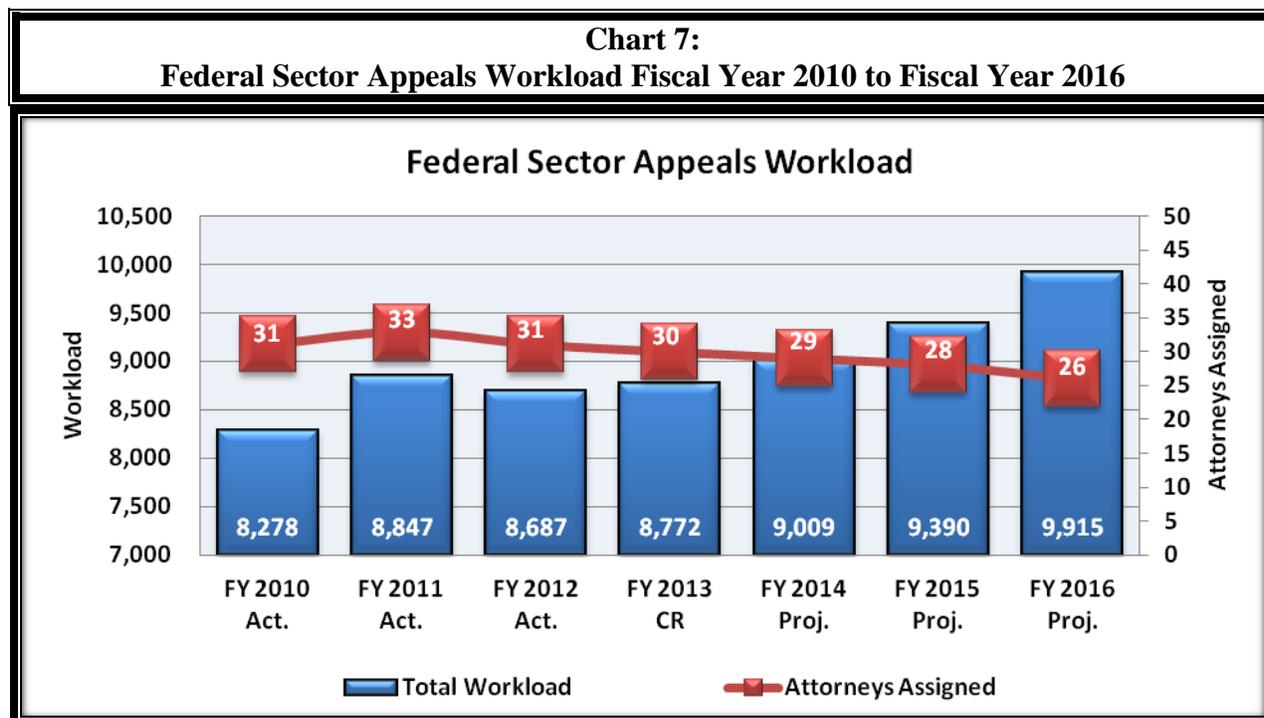
Keenly aware that “justice delayed is justice denied,” the Commission continues to manage its appellate inventory through the use of targeted management techniques and improvements in technology.

In recognition of the efficiency and cost savings to be gained by transitioning from a paper-centric to a digital environment, in fiscal year 2005 the Commission initiated its digital infrastructure with the roll out of the federal sector component of EEOC’s document management system. With this initiative, all federal sector appeals-related documentation is either received from agencies in digital form, or scanned and converted upon receipt.

The Commission’s transition to a digital infrastructure discussed in the Hearings section above also provided opportunities to improve efficiency in the Appellate function. For example, the Commission’s EFX portal provides a vehicle for the digital submission, and later two-way exchange of complaint-related documents between agencies and the Commission. Future enhancements for the Appellate function include expansion of EFX so that complainants can file appeals and submit supporting documentation through the system. Additionally, EFX will allow the exchange of appeal-related documents, enhance transparency of the adjudication process, and facilitate the availability of documents on appeal.

As previously noted, the EEOC has also employed targeted management techniques and adopted strategic measures designed to both increase the efficiency and fairness of the appellate decision-making process, and manage the appellate inventory. As part of this effort the Commission employs a balanced approach by resolving a target percentage of appeals within 180 days, while simultaneously ensuring that the oldest appeals in the inventory are addressed.

Chart 7 below demonstrates the actual workload inventory and number of attorneys assigned to adjudicate appeals of complaints decided by the EEOC for fiscal years 2010 through 2012 and projections for fiscal years 2013 through 2016.



One factor that contributed to the EEOC’s success in managing its appellate inventory was the trend since fiscal year 2000 of declining appellate receipts. Unfortunately, however, this

favorable trend came to an abrupt end in fiscal year 2011, when appellate receipts increased by 13.8 percent from fiscal year 2010 levels. This increase in appeals is the largest in more than fifteen years, and mirrors recent increases in the number of federal sector EEO complaints in general, where formal complaints increased 3.8 percent from fiscal year 2009 to fiscal year 2010, and increased 5.1 percent since fiscal year 2006. Although EEOC continued to deal with the effects of the 13.8 percent increase in the number of appellate receipts that occurred in fiscal year 2011, those increased receipts appeared to have been an aberration rather than the start of a new trend, as fiscal year 2012's receipts fell 15.9 percent from fiscal year 2011. In the coming fiscal years the Commission will continue to monitor this situation and make operational modifications as appropriate.

The effective management of the Commission's appellate inventory is just one critical component of an integrated strategy designed to combat employment discrimination through strategic law enforcement. To help in this effort and in furtherance of the Commission's Strategic Plan, the Commission's hearings and appellate units will collaborate in the design and deployment of a new case management system. Performance Measure 3 mandates that the Commission categorize federal hearings and appeals to prioritize the Commission's federal sector resources and more effectively manage the hearings and appellate inventories.

#### **d. Federal Sector Program Strategies and Analysis of Workforces**

Performance Measure 5 of the Commission's new Strategic Plan mandates the design and implementation of an integrated data system intended to target pervasive discriminatory practices and policies in federal agencies. The Commission's federal sector oversight functions will be enhanced by this integrated approach. Information available to the hearings and appellate units will be combined with agency complaint data, workforce data, and barrier analyses to build a more complete picture of how agencies are progressing in the development of model EEO programs.

To implement the federal government's policy prohibiting employment discrimination, agencies are required to maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation by all federal employees. The EEOC, serving in its oversight capacity for these efforts, implemented EEO MD-715, which details strategies for identifying and removing barriers to free and open workplace competition and requires agencies to incorporate EEO principles into their missions. Should an agency identify barriers to equal employment opportunity, the Commission works with the agency to eliminate those barriers. The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by reviewing their annual MD-715 submissions, providing in-person and telephonic technical assistance, and issuing written feedback.

The Commission's development of an integrated data system pursuant to Performance Measure 5 will be the culmination of recent efforts to collect, analyze, and respond to information about agencies' efforts to create model EEO programs. As part of these efforts, the EEOC is building upon its recent pilot program whereby numerous federal agencies submitted EEO program-related data to an online data warehouse. This initiative, called the Federal Sector EEO Portal (Fed SEP) is now available to capture statistical data contained in agencies' MD-715 reports, and in the coming months will also allow for the upload and analysis of EEO complaint data (EEOC

Form 462), as well as supporting narrative documentation. In addition to this data collection initiative, the Commission is exploring methods to develop EEO community web-based forums designed to allow federal sector stakeholders to exchange valuable EEO-related information, such as best practices, relevant articles, etc. These efforts will supplement the Commission's delivery of relevant and helpful information, training, and EEO solutions to federal agencies, and will enhance its dissemination of federal sector research materials through placement of Commission decisions and other helpful federal sector information on the EEOC's web site.

Additionally, the EEOC offers an extensive catalog of training courses to help agencies meet their training needs. The courses offered cover all the laws the Commission enforces and meet regulatory training requirements for certain federal EEO staff. The Commission offers both open enrollment and customized courses.

**e. Federal Sector New Case Management System and Quality Control Plan**

EEOC's Strategic Plan addresses case management for both private and federal sector. With respect to the federal sector, the Strategic Plan at Performance Measure 3 requires that the federal sector case inventory be categorized according to a new case management system in order to enable the agency to bring consistency and greater efficiencies to the processing of federal sector complaints and allow the agency to track cases that raise priority issues set out in its Strategic Enforcement Plan. The Strategic Plan anticipates that the new case management system will also enable appropriate tracking and accounting for significant policy cases, class action cases, or other cases requiring greater time and effort on the part of administrative judges and appellate attorneys.

A workgroup consisting of EEOC Administrative Judges, appellate attorneys, and other federal sector staff has been established to provide recommendations on implementing the case management aspects of the Strategic Plan. This workgroup is developing case categories and partnering with the Office of Information and Technology to develop, pilot and implement a case management system in fiscal year 2013.

The Commission's Strategic Enforcement Plan (SEP) requires the Commission's federal sector to develop a federal complement plan. This plan will implement the SEP priorities and identify complementary federal sector priorities and the strategies for addressing them. Additionally, the federal complement plan will recommend strategies to improve communication, oversight, and consistency across the federal sector. Finally, the SEP requires the Commission to examine the structure of the federal sector hearings program.

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

### **A. Introduction**

In fiscal year 2012, we continued our robust outreach program to meet the needs of diverse audiences across the Nation. In so doing, we partnered with the employer community, colleges and universities, advocacy groups, the growing underserved that include immigrant and farm worker communities, governmental entities, and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

The outcome goals we established for Strategic Objective II are that: 1) members of the public understand and know how to exercise their right to employment free of discrimination; and 2) employers, unions, and employment agencies (covered entities) better address and resolve EEO issues, thereby creating more inclusive workplaces.

The three strategies for achieving the goals of Strategic Objective II can be summarized as follows:

- Target outreach to vulnerable workers and underserved communities;

“Vulnerable workers” are those workers whose options may be severely limited due to economic or social barriers and whose ability to understand or exert their rights may be compromised. This includes, but is not limited to, low wage earners, farm workers, refugees, victims of human trafficking, youth, and older workers.

“Underserved communities” have been defined as those communities whose demographics, geographic location, or economic characteristics impede or limit their access to services provided by EEOC.

- Target outreach to small and new businesses; and
- Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.

Performance Measures 8 through 11 were developed to track our progress in pursuing these strategies under Strategic Objective II.

## B. Performance Measures and Results

### Vulnerable and Underserved Communities

<b>Performance Measure 8: By FY 2016, the EEOC is maintaining TBD significant partnerships with organizations that represent vulnerable workers and/or underserved communities.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Provide a more detailed definition of significant partnerships, provide instructions for identifying organizations that represent vulnerable workers and/or underserved communities in a geographic area, collect examples of existing significant partnerships with such organizations, and share best practices across EEOC offices.  Create a baseline of existing significant partnerships and set national targets.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities increases by 10%, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities increases by 10%, nationally.
Results	The agency defined the term “significant partnerships,” created a baseline for future partnerships that represent “vulnerable workers and/or underserved communities,” projected national targets through fiscal year 2014, and shared best practices with District Directors and other key field managers.		
			<b>Target Met</b>

### Small and New Businesses

<b>Performance Measure 9: By FY 2016, the EEOC is maintaining TBD significant partnerships with organizations that represent small or new business (or with businesses directly).</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Provide a more detailed definition of significant partnerships, provide instructions for identifying organizations that represent small or new businesses (or for identifying individual businesses); collect examples of existing significant partnerships with such organizations or businesses, and share best practices across EEOC offices.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) increases by 10%, nationally.	The number significant partnerships with organizations that represent small or new businesses (or with businesses directly) increases by 10%, nationally.
Results	The agency defined the term “significant partnership,” created a baseline for future partnerships that represent “small and/or new business communities,” projected national targets through FY 2014, and shared best practices with District Directors and other key field managers.		
			<b>Target Met</b>

Performance Measures 8 and 9 focus on rewarding and encouraging interactive and sustained partnerships with community organizations and businesses that are in the communities we are trying to reach. For these two measures, the agency defined “significant partnerships” as an interactive and sustained relationship with an organization, community group, advocacy group, etc., that represents or serves vulnerable or underserved communities and enhances EEOC’s ability to reach those communities.

By the end of fiscal year 2012, the agency had identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. To create a baseline of existing significant partnerships, each district submitted brief descriptions of current partnerships that met the definition of a significant partnership as contemplated by Performance Measure 8. Based upon this data, the agency established goals for fiscal year 2013 and fiscal year 2014, to increase the number of significant partnerships under this measure by 10 percent and to maintain the increased level of partnerships in fiscal years 2015 and 2016.

For Performance Measure 9, the agency identified approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency’s objective of preventing employment discrimination through education and outreach to employers. To create a baseline of existing significant partnerships, each district submitted brief descriptions of current partnerships that meet the definition of a “significant partnership” as contemplated by Performance Measure 9. With this data, the agency established goals for fiscal years 2013 and 2014, to increase the number of significant partnerships under this measure by 10 percent and to maintain the increased level of partnerships in fiscal year 2015 and fiscal year 2016. For both performance measures, we also developed and shared best practices on significant partnership approaches with the District Directors and Program Analysts.

**Social Media Plan**

<b>Performance Measure 10: By FY 2013, the EEOC implements a social media plan.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Establish a Social Media Working Group; set a baseline and determine the appropriate technology needed to implement social media and information distribution systems; and draft initial social media strategy.	Implement the social media plan.	Assess plan and update as necessary.
Results	The agency established and convened a Social Media Work Group that developed an initial social media plan.		
			<b>Target Met</b>

Performance Measure 10 ensures that the agency moves into the 21<sup>st</sup> century by utilizing social media technologies to reach EEOC's customers.

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

The fiscal year 2012 target for Performance Measure 10 was to create a Social Media Work Group, responsible for establishing a baseline and determining the technological requirements in support of the media strategy underlying the agency's Social Media Plan. During the fiscal year, the agency began efforts toward establishing a baseline and determining the appropriate technology needs to implement a social media plan for the agency. A work group was established to determine the legal and technological requirements and was slated to provide technical guidance and modifications to existing draft guidelines by the end of the fiscal year. By the end of fiscal year 2012, the Work Group had completed its assessment of the legal, technological, and related requirements for the development of a social media plan for the Commission, and had finalized a draft social media plan for circulation.

### Sub-regulatory Guidance Review and Revision

<b>Performance Measure 11: The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Consistent with Commission priorities, submit four plain language revisions of substantive policy developments to replace outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.
Results	Ten documents were submitted to the Office of the Chair for consideration in fiscal year 2012.		
			<b>Target Met</b>

Performance Measure 11 ensures that the agency's sub-regulatory guidance and documents are reviewed and that, where necessary, they are updated and accompanied by plain language text. The agency's enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with those laws. While the regulations the agency issues set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws.

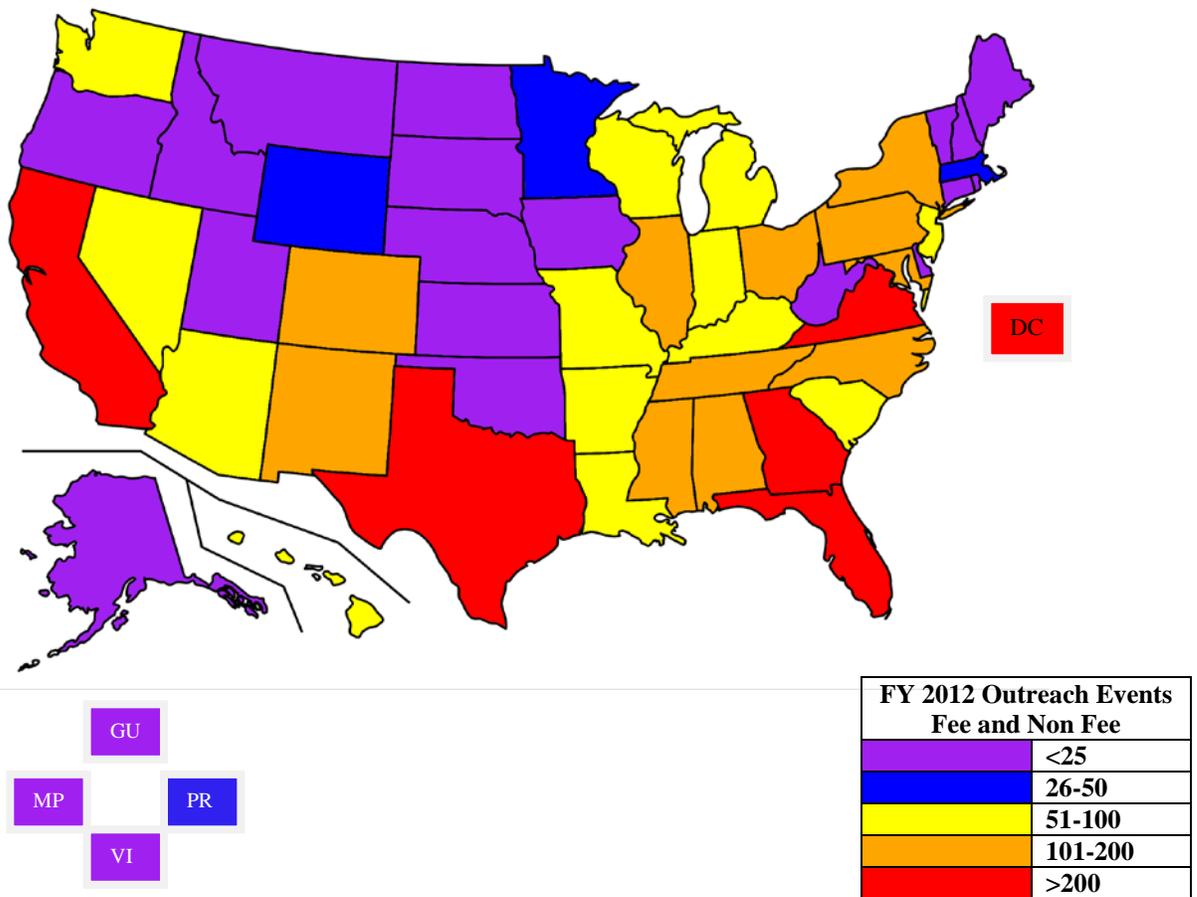
In fiscal year 2012, the agency exceeded this performance measure. In February, revisions of two documents on the ADA employment rights of veterans, one for employers and one for

veterans, were issued. Among other things, the revised documents discuss how the new definition of "disability" under the ADA Amendments Act applies to wounded veterans. In April, the Enforcement Guidance on the Use of Arrest and Conviction Records in Employment Decisions was issued, along with a question-and-answer document describing the guidance, and an additional seven documents were submitted for consideration.

**C. Outreach**

Building upon efforts to prevent employment discrimination through education and outreach in the Nation’s workplaces, we will continue a vigorous and far-reaching outreach program to meet the needs of diverse audiences.

**OUTREACH EVENTS FY 2012  
FEE AND NON FEE**



As the above map shows, we have provided 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. Possessions of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. This is in line with our efforts in prior years. In fiscal year 2012, we conducted over 3,900 events and reached 319,000 individuals. Additional funding will provide the EEOC with needed resources to expand its presence further to service vulnerable communities and underserved areas and to assist the small or new employer community as well

as provide outreach and education on other important topics that arise throughout the year in an overall effort to fulfill the goals and objectives of the agency.

Through public relations, training and education, the EEOC enhances public awareness of emerging issues of employment 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. Approximately 52 percent of our outreach is conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and fair employment practice agencies. Employer knowledge of our laws contributes to their ability to independently identify, prevent and eliminate workplace discrimination. Employee’s and job applicant’s knowledge of our laws also contributes to their ability to understand their rights and responsibilities in the workplace.

The EEOC has significantly increased its outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Approximately 15 percent of outreach conducted last year was to small employers. Under the leadership of an EEOC Commissioner, the Small Business Task Force is working diligently to not only continue to reach out to small employers but also to make online access to information from us easier, more comprehensible and more directly responsive to the real life issues that they face in the workplace.

In addition, the EEOC is strongly committed to providing outreach and technical assistance to stakeholders in underserved communities across the nation, including those with limited English proficiency. Approximately 50 percent of the outreach conducted last year was to these vulnerable communities. Immigrant and farm worker communities are included as a priority for outreach. The issue of human trafficking of those from vulnerable communities is a focus for the EEOC. We are working diligently and consistently with several organizations, governmental and non-governmental, to help stamp out the trafficking of vulnerable groups as well as pave the way for other groups to have access to employment such as those who are released from incarceration and are trying to re-enter the workforce.

Finally, we remain prepared to respond to unanticipated issues that arise in the workplace. The EEOC must be on the forefront in informing both employees and employers alike of their rights and responsibilities in the ever-changing workplace environment.

**1. Non-fee based Outreach**

Table 7 below shows funding for Outreach (non-fee based). Our budget request for fiscal year 2014 for this Strategic Objective is \$6.0 million. The proposed request reflects an increase of \$400K over the fiscal year 2013 level.

<b>Table 7:            Budget Request Summary through Outreach Fiscal Year 2012 to Fiscal Year 2014            (Dollars in thousands*)</b>			
	<b>FY 2012            (Actual)</b>	<b>FY 2013            (CR)</b>	<b>FY 2014            (Request)</b>
<b>Outreach (Non-fee based)</b>	\$5,600	\$5,600	\$6,000
<b>Total</b>	<b>\$5,600</b>	<b>\$5,600</b>	<b>\$6,000</b>

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

The EEOC Training Institute (the Institute) provides fee-based training and technical assistance to stakeholders from both the private and public sector. The operations of the Institute are funded through EEOC’s Revolving Fund, which is an instrument established by Congress in 1992 to enable 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 serves as the mechanism through which 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. In fiscal year 2012, the Institute trained over 20,000 individuals at more than 430 events, including 400 field Customer Specific Training events with over 14,000 attendees.

In fiscal year 2011, a committee was established to update the Business Plan which provides the long range direction for the program. The Plan will cover fiscal years 2013 through 2017, and will complement the agency’s new Strategic Plan as it relates to outreach, technical assistance and training.

Table 8 below shows the financial summary of the Revolving Fund.

<b>Table 8: Summary of Financing for the Revolving Fund Fiscal Year 2010 to Fiscal Year 2016 (Dollars in thousands*)</b>							
	<b>FY 2010 <i>Act.</i></b>	<b>FY 2011 <i>Act.</i></b>	<b>FY 2012 <i>Act.</i></b>	<b>FY 2013 <i>Proj.</i></b>	<b>FY 2014 <i>Proj.</i></b>	<b>FY 2015 <i>Proj.</i></b>	<b>FY 2016 <i>Proj.</i></b>
<b>Total Obligations</b>	<b>\$4,334</b>	<b>\$4,269</b>	<b>\$3,726</b>	<b>\$4,886</b>	<b>\$4,984</b>	<b>\$5,084</b>	<b>\$5,109</b>
<b>Offsetting collections from:</b>							
Federal Funds	1,833	1,992	1,381	2,123	2,166	2,209	2,211
Non Federal Sources	2,434	2,277	2,132	2,335	2,590	2,741	2,744
Unobligated balance, start of year	2,895	2,829	2,829	2,616	2,188	1,960	1,826
Unobligated balance, end of year	2,828	2,829	2,616	2,188	1,960	1,826	1,672
Net Budget Authority	\$7,162	\$7,098	\$6,342	\$7,074	\$6,944	\$6,910	\$6,781

\*May not add due to rounding

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## **VII. STRATEGIC OBJECTIVE III - Deliver Excellent and Consistent Service through a Skilled and Diverse Workforce and Effective Systems.**

### **A. Introduction**

This Objective is intended to ensure that the agency delivers excellent and consistent service through its efforts to support a skilled workforce while deploying effective systems – many of which service the public directly. Effective customer service and operating systems can positively influence the general public’s understanding of our ability to address their employment discrimination concerns in the workplace. As a result, this measure was designed to focus on issues regarding staff and infrastructure, which are critical components of any successful organization.

The goal of this Strategic Objective is that all interactions with the public are timely, of high quality, and are informative. As noted in Strategic Objective I, it is a significant agency priority to improve the timeliness and ensure the continued quality of our enforcement activities in the private, State and local government, and federal sectors. However, the EEOC must also invest in the men and women who carry out the agency’s mission on a daily basis. Ensuring that each staff member is highly skilled is a critical element in the effort to make all interactions with the public timely, of high quality, and informative.

We acknowledge that in order to meet the evolving needs of the modern workplace and any changes in EEO law interpretation, it is necessary to invest adequately in workforce development and planning. We also believe that everyone benefits from a diverse workforce in the Federal Government, therefore we must serve not only as an example to other private, State and local government, and Federal employers, but should reflect the populations we serve. Finally, to improve the agency’s customer service, we must ensure the effectiveness of our systems by leveraging technology to streamline, standardize, and expedite its critical functions.

The three strategies for achieving the goal for Strategic Objective III can be summarized as follows:

- Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce;
- Rigorously and consistently implement charge and case management systems to deliver excellent and consistent service; and
- Use innovative technology to facilitate responsive interactions and streamline agency processes.

Under this objective, we adopted Performance Measures 12 and 13 to support and monitor the agency’s progress toward our fiscal year 2016 targets (along with two previously identified measures, Performance Measures 2 and 3 starting on page 21, and cross-referenced under Strategic Objective I).

## B. Performance Measures and Results

### Workforce Quality, Diversity, and Skills

<b>Performance Measure 12: The EEOC strengthens the skills and improves the diversity of its workforce.</b>			
<b>Target (a)</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Number of employees with disabilities	384	413	442
<b>Results</b>	300		
			<b>Target Not Met</b>

<b>Target (b)</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Number of employees with targeted disabilities	79	90	101
<b>Results</b>	60		
			<b>Target Not Met</b>

<b>Target (c)</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Percentage of hires made within 78 days	25%	50%	75%
<b>Results</b>	33%*		
			<b>Target Met</b>
			<b>Overall Targets Partially Met</b>

As an employer, EEOC has a generally diverse workforce. The agency ranks ahead of other small government agencies as a whole with respect to hiring employees with disabilities. However, in order to achieve our goal of being a model workplace, the agency established a set of ambitious goals with regard to disabilities. We determined that we would focus on disability hiring for purposes of the performance measure. The fiscal year 2012 target for Performance Measure 12, Subpart (a) was to increase the number of persons hired with disabilities by 20 percent of EEOC's workforce over 5 years, or at least 29 disabled employees each year over the fiscal year 2011 baseline of 355 employees with disabilities. Successful performance under Subpart (b) was to increase the number of employees with targeted disabilities by 5 percent, or at least 11 individuals each year over the fiscal year 2011 baseline of 68 employees with targeted disabilities. And finally, Subpart (c) required the agency to improve and streamline the hiring process to increase the percentage of hires made within 78 days to 25 percent of all hires made in fiscal year 2012.

In fiscal year 2012, the agency only partially met its targets for Performance Measure 12. Overall hiring in fiscal year 2012 was down due to the hiring freeze, which affected the agency's

ability to increase the number of employees hired either with disabilities or targeted disabilities under Subparts (a) and (b). The limited hiring factor and correlating numbers of retirements of employees with disabilities resulted in the numbers of employees with disabilities and targeted disabilities decreasing since the establishment of the fiscal year 2011 baselines for both employee groups. However, the agency has exceeded its target of 25 percent under subpart (c), by increasing the percentage of hires made within 78 days to 33 percent—far exceeding the targeted number of hires in fiscal year 2012.

Through the process of developing and implementing the following agency-wide initiatives and plans, the agency intends to strengthen the skills and improve the diversity of our workforce:

- The Strategic Human Capital Plan (SHCP), which outlines the agency's structure, strategic goals, standards for success, and major human capital initiatives. Its alignment with the Strategic Plan will ensure that EEOC employees understand and support the agency's goals and approach, and have the skills, knowledge, and competencies necessary to perform their important work.

The Human Capital Goals for fiscal year 2012, as identified in the agency's Human Capital Management Report submitted to OPM in December 2012 were:

1. Workforce planning. Enhancing our ability to plan further into the future and better integrate FTE's, budget, and workload metrics into the planning process.
2. Performance management. Creating a culture where Specific Measurable Actionable Relevant Timely (SMART) goals/objectives are the norm and cascade from the Strategic Plan to all employees; performance is measured and properly rewarded with a fair and transparent award system; and communications between leaders, supervisors, and employees is clear and occurs often.
3. On-boarding/Orientation. Enhancing our ability to attract, hire, and retain highly skilled and highly motivated staff.

During the third quarter of fiscal year 2012, a Workforce Planning Workgroup was formed to begin implementation of the agency's workforce planning goals using our recently developed Workforce Planning Guide. The immediate goal of the workgroup was to begin analyzing data in order to develop a workforce plan for fiscal year 2013 and the "out" years.

In the area of performance management, EEOC has engaged an independent contractor to provide expert guidance and assistance to the agency in developing an improved performance management program. The long-term goal is to create a performance culture that helps EEOC become a high performing agency. The near-term goals of identifying competencies, measuring degrees of proficiencies, and closing competency gaps that are considered significant components of the program are more than half way completed.

- EEOC's Operational Plan for Increasing Employment of Individuals with Disabilities that was released in fiscal year 2012, pursuant to Executive Order 13548 on Increasing

Federal Employment of Individuals with Disabilities. The agency’s operational plan set a target of increasing the percentage of employees with targeted disabilities to 5 percent and increasing the percentage of employees with disabilities covered under Section 501 of the Rehabilitation Act to 20 percent of EEOC’s workforce within five years.

- In compliance with Executive Order (EO) 13583 on Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce, the EEOC developed a Diversity and Inclusion Strategic Plan and submitted it to the Office of Personnel Management (OPM) for review and approval in March 2012. We will continue to work with OPM and the Office of Management and Budget in implementing this Government-wide initiative, including reviewing executive agency plans and working to reconcile the Presidential Administration's diversity and inclusion efforts with the EEOC's Management Directive 715 requirements. (See Management Directive 715, Equal Employment Opportunity Commission (Oct. 2003), <http://www.eeoc.gov/federal/directives/md715.cfm>).

### Charge Process Responsiveness

<b>Performance Measure 13: The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Define technology requirements, automated workflow, customer self-service opportunities, and system design specifications and establish targets.	Develop, pilot and implement new processes and technology in a phased and iterative manner, ensuring appropriate guidance, documentation and staff training.	Meet targets determined in FY 2012.
Results	On-Line Intake and Milestone Workgroups defined the technology requirements, automated workflow, customer self-service opportunities and system design specifications.		
			<b>Target Met</b>

Performance Measure 13 requires the agency to leverage technology to improve the private and State and local government sectors charge process, including streamlining services and increasing responsiveness to customers throughout the process. Included among these initiatives are: 1) developing an on-line system that will allow potential charging parties to submit a pre-charge inquiry for review; 2) providing on-line scheduling of appointments for intake interviews (via on-site meetings, web cams, and/or teleconference); 3) providing charging parties on-line access to check the status of their charge; and 4) streamlining the intake process through automated workflow and data analysis. These technology developments are referred to as the Online Intake Redesign and e-Charge Milestones Status Projects. A fifth initiative, which will in future years be applied to the private and state and local sectors, will establish a secure portal for electronic transmittal and the receipt of charge-related documents.

For fiscal year 2012, the target for this measure was to define the technology requirements, automated workflow, customer self-service opportunities, and systems design specifications and to establish future targets. In fiscal year 2012, the Online Intake and Milestone Project workgroups had defined the technology requirements, the automated workflow, and the opportunities for customer self-service, utilizing the Agile methodology for project management. Utilizing this information, EEOC has developed the cost estimates for resources to develop and implement the new system features in fiscal year 2013 as part of the system design.

### Budgetary Resource Alignment

<b>Performance Measure 14: The EEOC's budgetary resources for FY 2014-2017 align with the Strategic Plan.</b>			
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Targets	Prepare EEOC's FY 2014 Performance (OMB) Budget that aligns resources with the Strategic Plan using the agency's approved FY 2012 Operating Plan as a baseline.	Prepare EEOC's FY 2015 Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC's FY 2014 Congressional Budget.	Prepare EEOC's FY 2016 Performance (OMB) Budget that aligns resources with the Strategic Plan.  Prepare EEOC's FY 2015 Congressional Budget.  Based on approved FY 2014 appropriations develop a final FY 2014 Operating Plan.
Results	Budget submitted to OMB		
			<b>Target Met</b>

As a fundamental objective, budgets should adequately fund priority programs, grow such programs to reflect the agency's priorities, and protect against diminution when budgets are reduced. Under the Chair's direction, budget submissions from each program office will be used to validate how agency resources will implement the strategies and goals of the Commission.

During the fiscal year 2014 budget formulation cycle, the Chair solicited information from and reviewed and discussed the program offices' proposed budget submission with senior agency officials. In the process, EEOC resources were reallocated to address agency priorities and to more clearly align resources with the new Strategic Plan.

## C. Program Areas

### 1. Human Resources Function

#### a. Workforce Planning

EEOC has improved its ability to provide timely and in-depth analysis of workforce data. This includes timeliness in hiring, reducing turnover rates, and tighter integration with the budget process. These analyses are an important source of input for workforce planning.

In fiscal year 2014, the EEOC will continue to implement workforce planning that: includes an annual review of positions to ensure the proper mix of positions is achieved; involves a renewed effort to hire throughout the year and avoid hiring/freeze cycles; and ensures that decisions made in a given fiscal year are analyzed for their impact and consequences in future years. We are using our recently developed Workforce Planning Guide to ensure a systematic approach to workforce planning. It defines fundamental steps to develop and implement workforce plans as well as identifies tools available to assist managers and leaders in the overall process. As part of our effort to change our recruitment and hiring culture, we continue to include the overall fundamentals of workforce planning in our training for new managers and mid-level managers. As reports and projections regarding workforce planning become available, we post them on the EEOC's intranet for the benefit of all our employees.

Competency management will be a key part of our preparations for workforce and succession planning. We made significant progress in this arena and will continue those efforts during fiscal year 2014. During fiscal year 2014 we expect to have identified competencies and proficiency levels for all positions and to have developed a methodology to assess competency gaps. The results of the competency assessment will be used to evaluate and modify training and development needs to ensure employees receive competency gap training and developmental opportunities. Moreover, this work will guide future human capital management initiatives that impact performance management, recruitment and retention at the EEOC.

#### **b. Training**

We have continued to make progress in creating a comprehensive and responsive training program for the EEOC. Developmental needs are assessed, identified, and addressed through a three pronged approach: the Quarterly Individual Development Plan (IDP) funding process which provides training to reduce competency gaps identified for individual employees; funding of training programs to comply with regulatory requirements and government initiatives; and training which is designed and delivered to meet technical requirements by position. This approach allows the agency to respond to individual employee training needs, deliver mandatory training, and address position-related training requirements.

The use of the Quarterly IDP centralized funding process allows employees to request training on a recurring basis to meet their ongoing developmental needs. Participation levels have increased since its inception from total funding of \$294,054 in fiscal year 2011 to \$466,068 in fiscal year 2012--an increase of over 50 percent. As a key element in this process, each employee is expected to collaborate with their supervisor to prepare an IDP which addresses their competency gaps and identifies their short and long term career goals. This process will continue to be used during fiscal year 2014 as a means of addressing individual training needs identified through the use of the competency gap tool being developed during fiscal year 2013 and available to Agency supervisors in fiscal year 2014.

The EEOC provides training to its employees not only to address their individual development needs but to also meet Federal training requirements and initiatives. Included in the fiscal year 2014 request for Training funds are programs intended to: provide mandatory training for its supervisors, managers and executives to meet OPM requirements contained in 5 CFR Part 412 (Training for Supervisors, Managers, and Executives); support retirement planning education to

comply with the Federal Financial Literacy initiative; offer online training which provides a platform for courses addressing Government Legal Compliance such as the No FEAR Act; provide certification training for Contracting Officer Representatives (CORs); foster knowledge management through its mentoring program; as well as provide training in areas such as Cultural Competency, and Reasonable Accommodation.

In addition to the IDP funding process which focuses on individual employee development needs and training aimed at all employees and the Agency's leadership cadre, funding is also required to address nationwide development requirements for various occupational positions in response to specific initiatives or priorities. For example, following passage of the Lilly Ledbetter Fair Pay Act and in partnership with the Department of Labor, Department of Justice, and Fair Employment Practices Agencies (FEPAs), EEOC conducted nationwide Compensation Discrimination training. In addition, pursuant to the Asian American and Pacific Islander (AAPI) White House Initiative, the EEOC was able to pilot AAPI training in three districts for all staff with plans to complete delivery of the training to all district offices during fiscal year 2013. During fiscal year 2014, field enforcement staff on our front lines will continue to receive technical training designed to enhance staff skills and enable us to serve the public effectively and efficiently. Developmental programs being planned include Intermediate Skills Training for Investigators, Systemic Case Recognition Training for Investigators, Negotiation/Settlement Training for Investigators and Attorneys, Legal Enforcement Interaction Training, Program Analyst Training, and District Resources Manager Training, among others. Major training initiatives conducted for trial attorneys (one of our mission critical occupations) and other legal staff covers topics such as Advanced Systemic Litigation, Concordance Training, Negotiations Training, Legal Writing and Advocacy, and Advanced Paralegal Training. The Agency will also continue to send its attorneys to Trial Skills training conducted by the National Institute for Trial Advocacy (NITA).

Implementation of our Training program will enable us to support EEOC's Strategic Plan for fiscal years 2012 to 2016 and its Strategic Objective III: "Deliver excellent and consistent service through a skilled and diverse workforce and effective systems." The various elements work together to assure that our employees and the Agency's leaders are prepared to the greatest extent possible to meet today's challenges and tomorrow's opportunities.

### **c. Telework Program**

In fiscal year 2012, EEOC initiated and/or hosted a number of activities in accordance with the President's mandate under the Telework Enhancement Act. These activities included telework training, surveying employees, promoting National Telework Week, drafting telework drill guidance, conducting an agency-wide telework practice drill, supporting eagle horizon telework activities, conducting a telework poster contest, responding to OPM's call for agency telework data, conducting an assessment of our 2011 and 2012 telework program and other varied telework activities. The fiscal years 2011-2012 report confirmed that in fiscal year 2012, approximately fifty-eight (58) percent of Headquarters employees and forty (40) percent of Field employees telework either on a routine, periodic or emergency basis. Together, EEOC employees worked a combined total of approximately 32,108 telework hours. We will continue to promote telework and expect the use of telework will increase in fiscal year 2014.

#### **d. Mentoring Program**

The Mentoring Program continues to provide a formal mentoring experience to facilitate knowledge transfer, increase retention of valuable employees, increase representation of women and underrepresented groups in management positions, and develop and broaden the core competencies and leadership skills of participants. In fiscal year 2012 the Agency partnered 40 EEOC employees (mentors) who understand the Agency and its culture with 40 junior employees (mentees) to provide opportunities for mentees to learn more about the organization and strengthen core competencies and leadership skills to enhance their professional growth and development. The mentoring program is part of the agency's commitment to develop and sustain a high performance diverse workforce that is continually learning and expanding its capacity to support the mission of the agency. Mentors and mentees were matched based on mutual interest, career goals and compatibility and included a cross section of employees from the field and headquarters. During the 12-month program, the Agency provided formal training, opportunities for self and program assessment, and developmental activities. The EEOC has committed funds to extend this program through at least fiscal year 2014 with the expectation of making this ongoing opportunity for career development and an important element in succession planning. The program has grown in visibility and credibility amongst agency employees as a means of employee development and knowledge transference. The demand for the program by employees exceeds the current resources of the program. Accordingly, we are exploring mechanisms to expand mentoring in the Agency to reach a wider number of our employees through efforts such as situational mentoring.

#### **e. Labor Management Forums**

During fiscal year 2012, we continued to abide by the requirement of Executive Order 13522, Creating Labor Management Forums to Improve the Delivery of Government Services, (the Order). The EEOC continues to work with the National Council of EEOC Locals No. 216, AFGE-AFL-CIO in expanding our labor relations under the Order, which includes developing pilot projects to expand the scope of bargaining regarding those areas outlined under 5 USC 7106 (b)(1) of the Federal Services Labor-Management Statute. These areas include the numbers, types, and grades of employees assigned to a certain organizational units to perform certain job responsibilities and the technology necessary to perform those duties. To ensure compliance with the President's Executive Order, EEOC's Labor - Management Council will continue issuing guidance and engaging each Local Labor - Management Council on procedures and suggestions for these groups to establish their own pilots. Several local councils have requested and received funding to implement pilots to improve customer service in both the Enforcement and Mediation entities of various offices.

#### **f. Implementing the Collective Bargaining Agreement**

During fiscal year 2012, the Agency successfully completed negotiations on a new Collective Bargaining Agreement (CBA) and during fiscal year 2013, both labor and management will coalesce to implement certain requirements of the agreement such as piloting a new Maxiflex Program , developing guidance on the new telework program that contemplated real-estate savings by reducing the square footage of future office sites, and reviewing all locally negotiated Memoranda of Understanding (many that are out of compliance with the CBA as well as agency and government-wide regulations) to indicate those that should be renegotiated or abolished.

Additionally, the agreement must be printed and distributed to employees and both the Union and Management will provide training for information to employees.

**g. Performance Management**

In an effort for the Agency to improve its performance management system for non-Senior Executive Service Employees, the Agency must develop a new system that better aligns employee performance to the goals of the Strategic Plan. The new appraisal system must follow the best practices and/or criteria of the Office of Personnel Management's Performance Automation Assessment Tool (PAAT). PAAT outlines such criteria required for an effective appraisal system such as aligning employees' performance plans to organizational goals, involving employees in the development of the system, training employees on the system, establishing clear performance objectives and providing the agency head with oversight to ensure that appraisals and awards are based on performance.

The Agency, under the auspices of a performance management workgroup composed of both labor and management has begun the development of the system, by surveying employees to receive their input, reviewing best practices from other agencies, and becoming familiar with the Agency's Organizational Goals.

**h. Communication**

We are constantly looking for ideas to improve the ways in which we provide information to employees on topics vital to the agency's mission and of concern to employees. For example, we have redesigned inSite, our intranet, to make it more user friendly.

In addition, we implemented the Agency's communications plan for the Office of Personnel Management's (OPM) annual employee satisfaction survey. In 2012 our efforts resulted in a 55 percent response rate, a rate that exceeded the Government wide average by 9 percentage points. To address concerns raised in the Federal Employee Viewpoint Survey we instituted a BEST initiative – Building Employee Satisfaction Together. We launched BEST with a personal video message from Chair Berrien, a webpage, and email address. These avenues of communication explain the purpose of BEST, how employee issues are addressed, and seek employee feedback. OPM recently described BEST as a best practice in its feedback to our Diversity and Inclusion Plan.

Another way we provide information to field office personnel, in particular, is through on-site visits to conduct Human Capital Accountability reviews. While on site we determine to what extent staff understand and comply with OPM and EEOC regulations and Human Resources program requirements. We then provide technical assistance for improving the quality of human resources programs within the Agency and communicate results to appropriate officials.

**2. Addressing Internal Workplace Issues**

RESOLVE is 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 Commission's staff in Headquarters and the 53 field offices. Mediation is

the most commonly used ADR process within the program. Informal conciliation 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 fairly and effectively helps foster amicable working relationships, enhances employee morale and productivity, and reduces the financial and other resources associated with workplace conflict. This very active program will continue outreach to all of the Commission's staff, will serve as a resource for individual employees and groups of employees, and will continue to conduct seminars to help employees develop conflict resolution skills.

To fulfill the Commission's vision for "Justice and Equality in the Workplace," and as a key component of EEOC's model workplace initiative, the Commission plans to expand its internal workplace dispute resolution program by creating an office of Organizational ombudsman. Through confidential employee engagement, the Ombudsman will promote better communication, foster constructive dialogue, increase collaboration, identify systemic issues, facilitate equitable outcomes, and improve transparency of the organization.

### **3. Customer Service**

As an agency, we have seen charge receipts produce record levels in fiscal years 2010--2012, with more than 99,000 received each year. We believe that these increases have been due in large part to our efforts to become more accessible to the public, making charge filing easier and providing better, more responsive, customer service. The increases are also attributable to expanded statutory authorities enacted in fiscal year 2008 and fiscal year 2009, along with newly issued regulations in fiscal year 2011. We recognize that many other factors may influence charge receipts, which has an effect on the number of charges filed by the public.

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone and e-mail. The IIG consists of in-house staff that serves as the first line of contact for many members of the public and is accessible via toll-free phone lines, e-mail and facsimiles. The IIG received over 50,000 calls per month. An average of 42 percent of callers utilized the Interactive Voice Response system and needed no further assistance. Centralizing this first point of access to the public through the IIG has a significant impact on our field offices. By having calls directed to this single entity, our field offices are freed from handling these calls, many of which are seeking general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. Each month our 49 Information Intake Representatives (IIRs), co-located in 15 of our field office sites, answered more than 20,000 calls from individuals wanting more information or who wish to discuss their situation with an IIR. We continue to strive for greater efficiency in our handling of these calls and in fiscal year 2012 approximately 73 percent of calls answered by the IIRs were fully resolved by the IIR without being referred to other staff in EEOC field offices. To this end, we have dedicated significant attention to enhancing the services provided by the IIG.

Additionally, in the last five years, the EEOC has concentrated on revamping its charge intake services, expanding walk-in hours, and issuing a plain language brochure to assist potential charging parties in understanding their rights and the EEOC's intake, investigation and resolution of charges. Individuals may now contact the agency by phone, by mail, by e-mail, by going to the EEOC website, or by visiting EEOC field offices. We are continuing to explore additional avenues to ensure that our access to the public utilizes evolving technologies and other

streamlined approaches to enhance customer service. By fiscal year 2014, we are projecting the full implementation of an electronic intake project that is currently under development. This system will allow potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

We have also maintained a focus on providing our staff with on-going training and sharing of case management techniques that prepare them to investigate and resolve the charges that come through our doors. This has included a nationwide training program on Compensation Discrimination, which was developed in partnership with the U.S. Department of Justice and U.S. Department of Labor (OFCCP and Wage and Hour Division) to promote more effective enforcement of the Equal Pay Act, the Lily Ledbetter Fair Pay Act and Title VII. Through fiscal year 2012, we trained more than 2,000 staff from EEOC, OFCCP, Wage and Hour Division and our FEPA partners at 81 training sessions held nationwide. In fiscal year 2012, we launched a variety of other training projects, including one focused on AAPI and Limited English Proficiency issues. It is our hope that with additional resources provided pursuant to the fiscal year 2014 request, we will be able to continue to provide staff with on-going training to ensure that they are prepared to effectively meet the public demand for our services.

#### **4. Information Technology**

The EEOC Information Technology (IT) strategic vision provides the agency with a roadmap for leveraging the power of technology to transform agency operations and improve the customer experience. This vision, created through working sessions with EEOC program staff, has direct alignment to EEOC's strategic goals and Federal customer service priorities. Achievement of this vision will require the use of innovative web technologies, telecommunications modernization, agile methods to streamline and automate business processes, and standardization in applying best practices across our offices.

In fiscal year 2012, EEOC initiated several cost cutting and cloud computing initiatives to reduce recurring IT costs: implementation of a "Bring Your Own Device" (BYOD) Pilot to reduce operating expenses of the legacy BlackBerry program by more than 60 percent; restructuring of the IT Help Desk to reduce costs by 40 percent; implementation of a cloud-based financial management system for a 60 percent recurring savings; implementation of enterprise-wide electronic faxing which brought savings to analog line and consumable costs; and in-sourcing a few IT functions where cost savings would be achieved by hiring FTE versus paying contractor service rates. In fiscal year 2013, EEOC will achieve additional cost savings through utilization of shared-services to meet print/copy/scan and mobile device requirements.

The recurring cost savings implemented in prior years, along with a return to near level funding of \$17 million in 2014, will allow the Agency to rebuild our aging technology infrastructure and deploy innovative IT solutions that will demonstrably improve customer services and administrative efficiencies. The first step will be to complete the expansion of our telecommunications infrastructure to provide adequate network performance and security to all EEOC field offices. Although EEOC is a small agency, we support a large geographically disbursed infrastructure (Headquarters and 53 field offices), which require increasing telecommunication services to access centralized and cloud-based information systems; support enterprise communications through video conferencing and streaming; and meet the new telecommunication demands associated with expanding customer-facing applications, open government, and social media expectations. The funds will also allow EEOC to implement the Federal Trusted Internet Connection to strengthen our overall security posture.

Completing the expansion of our telecommunication capabilities will allow EEOC to implement a virtualized desktop infrastructure (VDI), including cloud-based email and collaboration tools. VDI will provide users with consistent and secure access to the applications and systems they need to do their job - from any location and on multiple devices, fulfilling the IT strategic vision of a highly mobile workforce. Our infrastructure modernization will also include replacing aging mission critical database servers and improving continuity of operations through cloud-based storage and disaster recovery.

In addition to providing resources to address critically needed infrastructure modernization initiatives, IT funding of \$16.9 million will allow the Agency to move away from inefficient manual paper-based processing toward electronic workflow and integrated content management solutions in support of EEOC Strategic Plan Priorities. EEOC's Strategic Plan, Performance Measure 3 requires integrated federal sector case management processes. The initial goals are to establish processes for federal sector hearings and appeals to be categorized uniformly and apply automated workflow to bring greater consistency and efficiency to the processing of federal sector EEO complaints. This system will also allow the agency to manage the greater complexity required for cases that indicate substantive priority or class action issues, as set forth in the new EEOC Strategic Enforcement Plan (SEP).

Performance Measure 5 requires that EEOC develop an integrated data system to identify potentially discriminatory policies and practices in federal agencies, and coordinate action plans to address these barriers. EEOC is making significant progress in fiscal year 2013 in automating the submission of agency demographic data, compliance plans and other workforce data (MD-715) into a central data repository, replacing the prior paper-based submission process. The fiscal year 2014 funds will build upon this foundation and streamline the submission of agency complaint data (EEOC Form 462) processing, integrating this information with the MD-715 data. Establishing a data warehouse will permit agencies to see trends, establish priorities and issue related compliance plans. EEOC currently collects aggregated data regarding EEO complaints in federal agencies, agency EEO efforts, hearings, appeals, and compliance with appellate orders. An integrated data system will allow EEOC to collect, store and link data that is currently maintained in separate systems. This system will allow EEOC to perform more meaningful comparative analyses of federal agencies' EEO and affirmative employment programs.

Performance Measure 13 requires that EEOC to leverage technology to improve the private and state and local government sectors charge process, including streamlining services and increasing responsiveness to customers throughout the process. In fiscal year 2013, EEOC's priority is to continue work on two major public facing applications to improve customer service and responsiveness: (1) an on-line intake system to allow a potential charging party to use the EEOC website to self-screen potential claims of employment discrimination, submit a pre-charge inquiry to EEOC and schedule an appointment on-line; and (2) a system to allow charging parties to check the status of their charges on-line. In fiscal year 2013, while implementing planned enhancements to the EEOC File Exchange (EFX), EEOC also plans to begin documenting requirements for establishing a secure portal to securely transmit and receive charge-related electronic documents. The fiscal year 2014 funds will allow EEOC to build this secure document portal, integrate these vital electronic documents into our case management systems, and automate the related workflow processes.

In preparation for these new initiatives, EEOC has updated our application development and program management policies and guidelines to: 1) use Agile Development methods; 2) require a modular design/development approach with usable functionality delivered every six months; 3) incorporate Integrated Project Teams to ensure collaborative planning and performance measurement; 4) follow Open Data, Content, and Web API standards; 5) develop mobile apps as part of any new developmental effort; 6) utilize Shared and Cloud Services; and 7) implement continuous monitoring techniques to strengthen our cyber-security environment.

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

Our private sector, federal sector, and litigation programs require accurate enforcement data, as well as reliable financial and human resources information, to assess EEOC operations and performance results and make good management decisions. We will continue efforts to ensure the accuracy of our program information and any analysis of the information.

We continually review the information we collect in our databases for accuracy by using software editing programs 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 any anomalies that indicate erroneous entries requiring correction to collection procedures. As of July 2012, we expanded the formats that respondents can use when uploading their EEO-1 data so that more firms can use this option for filing. This should help increase the accuracy of the data provided as manual data entry in the online system will be eliminated.

We also monitor our internal mechanisms for improving the validity and reliability of the EEO-1 data. For example, a 2012 security audit for the host facility was implemented to make certain that the data was secure and accessible. Greater use of the EEO-1 by field staff continues to assist in identifying non-filers, which has enabled the agency to collect information more rapidly and completely. In addition, we have now implemented two secure, web-based systems that enable all Federal agencies to electronically submit annual equal employment opportunity statistics (EEOC Form 462 and MD-715). These systems continue to improve the quality and timeliness of the information we receive. Finally, we continue to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. IMS includes many automated edit checks and rules to enhance data integrity. Since several of our performance measures require us to use data to assess our achievements, it is significant that we can now obtain this data much more quickly and with greater data accuracy.

The EEOC's Office of Inspector General continues to review aspects of the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in its reports. We use the information and recommendations to continually improve our systems and data.

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## **IX. PROGRAM EVALUATIONS**

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

Independent program evaluations continue to play an important role in formulating the strategic objectives and performance goals detailed in EEOC's new FY 2012-2016 Strategic Plan and helped shape some of the program issues and key focus areas for improvement. We believe they are an invaluable management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability. To that end, EEOC has undertaken the following program evaluations to advance its performance-based management initiatives under the Government Performance and Results Modernization Act (GPRAMA) of 2010, and to improve the effectiveness of key agency programs:

*Collecting Compensation Data from Employers; Panel on Measuring and Collecting Pay Information from U.S. Employers by Gender, Race, and National Origin*, National Research Council of the National Academies, August 2012.

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

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

Consistent with the Administration's focus on improving the effectiveness of Government through rigorous evaluation and evidence-based policy initiatives, we intend to identify appropriate program areas for future evaluation. This will ensure that the agency's efforts align with EEOC's budget and other programmatic priorities.

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**X. ADMINISTRATION AND SUPPORT**

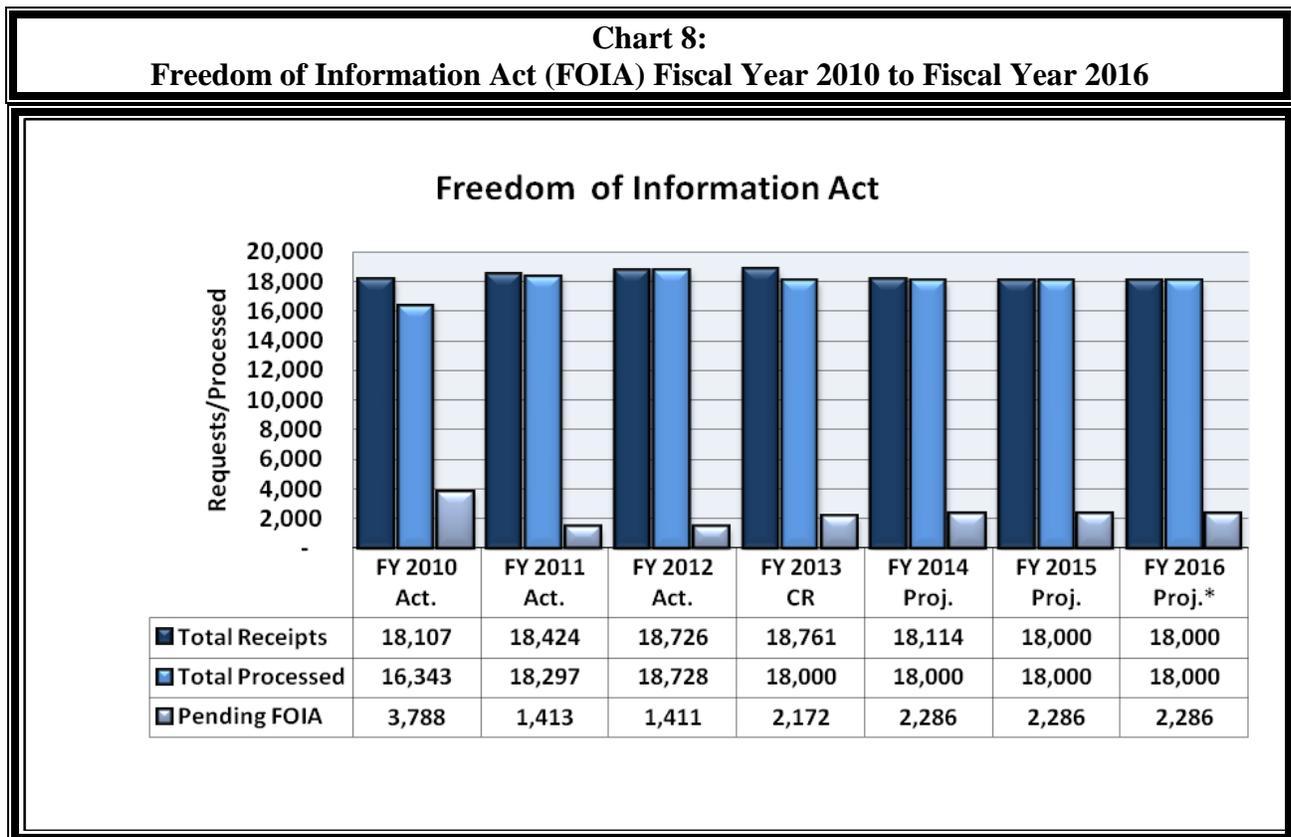
**A. Introduction**

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. File Disclosure Workload**

The data indicates that the number of requests received will stabilize in the low 18,000s through fiscal year 2016.

Chart 8 below depicts the actual FOIA workload for fiscal years 2010 through 2012 and projections for fiscal years 2013 through 2016 including requests received, requests processed and pending.

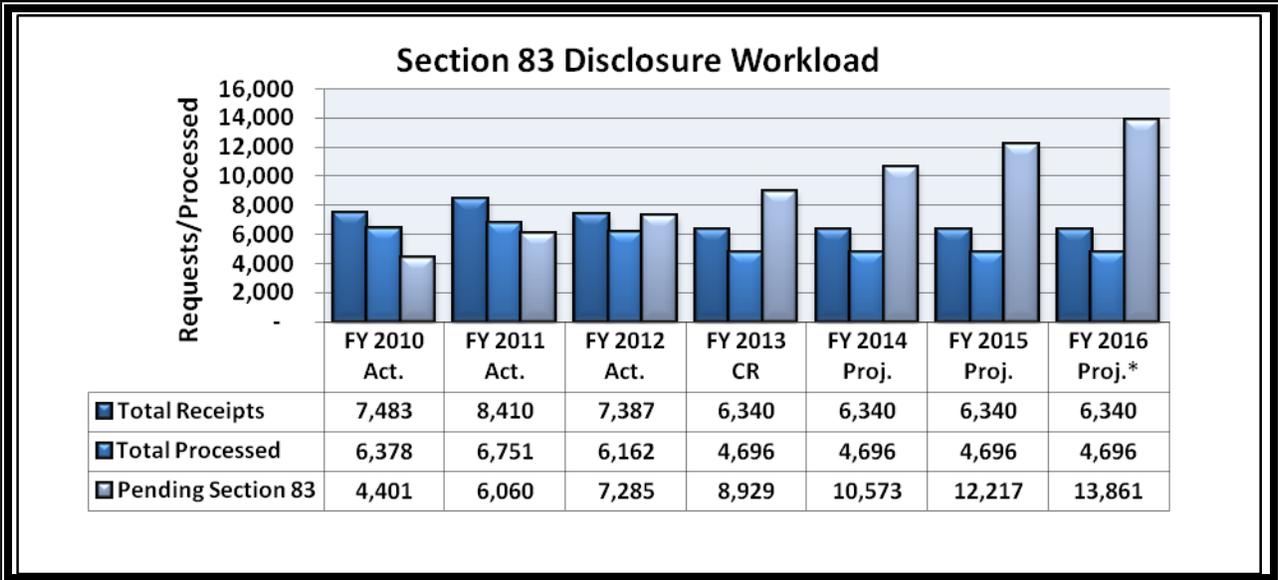


\*May not add due to rounding

The data indicates that the number of charge file disclosure requests processed under Section 83 of the EEOC Compliance Manual will also increase, reaching a high of 6,162 requests processed annually in fiscal year 2012.

Chart 9 on the following page depicts the Section 83 actual workload for fiscal years 2010 through 2012 and projections from fiscal years 2013 through 2016 including requests received, processed, and pending at the end of the fiscal year.

**Chart 9:  
Section 83 Disclosures Fiscal Year 2010 to Fiscal Year 2016**



\*May not add due to rounding

### C. Finance and Administration

#### Office Expansions, Rehabilitations, and Relocations

One of the cost savings measures implemented in the second quarter of fiscal year 2011 was a cancellation of pending and planned office relocations. This also included extending leases at locations which were not a forced move. This trend has continued for expansions and rehabilitation activity through fiscal years 2012 and 2013. Four offices relocated in fiscal year 2012 and three offices are planned for relocation in fiscal year 2013. The agency continues to plan space requirements for all offices for both the short and long terms. In fiscal year 2014, EEOC has six offices targeted for relocation or expansion which totals about 75,000 square feet. The total office space under lease remains about 1.0 million rentable square feet.

The offices under lease that are required to relocate include: 2 due to environmental concerns, (Detroit, MI and El Paso, TX), 3 due to rightsizing, (Fresno, CA; Las Vegas, NV and New Orleans, LA) and 1 forced move (San Francisco, CA). We will continue to right-size offices as required by staffing levels as leases expire, rehabilitate office spaces as dictated by safety issues or environmental concerns. In addition, we expect our agency-wide telework program to be ratified as part of our updated collective bargaining agreement providing the latitude needed to reduce space in the future.

## **APPENDIX A: GENERAL STATEMENT OF LAWS**

The Equal Employment Opportunity Commission (EEOC) was established by Title VII of the Civil Rights Act of 1964 (78 Stat. 253, 42 U.S.C. 2000e et seq.), (Title VII) and became operational on July 2, 1965. The EEOC has five commissioners, no more than three of whom may belong to the same political party. The commissioners are appointed by the President, by and with the advice and consent of the Senate for rotating five-year terms. The President designates one commissioner to serve as Chair and another commissioner to serve as Vice Chair. The General Counsel is appointed by the President by and with the advice and consent of the Senate for a term of four years.

The EEOC is charged with *eliminating and preventing unlawful discrimination by investigation, conciliation, and mediation; education and technical assistance; and, litigation*. The EEOC fulfills its mission through the implementation of a vigorous law enforcement program, complemented by an outreach program that provides information, guidance, and technical assistance to help prevent discrimination.

### Statutes Enforced

Title VII prohibits employment discrimination on the basis of race, color, religion, sex, or national origin by public and private employers with 15 or more employees, by employment agencies, by labor organizations with 15 or more members, and by the federal government. The EEOC's Title VII enforcement authority includes an amendment from the Pregnancy Discrimination Act of 1978, which prohibits employment discrimination based on pregnancy, the capacity to become pregnant or medical conditions related to pregnancy. Title VII also incorporates the Lilly Ledbetter Fair Pay Act of 2009, which was signed by President Obama on January 29, 2009; this law supersedes the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007), and restores the longstanding position of the EEOC that each paycheck delivering discriminatory compensation is a wrong actionable under the federal EEO statutes, regardless of when the discrimination began.

The EEOC's enforcement authority has expanded over time. In addition to Title VII, the EEOC enforces the Age Discrimination in Employment Act of 1967 (ADEA), the Equal Pay Act of 1963 (EPA), section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), Title I of the Americans with Disabilities Act of 1990 (ADA), and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

The EEOC obtained enforcement authority for the ADEA and the EPA in a 1978 government reorganization. The ADEA protects individuals age 40 and older from discrimination in employment based on age, including fringe benefits. The ADEA covers private employers having at least 20 employees and also covers state and local governments, employment agencies, labor organizations with 25 or more members, and the federal government. The EPA prohibits gender-based discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.

The ADA, which the EEOC has enforced since its 1992 effective date, prohibits employment discrimination against qualified individuals on the basis of disability by employers, both private

sector and state or local government, with 15 or more employees. Similarly, the Rehabilitation Act protects qualified individuals from employment discrimination on the basis of disability by the federal government. The ADA Amendments Act of 2008, which became effective on January 1, 2009, made several changes to the definition of the term “disability” in the ADA and the Rehabilitation Act, specifically overturning a number of Supreme Court decisions that Congress found to have construed the term “disability” too narrowly.

Most recently, GINA, which became effective on November 21, 2009, prohibits entities that meet Title VII’s definition of an employer, employment agency, or labor organization, from using genetic information (including information from an individual’s genetic tests and an individual’s family medical history) in making employment decisions or decisions related to union membership. GINA also strictly limits access to genetic information and requires that covered entities maintain the confidentiality of any genetic information that they obtain. The GINA Act requires that within 6 years of enactment, a Genetic Nondiscrimination Study Commission be established to review the developing science of genetics. The Study Commission will make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

### Enforcement Methods

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 EEOC Commissioners or, alternatively, by an individual or organization, such as a union, “on behalf of” another person. After charges are filed, EEOC staff members investigate them and issue determinations of “reasonable cause,” or summary determinations when a legal violation is not substantiated. If the agency finds cause, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation, in lieu of an investigation. Under Title VII, the ADEA, ADA, and GINA, filing a charge generally is a prerequisite to filing a lawsuit.

EEOC-enforced laws authorize the agency to file suit in Federal District Court in order to achieve compliance if it is unable to achieve a remedy through conciliation. If, however, the case 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 against state or local governments.

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 antidiscrimination requirements through Section 717 of Title VII, Section 15 of the Age Discrimination in Employment Act, Section 501 of the Rehabilitation Act of 1973, the Equal Pay Act, 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 remedy harm suffered by violations of these laws and 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”) to help Congress, federal agencies, and the public assess whether and the extent to which agencies are meeting their EEO responsibilities.

#### Data Reporting and Recordkeeping

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 membership by gender and racial/ethnic categories. The EEOC uses this data in charge investigation and other enforcement activities. It also uses this data to produce reports about the status of workers by ethnicity or gender in selected industries. Further, the data are shared with other federal, state, and local agencies charged with enforcement of equal employment opportunity laws, and in aggregate form with non-government organizations and researchers concerned with equal employment opportunity.

#### 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 without regard to race, color, religion, sex, national origin, age, or disability. 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.

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## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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