PERFORMANCE AND ACCOUNTABILITY REPORT

FISCAL YEAR 2017

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

How This Report Is Organized

This *Fiscal Year 2017 Performance and Accountability Report* (PAR) presents the U.S. Equal Employment Opportunity Commission's ("EEOC" or "the agency") program results and financial management and identifies management challenges. Agency efforts in each of these areas are summarized below.

- **Management Discussion and Analysis (MD&A):** is an overview of the entire report. The MD&A presents performance and financial highlights as well as EEOC's operational highlights for fiscal year 2017. The MD&A also contains a discussion of compliance with legal and regulatory requirements, such as the Federal Managers' Financial Integrity Act (FMFIA).

- **Performance Results:** highlights the progress made in meeting the agency's performance measures, which are articulated in EEOC's Strategic Plan for Fiscal Years 2012 through 2016; and authorized by the U.S. Office of Management and Budget (OMB) to extend through fiscal year 2018.[1]

- **The Inspector General's Statements:** presents key management challenges identified by the Inspector General, the agency's progress and plans to address them, and a statement of compliance with FMFIA.

- **The Consolidated Financial Statements**: demonstrates efforts to be good stewards over the funds the agency receives to carry out its mission. Included is an independent auditor's opinion on the agency's financial statements.

- **Appendices:** contains a glossary of the acronyms and definitions of terms used in the report as well as performance information specifically requested by Congress.

[1] To fully realize the benefits of implementing EEOC's newly adopted strategic plan, approved by the Commission in February 2012, in November 2013, the agency requested a waiver from the Office of Management and Budget to defer the development of an entirely new strategic plan that would have begun in 2014. On December 10, 2013, OMB granted a deferral from the requirement to formulate a new strategic plan. In addition, on January 22, 2014, EEOC and OMB agreed that the agency would provide an interim modification, authorized under Circular A-11 section 230.17 that would: 1) permit an extension of the agency's current plan; 2) fill the two-year gap after the EEOC's Plan expires in fiscal year 2016; and 3) "position [EEOC] to join the rest of the Federal Government in releasing an updated strategic plan in February 2018" (i.e., the beginning of the next government-wide strategic plan cycle).

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FISCAL YEAR 2017

TABLE OF CONTENTS

TABLE OF CONTENTS

ACTING CHAIR'S MESSAGE

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC) Performance and Accountability Report (PAR) for fiscal year (FY) 2017. The EEOC is dedicated to effective enforcement of the nation's equal employment opportunity laws. The PAR highlights the agency's achievements made in advancing our mission to stop and remedy unlawful employment discrimination and to promote equal employment opportunity.

On January 23, 2017, President Trump designated me Acting Chair of the EEOC. It has been an honor to serve in that capacity. The change in administration has meant a year of transition at the EEOC. I thank my fellow Commissioners for making it a smooth one. As I said at the beginning of my tenure as Acting Chair: "The core values and core mission of the EEOC remain. We exist to enforce some of our nation's most important civil rights laws in employment and we will continue to do just that." No matter the year of transition, the work goes on. I thank all of the EEOC's employees, at headquarters and in the field, for their steadfastness and their adjustment to the change in leadership at the Commission. As we review the Commission's performance over the past year, we have had a chance to reflect on both the progress we have made as an agency and as a nation, as well as the challenges we have ahead.

In fiscal year 2017, the EEOC continued to implement its Strategic Plan for Fiscal Years 2012–2016, which OMB has authorized the Commission to extend through fiscal year 2018, and the related Strategic Enforcement Plan (SEP). Significant agency accomplishments in fiscal year 2016 include:

Benefits for Victims of Discrimination. The EEOC secured approximately $484 million for victims of discrimination in the workplace. This includes $355.6 million in monetary relief for those who work in the private sector and state and local government workplaces through mediation, conciliation and other administrative enforcement and $42.4 million in monetary relief for charging parties through litigation. In addition, a number of very significant suits were successfully resolved. The EEOC also secured $86 million in monetary relief for federal employees and applicants. Importantly, the EEOC continued to achieve success in its conciliation of private sector charges, with 40 percent of conciliations successfully resolved, and 45 percent of systemic investigations resulting in voluntary resolutions. The EEOC also obtained substantial targeted equitable relief in both its administrative enforcement and in litigation to remedy violations of equal employment opportunity laws and put new practices in place to prevent future discriminatory conduct in the workplace.

Addressing the Backlog. The pending inventory of private sector charges (the backlog) has been a longstanding issue for the EEOC and the public it serves. This is particularly so in a resource-constrained environment. Nevertheless, early in the calendar year, we made addressing the backlog a priority. Further, a primary point of discussion at the Senior leadership meeting in July was to share strategies among district offices that have been particularly effective in dealing with the pending inventory, while ensuring we are not missing charges with merit. As such, during this fiscal year, the EEOC dramatically reduced its pending inventory level to 61,621 charges, a decrease of 16.2 percent. This is the lowest pending inventory achieved by the agency in over 10 years.

Challenging Systemic Discrimination. Systemic cases address patterns or practices of discrimination, or policies, that have a broad impact on a region, industry or a group of employees or job applicants. Addressing systemic discrimination in employment has long been a part of the EEOC's work. In fiscal year 2017, the EEOC field offices resolved 329 systemic investigations during the administrative process for which it obtained over $38.4 million in remedies. In litigation, the EEOC resolved 22 systemic cases, four of which included at least 100 victims of discrimination and two of which included over 1,000 victims of discrimination.

Increased Digital Capabilities. The EEOC is committed to building a digital workplace to increase our efficiency and to provide timely service to the public. This encompasses everything the agency does, from increasing the effectiveness of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed to stop and remedy unlawful employment discrimination. The EEOC continued building on its Digital Charge System, rolled out nationwide last year that allows employers to receive and submit charge-related documents and allows charging parties to check the status of their charges. In five offices, we piloted systems to enable individuals to file pre-charge inquiries online, schedule appointments with our offices, and to exchange documents with the EEOC. Going forward, the agency will continue to enhance its digital capabilities to increase efficiency for both the EEOC and the public.

Focus on Use of Existing Data. Like many large organizations, the EEOC has tremendous data. And, like many organizations, understanding the data we have and using it most effectively is a challenge. One focus for the past year was the creation of a Chief Data Officer to guide the agency's efforts in this area.

Extensive Outreach and Public Education Activities. The agency's outreach programs reached more than 317,000 persons in fiscal year 2017 through sponsorship and participation in more than 4,000 no-cost educational, training, and outreach events. The EEOC Training Institute trained 17,000 individuals at more than 430 events.

I have concluded that the agency's management and financial controls environment under the Federal Managers' Financial Integrity Act (FMFIA) was sound in fiscal year 2017. (A more detailed discussion of the Commission's internal controls can be found starting on page 15 of this report.) I am also pleased to share that the Commission also received, for the 14th consecutive year, an unmodified opinion from independent auditors.

In addition, the EEOC maintained effective internal controls over financial reporting in accordance with OMB Circular A-123, "Management's Responsibilities for Internal Control." As a result, I can provide reasonable assurance that internal control over financial reporting was operating effectively and no material weaknesses were found in the design or operation of EEOC's internal controls over financial reporting.

The EEOC consists of an impressive group of professionals who set very high standards in their quest to seek equal opportunity in the workplace and fulfill the promise of America for all who want to work. As Acting Chair of the Commission, it is an honor and a privilege to work with my fellow Commissioners, the Acting General Counsel, and our more than 2,100 agency colleagues, as well as with the Administration, Congress, our federal, state, and local government enforcement partners, the many employers, workers, advocates, and other agency stakeholders affected by our work, to fulfill our mission to stop and remedy unlawful employment discrimination and to promote equal employment opportunity.

Victoria A. Lipnic

Victoria A. Lipnic

Acting Chair

MANAGEMENT DISCUSSION AND ANALYSIS

The Equal Employment Opportunity Commission's (EEOC or agency) annual Performance and Accountability Report (PAR) provides fiscal data and summary performance results that enable the President, Congress, and the American people to assess EEOC's accomplishments for each fiscal year (October 1 through September 30). This report provides an overview of programs, accomplishments and challenges, as well as the agency's accountability for the resources entrusted to the EEOC. The report is prepared in accordance with the requirements of the Office of Management and Budget (OMB) Circular No. A-136, Financial Reporting Requirements.

OUR VISION

JUSTICE AND EQUALITY IN THE WORKPLACE

OUR MISSION

STOP AND REMEDY UNLAWFUL EMPLOYMENT DISCRIMINATION

AGENCY OVERVIEW

Title VII of the Civil Rights Act of 1964 (Title VII) created EEOC to enforce protections against employment discrimination on the bases of race, color, national origin, religion, and sex. Congress subsequently vested EEOC with responsibility to enforce the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Section 501 of the Rehabilitation Act of 1973, Titles I and V of the Americans with Disabilities Act of 1990 (ADA), and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). In addition, in 1972, Congress further expanded the agency's responsibilities by providing federal government employees the protections of Title VII and providing EEOC with independent litigation authority against private employers under Title VII.

STATUTORY STRUCTURE

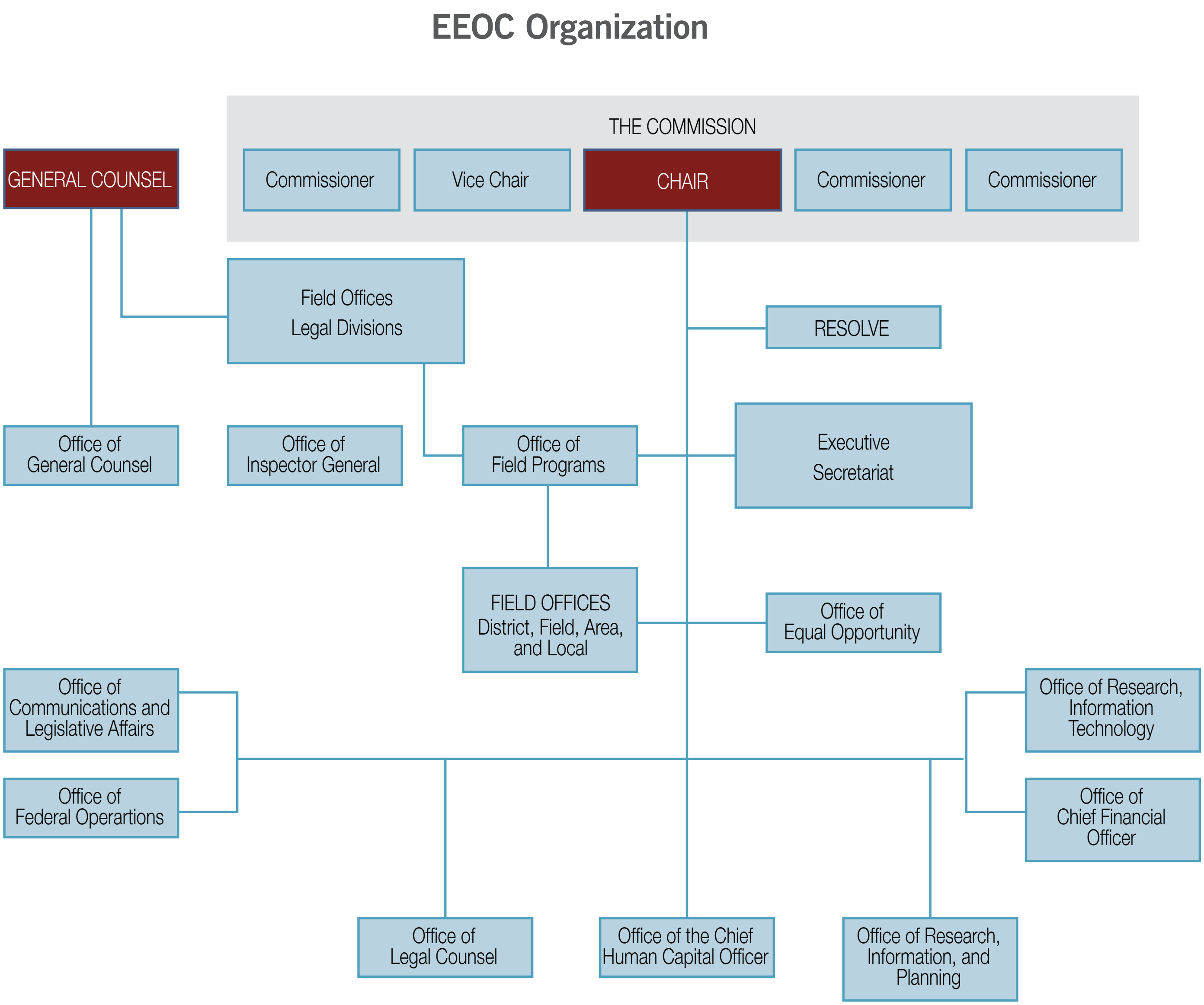
The EEOC is led by six presidential appointees — five Commissioners (including the Chair) who serve staggered five-year terms and the General Counsel. No more than three Commissioners (including the Chair) may be from the same political party. The Chair is responsible for the administration and implementation of policy and the enforcement program, financial management and day-to-day operations of the Commission. The Commissioners participate in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of lawsuits. The General Counsel supports the Commission and provides direction, coordination, and supervision to EEOC's litigation program.

	Term Expires
Victoria A. Lipnic, Acting Chair (became Acting Chair in January 2017)	2020
Charlotte S. Burrows, Commissioner	2019
Chai R. Feldblum, Commissioner	2018
Jenny R. Yang, Commissioner (served as Chair from September 2014 to January 2017)	2017*
Constance S. Barker, Commissioner (left the Commission in January 2017)	2016
P. David Lopez, General Counsel (left EEOC in December 2016)	

*In hold-over status until replacement confirmed or Senate adjourns sine die.

ORGANIZATION

EEOC accomplishes its mission through component offices that administer various programs.



For more information about specific EEOC offices, please see Appendix A.

These programs are carried out through a network of 53 district, field, area, and local offices. For more information about EEOC Field Offices across the nation please see Appendix F.

AGENCY RESULTS UNDER THE STRATEGIC PLAN PERFORMANCE MEASURES

The Government Performance and Results Modernization Act, enacted on January 4, 2011, (5 U.S.C. 306, as amended), requires federal agencies to prepare a Strategic Plan every four years, beginning in 2012. The Commission approved EEOC's Strategic Plan for Fiscal Years 2012–2016 ("Strategic Plan," "Plan") on February 22, 2012 (as modified on February 2, 2015).[2]

EEOC's Strategic Plan established a national framework to achieve the agency's mission. To that end, EEOC has committed to pursuing the following three strategic objectives and goals:

- **Strategic Objective I. Combat employment discrimination through strategic law enforcement.** The correlated goals are to: 1) have a broad impact on reducing employment discrimination at the national and local levels; and 2) remedy discriminatory practices and secure meaningful relief for victims of discrimination.
- **Strategic Objective II. Prevent employment discrimination through education and outreach.** The correlated goals are to have: 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 equal employment opportunity (EEO) issues, thereby creating more inclusive workplaces.
- **Strategic Objective III. Deliver excellent and consistent service through a skilled and diverse workforce and effective systems.** The correlated goals are to have interactions with the public that are timely, of high quality, and informative.

The Plan also identified strategies for achieving each outcome goal and identified 14 performance measures for gauging EEOC's progress as it approaches fiscal year 2018. The agency's progress in meeting these measures is displayed below and discussed in detail in the Performance Results section of this report.

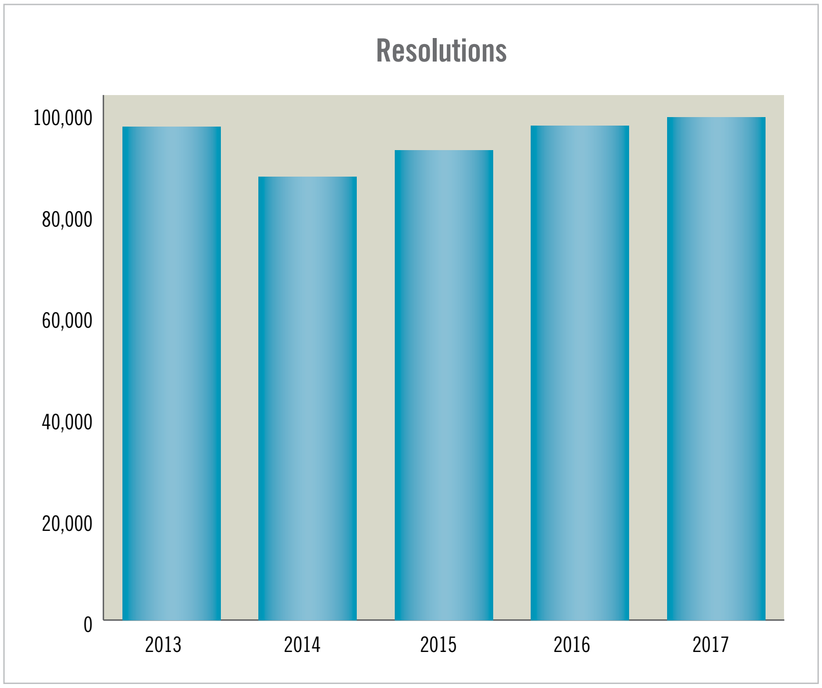
EEOC FY 2017 Performance

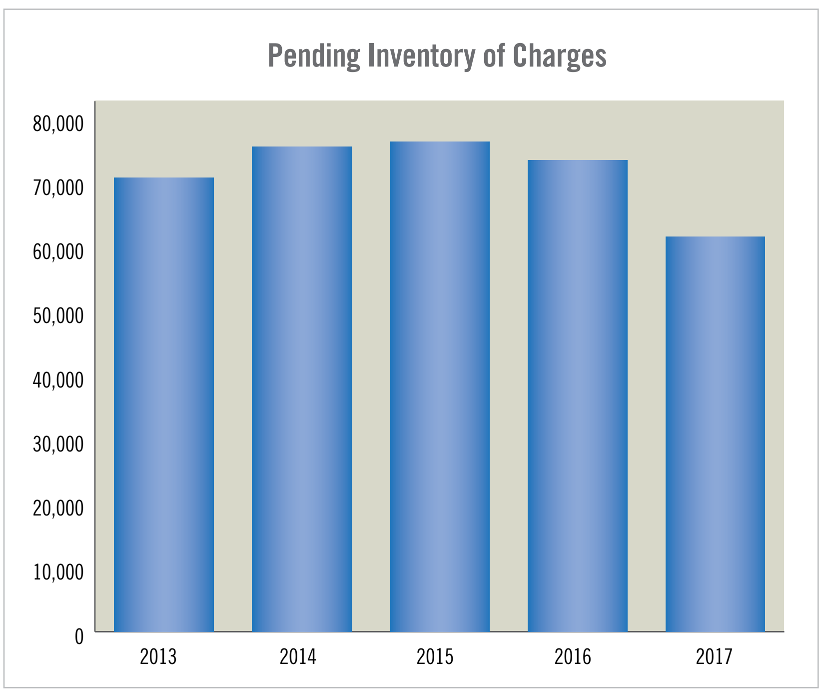
Measures	Targets Met or Exceeded	Targets Partially Met[1]	Targets Not Met	Not Applicable in FY 2017
14	10	3	0	1

[1] **Targets Partially Met:** A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) EEOC was unable to assess the results because full year data was not yet available.

[2] On February 2, 2015, the EEOC issued its FY 2016 Congressional Budget Justification. The modification was reported as an addendum to EEOC's FY 2016 Budget as per the Government Performance and Results Modernization Act of 2010 and Circular A-11 (2013), OMB guidance for Strategic Planning. The interim modification was authorized by OMB on December 10, 2013, pursuant to OMB Circular A-11, Section 230.17.

FISCAL YEAR 2017 PERFORMANCE HIGHLIGHTS





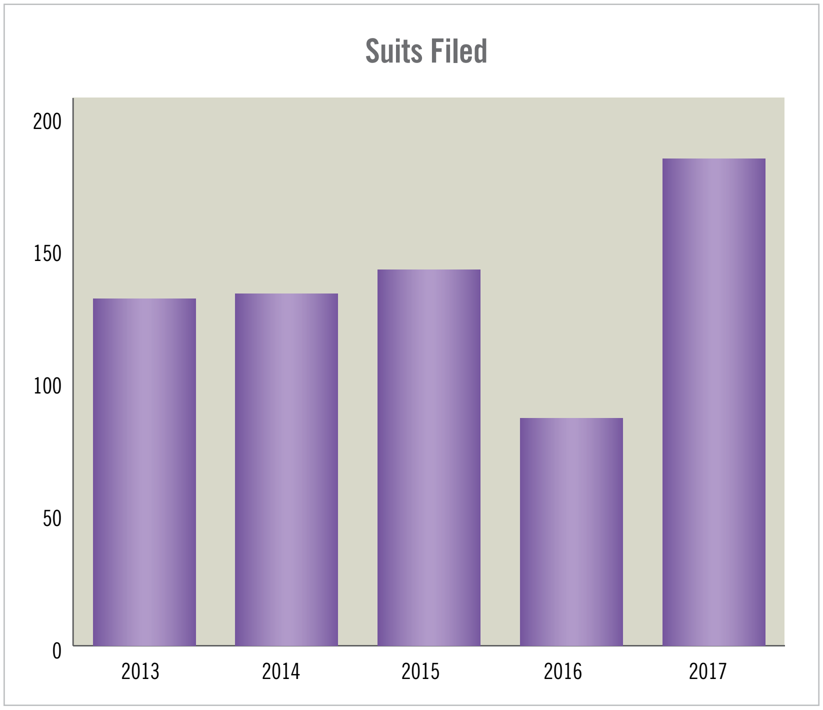
Equal opportunity is one of our nation's most cherished values, giving all of us a fair shot to achieve our dreams and aspirations. Through strategic law enforcement and coordinated outreach and education the EEOC advances opportunity and ensures freedom from discrimination in the American workplace. Here are some of our performance highlights for fiscal year 2017:

- Reduced the inventory of pending charges by more than 16 percent — to 61,621 charges — the lowest in more than 10 years.

- Resolved 99,109 charges — an increase of 1,600 charges over fiscal year 2016.

- Secured $484 million for victims of discrimination,
  including:
  - o $355.6 million for victims of employment discrimination in private sector and state and local government workplaces through mediation, conciliation, and settlements.
  - o $42.4 million for charging parties through litigation; and
  - o $86 million for federal employees and applicants.

- Continued to build on our successful mediation program
  - o Achieved 7,218 successful mediations resulting in over $163.7 million in benefits to charging parties.
  - o Achieved a satisfaction rate of 96.5 percent for EEOC's mediation program. This represents the percent of participants who would use the process again in the future.



- Launched an initiative to increase outreach to employers and veterans' communities with the goal of reducing barriers that prevent veterans with disabilities from participating in the workforce.

- Resolved 109 lawsuits and achieved favorable results in 90.8 percent of all district court resolutions. More than 4,500 individuals received monetary relief as a direct result of litigation resolutions.

- Filed 184 lawsuits, including 124 suits on behalf of individuals, 30 non-systemic suits with multiple victims, and 30 systemic suits — involving multiple victims or discriminatory policies.

- The Commission held three public meetings focused on:
  - o Big Data in the Workplace: Examining Implications for Equal Employment Opportunity Law
  - o The State of the Workforce and the Future of Work
  - o The ADEA @ 50 — More Relevant Than Ever

- Resolved 6,6661 hearing requests on behalf of federal employees and secured more than $72.7 million in relief for federal employees. The EEOC also resolved 4,284 appeals of agency decisions, including 85 percent of appeals that were more than 500 days old at the beginning of the fiscal year, and secured more than $13.3 million in remedies.

- Conducted more than 4,000 outreach events, providing more than 315,000 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace.

- For small businesses, the EEOC continued to promote the online Small Business Resource Center to provide a one-stop shop to help small businesses easily access information about employer responsibilities. The Small Business Administration Ombudsman's Report again gave EEOC an "A" rating for responsiveness to small business concerns.

- Continued to implement digital services making it easier and more efficient for employers and employees to access EEOC's services. This year EEOC launched a pilot online intake system, allowing potential charging parties to submit a pre-charge inquiry for review and on-line scheduling of appointments for interviews.

- Consistently ranked among the top medium-sized agencies in OPM's Federal Employee Viewpoint Survey (FEVS). More than 70 percent of EEOC employees responded to the survey, exceeding the government average. Additionally, based on five EEOC-specific questions, 75 percent of employees have a positive view of how EEOC handles report of harassment in the workplace.

MANAGEMENT ASSURANCES

FEDERAL MANAGERS' FINANCIAL INTEGRITY ACT (FMFIA)

EEOC's internal controls and financial management systems were sound during fiscal year 2017, with the exception of ten findings of financial non-conformances; all of which carried over from fiscal year 2016, and six of which were corrected in fiscal year 2017. These financial non-conformances were identified in audit reports prepared by the Office of Inspector General (OIG): OIG Report No. 2015-02-FIN, January 15, 2016, and OIG Report No. 2015-01-FIN, November 16, 2015. During fiscal year, the agency implemented corrective action plans to resolve all of these uncorrected financial, non-conformances.

Based on the actions taken, and considering the agency's controls environment as a whole, the agency concludes that during fiscal year 2017, its financial and internal controls systems were in compliance with the Federal Managers' Financial Integrity Act (FMFIA). The agency has developed corrective action plans for all of the financial non-conformances reported in fiscal year 2017. The controls systems were effective; agency resources were used consistent with the agency's mission; the resources were used in compliance with applicable laws and regulations; and, there was minimal potential for waste, fraud, and mismanagement of the resources.

Legal Compliance

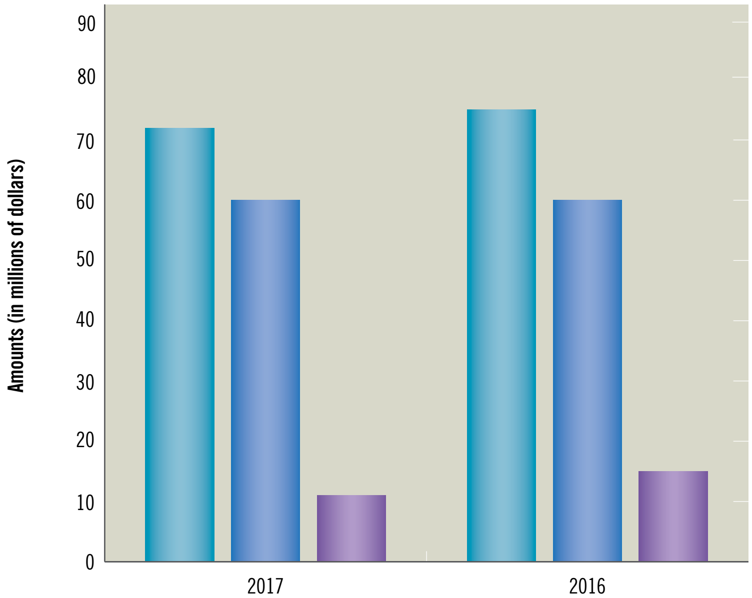
EEOC maintained controls and compliance with the Anti-Deficiency Act, the Debt Collection Act of 1996, as amended, the Prompt Payment Act, Federal Information Security Modernization Act of 2014, Pay and Allowance System for Civilian Employees, the Government Charge Card Abuse Prevention Act of 2012, Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, and the Digital Accountability and Transparency Act of 2014 (DATA Act).

EEOC's management is also responsible for establishing and maintaining effective internal control over financial reporting, which includes safeguarding of assets and compliance with applicable laws and regulations. EEOC conducted its assessment of the effectiveness of the agency's internal control over financial reporting in accordance with OMB Circular A-123, Management's Responsibility for Enterprise Risk Management and Internal Control. Based on the results of this evaluation, EEOC can provide reasonable assurance that internal control over financial reporting as of September 30, 2017 was operating effectively and no material weaknesses were found in the design or operation of the agency's internal controls over financial reporting.

Victoria A. Lipnic

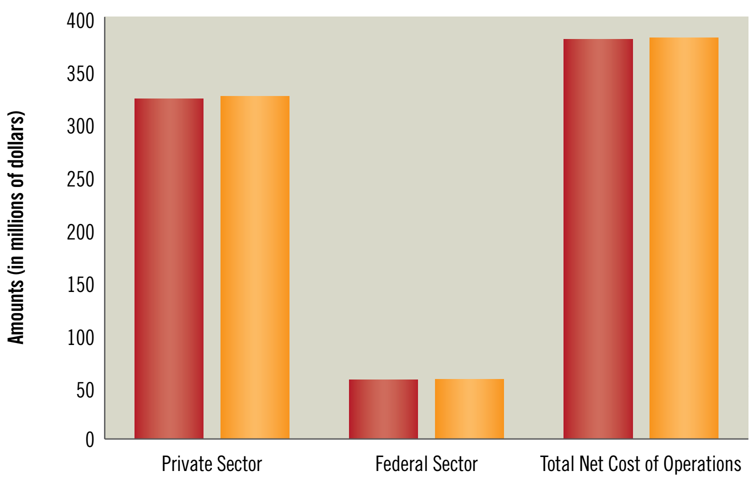
Victoria A. Lipnic
Acting Chair
November 15, 2017

Equal Employment Opportunity Commission Balance Sheet



	2017	2016
Total Assets	$72	$75
Total Liabilities	$61	$60
Net Position	$11	$15

Consolidated Statement of Net Cost of Operations by Major Programs



	Private Sector	Federal Sector	Total Net Cost of Operations
2017	$324	$56	$380
2016	$326	$56	$382

The Office of Management and Budget (OMB) Circular Number A-136 Revised dated August 15, 2017 was used as guidance for the preparation of the accompanying financial statements. EEOC prepares four financial statements: the Consolidated Balance Sheets, Consolidated Statements of Net Cost, Consolidated Statements of Changes in Net Position, and the Combined Statements of Budgetary Resources.

Consolidated Balance Sheets

The Consolidated Balance Sheets present amounts that are owned or managed by EEOC (assets); amounts owed (liabilities); and the net position of the agency divided between the cumulative results of operations and unexpended appropriations.

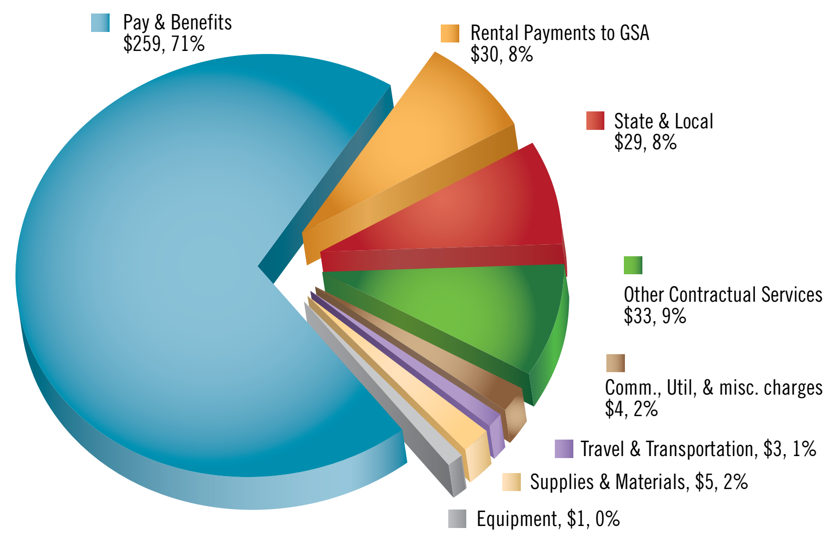
EEOC's balance sheets show total assets of $72 million at the end of FY 2017 and $75 million at the end of FY 2016.

The Net Position is the sum of Unexpended Appropriations and the Cumulative Results of Operations. At the end of FY 2017, EEOC's Net Position on its Balance Sheets and the Statement of Changes in Net Position show $11 million at the end of FY 2017 and $15 million at the end of FY 2016.

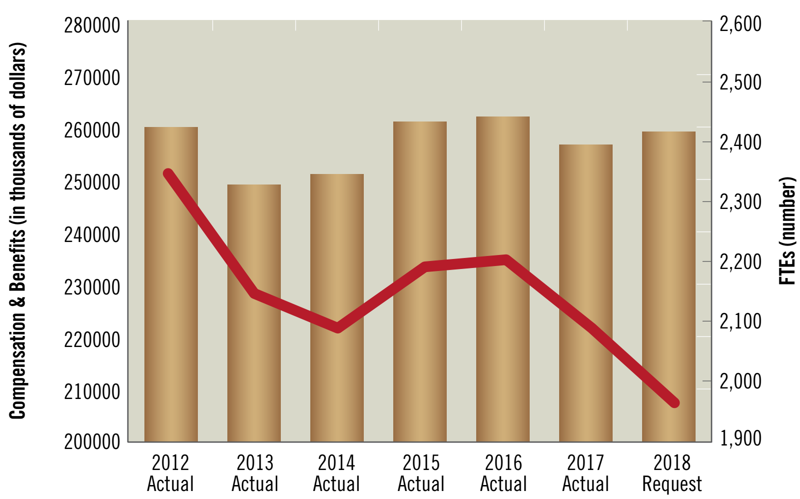
Consolidated Statements of Net Cost

The Consolidated Statements of Net Cost presents the gross cost incurred by all programs less any revenue earned. Overall, in FY 2017, EEOC's Consolidated Statements of Net Cost of Operations decreased by $2 million or 1 percent. The decrease for the allocation of costs for FY 2017 for the net cost for the private sector and outreach decreased by $2 million or 1 percent, while the net cost for Federal Sector Programs has no changes.

FY 2017 Obligations by Major Object Class (in millions)



Compensation & Benefits (C&B) & FTEs for FY 2012 through FY 2018



	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Actual	2018 Request
C&B	$260,000	$249,000	$251,000	$261,000	$262,000	$256,631	$259,066
FTEs	2,346	2,147	2,098	2,190	2,202	2,082	1,969

Limitations of the Financial Statements

The principal financial statements are prepared to report the financial position and results of operations of the reporting entity, pursuant to the requirements of 31 U.S.C. § 3515(b). The statements are prepared from the books and records of the entity in accordance with Federal GAAP and the formats prescribed by OMB. Reports used to monitor and control budgetary resources are prepared from the same books and records. The financial statements should be read with the realization that they are for a component of the U.S. Government.

Consolidated Statement of Changes in Net Position

The Consolidated Statement of Changes in Net Position represent the change in the net position for FY 2017 and FY 2016 from the cost of operations, appropriations received and used and the financing of some costs by other government agencies. The Consolidated Statement of Changes in Net Position decreased by $4 million for FY 2017 when compared to FY 2016.

Combined Statements of Budgetary Resources

The Combined Statements of Budgetary Resources shows how budgetary resources were made available and the status of those resources at the end of the fiscal year. In FY 2017, EEOC received a $364.5 million in budget authority. EEOC ended FY 2017 with a decrease by $0.4 million in total budgetary resources. Resources not available for new obligations at the end of the year totaled $5 million and $6 million in FY 2017 and FY 2016, respectively. The unobligated balance not available represents expired budget authority from prior years that are no longer available for new obligations.

Use of Resources

The pie chart displays EEOC's FY 2017 use of resources by major object class. The chart shows that Pay and Benefits, State & Local, Rent to GSA and Other Contractual Services consumed 96 percent of EEOC's resources, and other expenses (e.g., communication, utilities and miscellaneous charges, travel & transportation, equipment, supplies & materials, etc.) consumed 4 percent of EEOC's resources for FY 2017.

The dual axis chart below depicts EEOC's compensation and benefits versus full-time equivalents (FTE) over the past six years. EEOC ended FY 2017 with 2,082 FTEs, a net decrease of 120, or 6 percent, below FY 2016.

RESULTS ACHIEVED IN FISCAL YEAR 2017 UNDER STRATEGIC PLAN PERFORMANCE MEASURES

Overview of the Strategic Plan and Performance Measures

This *Performance and Accountability Report* is based on the EEOC's Strategic Plan for Fiscal Years 2012 through 2016 (as modified on February 2, 2015)[3] ("Strategic Plan" or "Plan"), approved by the Commission on February 22, 2012. The agency engaged in a comprehensive assessment of its programs and priorities when developing the Plan. Under this plan, EEOC has worked steadfastly to achieve its critical mission to *stop and remedy unlawful employment discrimination*, and pursue its vision of justice and equality in the workplace by focusing on the following three strategic objectives:

- **Strategic Objective I:** To combat employment discrimination through strategic law enforcement. This objective reflects the agency's primary mission of preventing unlawful employment discrimination through the use of: 1) administrative (investigation, mediation and conciliation) and litigation enforcement with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) adjudicatory and oversight responsibilities for federal employers. The seven performance measures developed for Strategic Objective I and the fiscal year 2017 results for these measures are more fully described below.

- **Strategic Objective II:** To prevent employment discrimination through education and outreach. This objective reflects the importance of the EEOC's efforts to prevent employment discrimination before it occurs. The Commission is authorized to engage in education and outreach activities, including providing training and technical assistance, for those with rights and responsibilities under employment antidiscrimination laws. The four performance measures developed for Strategic Objective II and the fiscal year 2017 results for these measures are more fully described below.

- **Strategic Objective III:** To deliver excellent and consistent service through a skilled and diverse workforce and effective systems. This objective recognizes that the EEOC's capacity to deliver excellent and consistent service is dependent upon a qualified and well-trained workforce and the use of effective systems such as innovative technology and streamlined agency processes. The two performance measures developed for Strategic Objective III and the fiscal year 2017 results for these measures, plus Performance Measure 14, which ensures that the agency's budgeting resources align with the Strategic Plan, are more fully described below.

The agency's progress on the 14 performance measures tied to the strategic objectives, outcome goals, and related performance measures is discussed in more detail on the following pages.

[3] February 2, 2015, is the date the EEOC's FY 2016 Congressional Budget Justification was issued. The modification was reported as an addendum to EEOC's FY 2016 Budget as per the Government Performance and Results Modernization Act of 2010 and Circular A-11 (2013), OMB guidance for Strategic Planning. The interim modification was authorized by OMB on December 10, 2013, pursuant to OMB Circular A-11, Section 230.17.

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

The agency adopted two outcome goals to further the objective of strategic law enforcement:

1. **To have a broad impact in reducing employment discrimination at the national and local levels; and**
2. **To remedy discriminatory practices and secure meaningful relief for victims of discrimination.**

The EEOC also identified and is implementing four key strategies:

- 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;
- Implement charge and case management systems to consistently focus resources and enforcement on agency priorities;
- Use administrative means and litigation 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.

The EEOC has developed Performance Measures 1 through 6 to track the agency's progress in pursuing these strategies and Performance Measure 7 to track the progress of its state and local partners.

Strategic Objective I Performance Summary				
Measures	Targets Met or Exceeded	Targets Partially Met[1]	Targets Not Met	Not Applicable in FY 2017
7	6	1	0	0

[1] **Targets Partially Met:** A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) EEOC was unable to assess the results because full year data was not yet available.

PERFORMANCE MEASURE 1

STRATEGIC ENFORCEMENT PLAN: By FY 2018, the EEOC develops, issues, implements, evaluates, and revises as necessary, a Strategic Enforcement Plan (SEP).	
FY 2017	
TARGET	The agency distributes implementation guidance for the new Strategic Enforcement Plan. The agency begins to implement the Strategic Enforcement Plan. If required in the Strategic Enforcement Plan, District Offices and the Office of Federal Operations develop local and federal sector enforcement plans by March 31, 2017.
RESULTS	Nationwide webinar training and guidance was provided to staff on the new Strategic Enforcement Plan (SEP) in October 2016 and February 2017. New codes and procedures were implemented in February 2017 to better track private sector enforcement on SEP priorities. District Complement Plans were approved by the Chair in January 2017 and no changes were deemed necessary to update the Federal Sector Complement Plan.
	Target Met

Under its first objective, the Strategic Plan directed the Commission to develop a Strategic Enforcement Plan (SEP), which was approved on December 17, 2012. The SEP: 1) establishes the EEOC's national priorities, and 2) integrates the agency's investigation, conciliation, and litigation responsibilities in the private and public sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development and education and outreach activities. The six SEP priorities are: 1) eliminating barriers in recruitment and hiring; 2) protecting immigrant, migrant and other vulnerable workers; 3) addressing emerging and developing issues; 4) enforcing equal pay laws; 5) preserving access to the legal system; and 6) preventing harassment through systemic enforcement and target outreach. Implementation of the SEP is designed to ensure a targeted, concentrated, and deliberate effort to pursue priority issues and practices that significantly affect applicants, employees and employers.

In FY 2017, the agency undertook two nationwide training sessions to implement the updated SEP approved by Commission vote on September 2016. Former Chair Yang and Commissioner Feldblum conducted a nationwide training and provided materials to staff in October 2016 to implement the new Strategic Enforcement Plan. New codes for the SEP priorities were added to the agency's Integrated Mission System (IMS) to capture more granular data in charges of discrimination raising SEP issues. In February 2017, a nationwide webinar was provided to staff to train them on the codes and procedures for coding. Commissioner Feldblum also provided more in-depth training to numerous individual offices. The training sessions were recorded and the materials are available to all staff on the agency's internal website, inSite. Full implementation was the objective in FY 2017 and more accurate reporting on SEP issues as a result of these efforts is the agency's long-term goal.

The Office of Federal Operations (OFO) and the Office of Field Programs (OFP), which have joint responsibility for the Federal Sector Complement Plan (FCP) to the SEP, reviewed the updated SEP and determined that no changes were necessary to update the FCP.

In FY 2016, the agency developed processes and procedures to help apply the criteria established under the QEP to a statistically significant sample of investigations and conciliations. For example, new file review and scoring instruments were developed to capture quality characteristics central to the QEP. Next, the agency selected a representative sample of case files for review from each field office. File reviews, using the new QEP standards, were completed at the end of FY 2016 and the results were used to establish a baseline for quality performance measures for offices to use in FY 2017, a process the agency will carry into FY 2018.

In the first quarter of FY 2017, a baseline of 78 percent was established from Technical Assistance (TA) visits and file reviews from FY 2016. For FY 2017, a goal of 82 percent was set for file quality. This metric is included in the Performance Plans for the Director of Field Management Programs and all District Directors. Components of the elements that make up this score are also

PERFORMANCE MEASURE 2

QUALITY CONTROL PLAN: By FY 2018, 86% of investigations and conciliations meet the criteria established in the new Quality Enforcement Practices (QEP) Plan.	
FY 2017	
TARGET	82% of investigations and conciliations meet targets for quality.
RESULTS	File reviews and technical assistance visits conducted primarily in 4th QTR 2017 assessed the QEP elements in charge investigations and conciliations. As of the end of FY 2017, preliminary results indicated that 87.8% of investigations and conciliations met the target for quality.
☐	**Target Exceeded**

included in the Performance Plans for investigative staff. In addition, the Director of the Office of Field Programs issued a directive to ensure consistent implementation of the quality elements for investigations and conciliations. Training of field staff on QEP elements was conducted in offices throughout the year, with an emphasis on conciliation.

During the fiscal year, the agency continued to schedule file reviews and TA visits. Using the new file review and scoring instruments to capture quality characteristics outlined in the QEP, OFP reviewed a sample of charge files from each field office including successful conciliations, unsuccessful conciliations, and no reasonable cause resolutions. This was done both through visits to field offices as well as headquarters review. Year-end data reflects an achievement of 87.8 percent of charge investigations and conciliations meeting the target for quality.

The EEOC's Federal Sector Quality Practices Plan that sets criteria for measuring the quality of hearings decisions and appeals was approved by the Commission on January 13, 2017. The agency began applying the new criteria, as approved, to hearings and appeals in early FY 2017. Concurrent with these efforts, in FY 2017, the EEOC's federal sector hearings and appeals programs will coordinate in the development of sampling techniques to identify appropriate cross sections of hearings and appeals decisions to be examined for compliance with the EEOC's Federal Sector Quality Practices Plan. The first initiative of this collaboration was the design and deployment of a summary judgment project whereby decisions issued by the EEOC's Administrative Judges, from identified District Offices, are given priority adjudication by the appellate program to determine if the decision involves the appropriate application of the law and facts in the case. The results of these analyses and refinements will be reported in FY 2018 and beyond.

For FY 2017, Performance Measure 3 required that the agency have 100 percent of all incoming hearings requests and appeals as well as 100 percent of the old case inventory categorized according to the new case management system. In addition, the measure required the agency to apply the new Federal Sector Quality Control Plan criteria to a statistically

PERFORMANCE MEASURE 3

CASE MANAGEMENT SYSTEM: By FY 2018, 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 (renamed Federal Sector Quality Practices (FSQP) Plan).	
FY 2017	
TARGET	100% of incoming and old case inventory are categorized. TBD% of hearings and appeals meet targets for quality.
RESULTS	100% of the agency's pending appellate case inventory and 98.2% of new inventory (where the record was complete) were categorized during FY 2017. For hearings, 70.1% had an initial conference and 100% of new hearings were categorized. A Federal Sector Quality Practices Plan necessary to establish criteria and baselines for quality standards was approved by the Commission on January 13, 2017.
◆	**Target Partially Met***

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

significant sample of federal sector decisions (hearings and appeals) to formulate a baseline of quality for the EEOC's federal sector hearings and appeals and set targets for improved quality. Finally, the agency was to ensure that the targets for quality were met for hearings and appeals in the fiscal year.

With respect to federal sector appeals, at the start of FY 2017, the agency's appellate inventory consisted of 4,111 appeals. As of September 30, 2017, the agency had categorized 100 percent of the EEOC's old appeals under the new case management where the records were complete. The 4,111 categorized appeals consisted of 2,643 pre-FY 2017 appeals that were closed in FY 2017, and 1,468 pre-FY 2017 appeals that were pending as of September 30, 2017. Regarding the new inventory, the agency received 2,892 appeals in the first three quarters of FY 2017, and, of those receipts, the agency categorized 2,839, or 98.2 percent, of the new appeals where the records were complete. The 2,839 categorized appeals consisted of 1,573 FY 2017 appeals resolved in the fiscal year, and 1,266 FY 2017 appeals docketed in the first three quarters of FY 2017 with complete records by the end of the year.

For hearings, of the requests for hearings received and resolved in FY 2017, 100 percent of the resolutions had been categorized by processing category and 70.1 percent of the resolutions had an Initial Conference. It should be noted that it has never been anticipated that the Initial Conference field be categorized at 100 percent, since cases may be resolved without the need for an initial conference. In FY 2016, 85.3 percent of the resolutions had a processing category and 53.6 percent had an initial conference. We have made significant improvement in FY 2017 toward achieving our targeted goals.

PERFORMANCE MEASURE 4

SYSTEMIC CASES: By FY 2018, 22–24% of the cases on the agency's active litigation docket are systemic cases.	
FY 2017	
TARGET	Increase targets (i.e., the percentage of systemic cases on the active docket) to 22–24%.
RESULTS	The percentage of systemic cases on the active docket increased to 24.8%.
☐	**Target Exceeded**

The FY 2017 target for Performance Measure 4 was to increase the proportion of systemic cases on the agency's litigation docket to approximately 22–24 percent of all active cases. Under EEOC's Strategic Plan, 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. The agency established a baseline of 20 percent in FY 2012, which represented the proportion of systemic cases on the active litigation docket at the end of the fiscal year. As of September 30, 2017, the agency reported that 60 out of 242, or 24.8 percent, of the cases on its litigation docket were systemic, exceeding the annual target.

PERFORMANCE MEASURE 5

FEDERAL SECTOR WORKFORCE ANALYSIS: By FY 2018, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated a TBD number of compliance plans to address areas of concern.	
FY 2017	
TARGET	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.
RESULTS	The EEOC completed one on-site program evaluation on a cabinet level agency and is conducting a program evaluation at another cabinet level agency. The EEOC completed a government-wide program evaluation regarding women in federal public safety occupations. The EEOC also conducted 116 technical assistance visits with federal agencies and is providing written feedback to each subject agency.
☐	**Target Met**

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. The FY 2017 target for Performance Measure 5 required the agency to conduct a to-be-determined number of onsite program evaluations focused on identified priorities and issue compliance plans. The initiative that began in FY 2013 required the EEOC to create and implement a data system of complaint, hearing, appeal 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. Development of a fully operational, integrated data system is expected to continue through FY 2019.

In FY 2017, the EEOC completed the final program evaluation report of the U.S. Department of Health and Human Services (HHS) EEO program, which addressed compliance issues with HHS' complaint process and reasonable accommodation program for individuals with disabilities. HHS provided its first Corrective Action Plan in the fourth quarter of FY 2017.

The EEOC also conducted two additional agency program evaluations during the fiscal year. In late FY 2016 and through the third quarter of 2017, the agency conducted an entrance conference with another cabinet-level agency, conducted numerous and extensive interviews, and analyzed volumes of documentation. The agency expects to issue a final report with findings and recommendations in the first quarter of FY 2018. The second program evaluation focused on leading practices for the recruitment and hire of women in public safety occupations (law enforcement, fire prevention, and security). The EEOC has completed a resource document to federal agencies, which is expected to be published on the agency's website in the first quarter of FY 2018.

Also under the auspices of Performance Measure 5, and after providing agencies with at least two years to implement the recommendations provided in FYs 2014 and 2015, the EEOC conducted 116 technical assistance visits with federal agencies to assess their EEO program compliance with applicable laws, regulations, and directives during the fiscal year. Those technical assistance sessions covered all aspects of a model EEO program, including the agency EEO reporting structure, timely EEO complaint processing, compliant reasonable accommodation programs, and compliant anti-harassment programs. Agencies also shared innovative and noteworthy practices during these visits, which will be included in an upcoming report. During FY 2017, EEOC timely issued feedback letters to 97 agencies and will issue the remaining letters in early FY 2018.

PERFORMANCE MEASURE 6

ADMINISTRATIVE AND LEGAL RESOLUTIONS WITH TARGETED RELIEF: By FY 2018, 65–70% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.	
FY 2017	
TARGET	Increase targets to 65–70% or maintain targets.
RESULTS	The proportion of administrative and legal resolutions containing Targeted Equitable Relief increased to 85.7%.
☐	**Target Exceeded**

The FY 2017 target for Performance Measure 6 is to increase the proportion of administrative and legal resolutions (i.e., successful conciliation and litigation resolutions with consent decree or settlement) currently containing targeted, equitable relief (TER) to within a range of 65–70 percent. 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. As of the end of the fourth quarter, the agency had far exceeded the targeted range; reporting 1,070 administrative and legal resolutions with TER out of a total of 1,249 resolutions, or 85.7 percent. The EEOC will continue to promote the inclusion of TER benefits in agency resolutions in FYs 2018 and 2019.

PERFORMANCE MEASURE 7

FEPA RESOLUTIONS WITH TARGETED RELIEF: By FY 2018, 15–17% of resolutions by FEPAs contain targeted, equitable relief.	
FY 2017	
TARGET	FEPAs increase targets to 15–17% or maintain targets.
RESULTS	The proportion of FEPA reported resolutions containing Targeted Equitable Relief increased to 15.3%.
☐	**Target Met**

The FY 2017 target for Performance Measure 7 was to increase the proportion of resolutions reported by the state and local Fair Employment Practices Agencies (FEPAs) that contained targeted, equitable relief (TER) to within a range of 15–17 percent. In FY 2013, the agency determined the baseline percentage of merit factor resolutions containing TER by reporting FEPAs was 14 percent. To better capture the variance in the number of FEPA resolutions achieved with TER, we developed a series of ranges for future targets through FY 2018 to include an increase in FEPA resolutions with TER within a range of 13–15 percent in FY 2014; 14–16 percent in FY 2015; and 15–17 percent in FY 2016 to be maintained through FY 2018. (Baseline percentages established under Performance Measure 7 for FEPAs are different from Performance Measure 6 due to variations between charge processing systems and resolution types at the FEPAs with whom the EEOC has work-sharing agreements).

As of September 30, 2017, the FEPAs had met the targeted range of 15–17 percent; reporting 1,032 FEPA merit resolutions with TER out of 6,135 merit resolutions, or 16.8 percent. During

FY 2017 and in FY 2018, the agency will continue to work with our field State and Local coordinators to monitor the proportion of resolutions reported by their respective FEPAs containing TER, as well as to address any areas that may benefit from added attention.

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

In fiscal year 2017, the agency engaged in increased outreach efforts to meet the needs of the diverse audiences served across the nation. The EEOC continued its partnerships with employers, colleges and universities, advocacy groups, immigrant and farm worker communities, governmental entities, and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

Under Strategic Objective II of the Plan, the agency established the following outcome goals: 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 who are unaware of their rights under the equal employment laws, or are reluctant or unable to exercise their rights. This includes, but is not limited to, low wage earners, farm workers, refugees, victims of human trafficking, and youth in their first jobs.

  "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 progress in pursuing these strategies under Strategic Objective II.

Strategic Objective II Performance Summary

Measures	Targets Met or Exceeded	Targets Partially Met[1]	Targets Not Met	Not Applicable in FY 2017
4	3	0	0	1

[1] **Targets Partially Met:** A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) EEOC was unable to assess the results because full year data was not yet available.

PERFORMANCE MEASURE 8

VULNERABLE AND UNDERSERVED COMMUNITIES: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.	
FY 2017	
TARGET	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained nationally.
RESULTS	The agency increased the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities to 165.
☐	**Target Exceeded**

The baseline established in fiscal year 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. In fiscal year 2015, the agency exceeded its target of 116 significant partnerships and established a new fiscal year total of 130 partnerships. In FY 2016, the total number of partnerships increased again to 140. The FY 2017 target for this measure was to maintain the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.

At the end of FY 2017, the agency had increased the 140 significant partnerships previously established with 25 new partnerships or by 15.7 percent. This includes a new national partnership with the Ministry of Foreign Affairs of the Republic of Peru and the renewal of a national Memorandum of Understanding (MOU) with the Ministry of Foreign Affairs of the United Mexican States. Both agreements were signed on September 11, 2017. These MOUs are designed to further strengthen the collaborative efforts to provide Peruvian and Mexican nationals and their employers with guidance and information and access to education about their rights and responsibilities under the laws enforced by the EEOC. During FY 2018, the agency will continue to provide support and guidance to outreach efforts and partnership development strategies within the vulnerable worker and underserved communities in order to sustain the performance target for these vital partnerships.

PERFORMANCE MEASURE 9

SMALL AND NEW BUSINESSES: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent small or new business (or with businesses directly).	
FY 2017	
TARGET	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained nationally.
RESULTS	The agency increased the number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) to 112.
☐	**Target Exceeded**

The FY 2017 target for this measure was to maintain the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly).

Significant Partnerships with small or new businesses continued to be developed and enhanced during the fiscal year. As a result, the agency increased the 111 significant partnerships established in FY 2016 to 112 in FY 2017. These partnerships have been supported by the launch by EEOC's Small Business Task Force of an online Small Business Resource Center in time for the beginning of FY 2017 to ensure that small business owners have the tools they need to advance opportunity and freedom from discrimination in their workplaces. The new site is designed to provide a user-friendly, one-stop source for information on federal employment anti-discrimination laws tailored to meet the needs of small businesses. In addition to providing general information on the EEOC's laws and the ways in which the agency can assist small businesses, there are also answers to frequently asked questions, guidance on making employment decisions, and tips for small businesses on a variety of potential workplace discrimination issues.

The EEOC consistently maintains significant levels of outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. In FY 2017, agency offices conducted 344 no-cost outreach events directed toward small businesses, reaching 30,651 small business representatives. In FY 2018, the agency will continue, through regular conference calls and other interactions, to provide support and guidance to districts in their on-going efforts to sustain and grow their significant partnerships in the small business community.

PERFORMANCE MEASURE 10

SOCIAL MEDIA PLAN: By FY 2013, the EEOC implements a social media plan.	
FY 2017	
TARGET	N/A****
RESULTS	N/A****
	N/A****

**** N/A — Not applicable in FY 2017. Measure completed by Commission vote in September 2015.

On September 30, 2015, the Commission approved the agency's Communications and Outreach Plan, which included the social media plan, and set out the overall communications strategy that effectively completed further performance under this measure. To reference this document, go to https://www.eeoc.gov/plan/communications-outreach.cfm. This is the last reporting cycle for this measure as it is completed. This and other measures will be updated or replaced with the approval of a new strategic plan that is currently in development and set for publication in FY 2018.

PERFORMANCE MEASURE 11

SUB-REGULATORY GUIDANCE REVIEW AND REVISION: The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.	
FY 2017	
TARGET	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	At least two substantive policy documents and two major technical assistance documents were approved and provided to the public during the fiscal year.
☐	**Target Exceeded**

Performance Measure 11 provides for the agency's sub-regulatory guidance and documents to be reviewed and, where necessary, 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. Although the regulations the agency issues set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC's guidance documents, provide more tangible assistance to those with rights and responsibilities under such laws.

In FY 2017, the Commission approved and released the following sub-regulatory guidance documents and other resource materials to the public. *A Guide to Assist Federal Agencies to Provide Personal Assistance Services* was issued on September 18, 2017. In March 2017, the EEOC revised a document entitled *Bathroom/Facility Access and Transgender Employees*. On January 10, 2017, the Commission issued: *Proposed Enforcement Guidance on Harassment that Creates a Hostile Work Environment*. On January 3, 2017, *Questions and Answers: The EEOC's Final rule on Affirmative Action for People with Disabilities in Federal Employment* was issued. On December 12, 2016, the Commission issued *Depression, PTSD, and Other Mental Health Conditions in the Workplace*. On November 21, 2016, the following guidance was issued: *Enforcement Guidance on National Origin Discrimination, Questions and Answers on National Origin Discrimination*, as well as the Small Business Fact Sheet on National Origin Discrimination.

STRATEGIC OBJECTIVE III: Deliver Excellent and Consistent Service through a Skilled and Diverse Workforce and Effective Systems.

This objective is intended to ensure that the agency delivers excellent and consistent service through its efforts to support a skilled workforce while using effective systems — many of which serve the public directly. Effective customer service and operating systems can positively influence the general public's understanding of the agency's ability to address employment discrimination concerns. This measure was designed to focus on issues regarding human capital and infrastructure, which are mission 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 enhance the timeliness and ensure the continued quality of enforcement activities in the private, state and local government, and federal sectors. In addition, the agency is committed to meeting the evolving needs of the 21st century workplace and responding to developments in the interpretation of anti-discrimination law. Moreover, given the agency's mission, it is also important that the agency foster a diverse and inclusive workplace. The EEOC strives to serve as an example to other employers, and a workforce with a diverse range of backgrounds and experiences enables the agency to better serve the rich diversity of America. Finally, to improve the agency's customer service, the EEOC must ensure the effectiveness of its systems by using technology to streamline, standardize, and expedite critical functions.

To these ends, the EEOC developed three strategies for achieving Strategic Objective III:

- 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.

For this objective, the EEOC adopted Performance Measures 12 and 13 to support and monitor the agency's progress toward FY 2017 targets (along with two previously identified measures, Performance Measures 2 and 3, and cross-referenced under Strategic Objective I).

Strategic Objective III Performance Summary

Measures	Targets Met or Exceeded	Targets Partially Met[1]	Targets Not Met	Not Applicable in FY 2017
3	1	2	0	0

[1] **Targets Partially Met:** A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) EEOC was unable to assess the results because full year data was not yet available.

PERFORMANCE MEASURE 12

WORKFORCE QUALITY, DIVERSITY, AND SKILLS: EEOC strengthens the skills and improves the diversity of its workforce.		
		FY 2017
TARGET (a)	Number of employees with disabilities.	529
RESULTS		511
◆	**Target Partially Met**	

		FY 2017
TARGET (b)	Number of employees with targeted disabilities.	134
RESULTS		106
◆	**Target Partially Met***	

		FY 2017
TARGET (c)	Percentage of hires made within 78 days.	85%
RESULTS		56%
◉	**Target Not Met**	
◆	**Overall Targets Partially Met***	

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

The FY 2017 target for Performance Measure 12, Subpart (a) was to increase the number of persons hired with disabilities by 20 percent over 5 years, beginning in FY 2012, or at least 29 employees with disabilities over the previous fiscal year target of 500, for an approximate total of 529 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 FY 2016 target of 123 employees with targeted disabilities, to an approximate total of 134 employees. And finally, Subpart (c) required the agency to improve and streamline the hiring process to increase the percentage of all hires made within 78 days to 85 percent in FY 2017.

By fiscal year-end 2017, the agency had partially met its targets for Performance Measure 12. Due to budget limitations, the total number of new employees hired during the fiscal year was 109. Forty-seven percent, or 43 hires, were individuals with disabilities. This exceeded the EEOC's administrative target it set to bring on board at least 29 employees with disabilities in fiscal year 2017 under Subpart (a). The new hires raised the total to 511 staff with disabilities at the end of the fiscal year.

Under Subpart (b), the agency partially met its administrative target of hiring at least 11 persons with targeted disabilities — bringing on board 10 new staff members. The resulting total of 106 persons hired with targeted disabilities was one less than the fiscal year 2017 strategic goal of eleven.

In FY 2017, the agency continued to implement significant strategies, which proved to be effective for increasing the number of employees with disabilities, and helped the EEOC move considerably closer to meeting its annual human capital goals under Subparts (a) and (b). These strategies included creating a repository of Schedule A applications; allowing easier access to qualified Schedule A applicants; and specialized training initiatives, such as Webinars that focused on "best practices" and "lessons learned" for increasing the number of individuals with disabilities, including those with targeted disabilities.

Several factors both internal and external to the agency had an impact on timely hires under Subpart (c). A top priority for the agency has been to hire necessary staff and create efficient procedures to ensure more timely hires. Of the reported 109 new hires-to-date, approximately 61, or 56 percent, were made within 78 days, which was a decrease from the 2016 target for timely hires. The agency anticipates improving its time-to-hire response because of streamlined procedures and investments in training for hiring managers. Meeting these aggressive targets will continue to be a priority for the agency for FY 2018 and beyond.

PERFORMANCE MEASURE 13

STREAMLINING AND INCREASING AGENCY RESPONSIVENESS IN THE CHARGE SYSTEM THROUGH TECHNOLOGY: The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.	
FY 2017	
TARGET	Meet targets determined in FY 2012.
RESULTS	The Online Inquiry component of the Digital Charge System was piloted in five EEOC offices during FY 2017, in preparation for full nationwide roll-out in early FY 2018. Phase II of the Digital Charge System pilot was expanded in late FY 2017 to provide charging parties with the same capabilities as employers, related to processing online transactions.
◆	**Target Partially Met***

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

Performance Measure 13 required 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. Specifically, it directed the agency to continue meeting the phased targets for the new Digital Charge System; Online Charge Status; and Online Inquiry systems, processes, and technology developments, through the iterative process adopted in FY 2012.

The EEOC is implementing a new Digital Charge System that will provide for online transmittal of documents and communications between the EEOC, charging parties, and respondents involved in private sector charges. The agency generally receives over 90,000 charges per year, making its charge system the agency's most common interaction with the public. The Digital Charge System aims to improve customer service, ease the administrative burden on staff, and reduce the use of paper submissions and files. This initiative will also improve collaboration and knowledge sharing, enhance data integrity, reduce paper file storage and manual archiving/destruction requirements, and enable a more mobile workforce.

Phase I of the Digital Charge System allowed employers against whom a charge has been filed to communicate with the EEOC through a secure portal to download the charge, review and respond to an invitation to mediate, submit a position statement, and provide and verify their contact information. In FY 2017, EEOC piloted Phase II, focused on providing similar online communications and capabilities to the EEOC's Charging Parties. Additional milestones completed in late FY 2017 or targeted for early FY 2018 include the following:

- Phase II of the Digital Charge System will be deployed with the Public Portal/Online Inquiry and Scheduling on October 23, 2017.
- Updating the digital services email processes to detect and log "bounced" or undeliverable emails, and log these instances in a charge's Activity Log.
- Updating the Respondent Portal to improve password management processes, remove deleted charges, and expand document upload types. The agency also updated the Respondent Portal to allow identification of documents which contain sensitive personally identifiable information for inventory, restricted access, and data-at-rest encryption purposes.
- Deploying the Digital Charge System (DCS) to Fair Employment Practices Agencies (FEPAs) to provide electronic notifications and document exchange between the EEOC and FEPAs. In late FY 2017, the Document Module was deployed to all FEPAs, providing automatic transmission of uploaded Charges of Discrimination (Form 5) that are dual-filed with the FEPAs to the EEOC. In early FY 2018, this capability will be expanded for bi-directional notification — from EEOC to FEPAs, and to automate the Notice of Dual-Filing Form (Form 212).

The EEOC's Digital Charge System now includes over 1 million documents in its digital repository. A total of 4,585 inquiries were initiated through the online pilot, of which 1,354 were formalized as charges of discrimination. In addition, the agency served notice of 46,440 charges through the Digital Charge System in FY 2017.

In March 2016, the EEOC deployed the Online Charge Status system that provides charging parties and respondents the ability to access information regarding the status of their open charge(s) online. In FY 2017, individuals viewed information on their charge status, possible next steps, and staff contact information more than 570,800 times.

The EEOC also piloted the Online Inquiry and Scheduling tool in March 2017 to five Field Offices — Charlotte, Chicago, New Orleans, Phoenix, and Seattle. The tool allows the public to perform self-screening, submit a pre-charge inquiry, schedule an appointment for an intake interview, and electronically sign the charge of discrimination. Additional milestones completed in late FY 2017 or targeted for early FY 2018 include the following:

- Online Inquiry and Scheduling will be rolled out to all EEOC offices on October 23, 2017.
- Evaluating alternatives, acquiring and implementing a new online scheduling tool to support Online Inquiry, when it was determined that the prior tool was not meeting Agency requirements.

Nationwide deployment of Phase II and Online Inquiry and Scheduling is scheduled for early FY 2018. In addition, the EEOC continued to expand the online services provided to employers and will pilot issuance of online notifications of charges of employment discrimination to state and local government Fair Employment Practices Agencies, as applicable.

BUDGETARY RESOURCE ALIGNMENT:

The Commission has worked to communicate across the agency a common understanding of how the strategic priorities direct efforts of staff. Accordingly, with direction from the Chair, budget submissions prepared by each program office explain how the allocated resources implement the strategies and goals of the Strategic Plan. The Chair examines the budget requests and allocates or re-allocates resources, as needed, to align the agency's budget with the Strategic Plan and Strategic Enforcement Plan in each fiscal year.

PERFORMANCE MEASURE 14

BUDGETARY RESOURCE ALIGNMENT: The EEOC's budgetary resources for FY 2014–2018 align with the Strategic Plan.	
FY 2017	
TARGET	Prepare the EEOC's FY 2019 Performance (OMB) Budget that aligns resources with the Strategic Plan. Prepare the EEOC's FY 2018 Congressional Budget. Develop a final FY 2017 Operating Plan based on approved FY 2016 appropriations.
RESULTS	The EEOC's final FY 2017 Operating Plan was issued on May 5, 2017. The EEOC's FY 2018 Congressional Budget was submitted to Congress on May 23, 2017. The EEOC's FY 2019 Performance Budget is in process and will be submitted to OMB in September 2017.
☐	**Target Met**

The FY 2017 targets for Performance Measure 14 were to submit the EEOC's FY 2018 Congressional Budget Justification (CBJ) and prepare the EEOC's FY 2019 Performance (OMB) Budget that aligns with the agency's Strategic Plan for Fiscal Years 2012–2016 (as modified on February 2, 2015 — See Section XI, Interim Adjustments to the Strategic Plan). On May 5, 2017, the President signed the FY 2017 full appropriation. The final FY 2017 operating plan was approved by the Chair and transmitted to all offices on May 9, 2017. The agency's FY 2018 Congressional Budget Justification was timely submitted to Congress on May 23, 2017. The EEOC's FY 2019 Performance (OMB) Budget was submitted to OMB on September 11, 2017.

RELATED PROGRAM RESULTS AND ACTIVITIES

STRATEGIC LAW ENFORCEMENT

Strategic law enforcement is essential to ensure that the agency's resources are used most effectively. The EEOC continued to focus efforts on those activities likely to have the greatest impact in advancing equal opportunity in the workplace. EEOC's Strategic Plan and Strategic Enforcement Plan provide the direction for targeted and coordinated national enforcement on substantive national priorities.

Managing the Charge Workload

Each year the EEOC handles hundreds of thousands of calls, inquiries, and charges from workers in the private and public sector seeking assistance with potential complaints of discrimination. In fiscal year 2017, a renewed emphasis on inventory reduction strategies and priority charge handling procedures, technological enhancements, and front-line staff hired in fiscal year 2016 contributed to significant progress managing our pending workload of charges. As a result, in fiscal year 2017 the EEOC resolved 99,109 charges — an increase of more than 1,600 — and reduced the charge workload by 16.2 percent to 61,621. During the fiscal year, EEOC handled over 540,000 calls to the toll-free number and more than 155,000 inquiries in field offices, resulting in 84,252 charges being filed. This compares to 97,442 charges resolved and 91,503 charges received in fiscal year 2016.

The strategies EEOC used to manage the pending inventory included an emphasis on the tenets of EEOC's priority charge handling procedures, including pre-charge counseling and pre-determination interviews. Effective pre-charge counseling ensures individuals make informed decisions about whether to file a charge of discrimination and the pre-determination interview allows us to communicate the basis for our decisions to the parties. Both are essential for good customer service and effective charge processing.

Additionally, the reassessment of charges as soon as new evidence is obtained enables staff to make the critical decision as to whether additional investigation is likely to result in a cause finding. Offices also utilized and took full advantage of technological advances designed to improve the efficiency of the processes.

These technological enhancements included the successful launch of a pilot online intake system, allowing potential charging parties to submit a pre-charge inquiry for review and on-line scheduling of appointments for interviews. We expect the nationwide implementation of the online system, scheduled for early fiscal year 2018, will continue to help the agency manage the charge inventory.

Finally, the launch of the online charge status system in 2016 has freed staff of a significant amount of time otherwise spent on calls, allowing it to be directed to charge investigations. On an annualized basis, more than 3,500 charges can be resolved as a direct benefit of the charge status system, which contributes to the agency's reduction of its inventory levels.

Recovery for Victims of Discrimination

EEOC secured approximately $484 million for victims of discrimination in private, state and local government, and federal workplaces. This included:

- $355.6 million for victims of employment discrimination in private sector and state and local government workplaces through mediation, conciliation, and settlements.
- $42.4 million for charging parties through litigation; and
- $86 million for federal employees and applicants.

Importantly, in each of these categories, the agency also obtained substantial changes to discriminatory practices to remedy violations of equal employment opportunity laws and prevent future discriminatory conduct in the workplace.

Mediation Benefits both Employees and Employers

Alternative Dispute Resolution (ADR) is an effective tool to resolve charges of discrimination quickly. Successful mediations resolve charges early in the process, benefiting both workers and employers. In fiscal year 2017, the agency achieved 7,218 successful resolutions out of 9,476 mediations conducted, resulting in over $163.7 million in benefits to charging parties. Mediations were completed in an average of 100 days.

Additionally, the program continues to receive overwhelmingly positive feedback from participants. In fiscal year 2017, 96.5 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC.

The EEOC continued to increase the participation by employers through the use of Universal Agreements to Mediate (UAMs) and outreach materials and events that highlight the benefits of mediation for employers. UAMs are agreements between EEOC and employers to mediate all eligible charges filed against the employer, prior to an agency investigation or litigation. At the end of fiscal year 2017, the agency secured a cumulative total of 2,799 UAMs, a 5 percent increase over the prior year.

Continued Success in Conciliating Private Sector Charges

The EEOC's conciliation efforts are another vital means to promote voluntary compliance. If the EEOC determines there is reasonable cause to believe discrimination has occurred, the agency invites the parties to join the EEOC in seeking to settle the charge through an informal and confidential process known as conciliation. Conciliation is a voluntary process for employers, and the parties must agree to the resolution. The EEOC is required to attempt to resolve findings of discrimination on charges through conciliation before the agency considers the matter for litigation.

This year the agency provided training to all investigators and their supervisors that emphasized the importance of conciliation, statutory requirements, and how to effectively reach meaningful resolutions which include appropriate targeted equitable relief.

The EEOC has worked to conciliate a greater percentage of cases than at any time in recent history — with successful conciliations rising from 27 percent in fiscal year 2010 to 44 percent in fiscal years 2015 and 2016, and 40 percent in fiscal year 2017. The success rate for conciliation of systemic charges was 45 percent in fiscal year 2017, down from 57 percent in fiscal year 2016.

Adjudicating Federal Sector Hearings and Appeals

In the federal sector, EEOC has authority to hold hearings on complaints of discrimination by federal employees and applicants, and to adjudicate appeals of decisions on such claims. In fiscal year 2017, EEOC secured more than $72.7 million in relief for federal employees and applicants who requested hearings. Additionally, the agency's hearings program resolved a total of 6,661 complaints, and the number of requests for hearings on federal sector complaints decreased to 8,012 in fiscal year 2017 compared to 8,193 in fiscal year 2016.

EEOC also adjudicates appeals from federal agency final decisions on employment discrimination complaints, including those following a decision by an EEOC administrative judge, and ensures agency compliance with decisions issued on those appeals. During fiscal year 2017, EEOC received 3,831 federal sector appeals, an 8.7 percent increase from the 3,523 appeals received last fiscal year. EEOC has vigorously implemented case management strategies that allow for the screening and categorization of cases early in the appellate process to best allocate resources, including those needed to properly address cases determined to have significant impact. This early screening process has been greatly aided by the implementation of a digital portal, where agencies can upload the documentation necessary to process an appeal.

In fiscal year 2017, EEOC focused its appellate resources on EEOC's Strategic Enforcement Plan priorities including resolving the oldest appeals, and those that vindicate employees' legal rights and/or preserve their access to the EEO complaint process. Critical to these case management strategies has been the Commission approval of a Federal Sector Quality Practices plan, developing practices designed to deliver excellent and consistent service in adjudicating federal sector hearings and appeals, and providing oversight of federal agencies' compliance with laws and regulations preventing employment discrimination.

Using these approaches, the EEOC resolved 4,284 appeals in fiscal year 2017, including 1,315, or 85 percent, of the appeals that were more than 500 days old at the start of the year. At the same time, 42 percent of the total resolutions were issued within 180 days of their receipt. These resolutions included 1,017 initial appeals from procedural dismissals that terminated complainants' participation in the EEO process, reversing 35 percent of those dismissals with an order to the agency to continue processing the EEO complaint. At the same time, the EEOC significantly increased its resolution of appeals addressing the merits of employees' discrimination claims by 58 percent. Due to these case management efforts, the EEOC reduced the overall pending inventory that will carry-over to next fiscal year by 11 percent, from 4,111 at the end of fiscal year 2016 to 3,658 at the end of 2017, and reduced the age of the pending inventory by 13.6 percent.

The EEOC issued 68 findings of discrimination in fiscal year 2017, and 67 decisions that implicated one or more of EEO's Strategic Enforcement Plan priorities. EEOC compliance staff secured $13.3 million in monetary relief as ordered in EEOC's appellate decisions, and closed 1,034 compliance matters.

Behind these numbers, EEOC's federal sector appellate decisions develop and promulgate EEO policy in the federal sector. Moreover, these appellate decisions express policy and legal interpretation on emerging and evolving EEO law that impacts workers and employers throughout the nation. Finally, they serve to educate federal sector complainants, agencies, and the public about the law, guide agencies in their efforts to become model workplaces, and vindicate the public interest in eradicating discrimination in federal employment.

The following are summaries of some notable appellate decisions issued in fiscal year 2017:

Serita B. v. Department of the Army, EEOC Appeal No. 0120150845 (November 10, 2016)

The Commission reaffirmed its long-standing position on "joint employers," where two or more employers each have the right to exercise sufficient control of an aggrieved individual to qualify as the worker's employer to establish standing to raise a claim under the 29 C.F.R. Part 1614 administrative complaint process. In this case, the Commission reversed the dismissal of a discrimination complaint filed against the federal agency by an employee of a private staffing firm.

Marine V., et al v. Social Security Administration, EEOC Appeal Nos. 0720170001 – 0720170008 (March 20, 2017)

Finding of age discrimination on complaints filed by a group of Social Security Administration employees when the agency used the Administrative Careers with America (ACWA) exam as way to screen out internal employees and recruit younger external hires for Claims Representative positions in certain district offices in New Jersey. The Agency also later hired younger external applicants from local colleges noncompetitively without using the ACWA exam.

Lara G. v. USPS, EEOC Request No. 0520130618 (June 9, 2017)

The Commission, overruling its contrary precedent, held that when determining an award of non-pecuniary compensatory damages, it may consider the present-day value of comparable awards. Thus, after determining a compensatory damages award based on the severity of the complainant's injury and the amount awarded by the Commission in prior cases involving similar injuries, the decision-maker may then take into consideration the age of the comparable awards and adjust the current award accordingly.

Brenton W. v. Department of Transportation (FAA), EEOC Appeal No. 0120130554 (June 29, 2017)

The Commission determined that a former Air Traffic Controller, removed during the PATCO strike by presidential order in 1981, was discriminated against based on age when he was excluded from eligibility for reemployment for any controller position above the GS-9 level. The decision found that the Agency's policy excluding ex-PATCO candidates from consideration for GS-12/13/14 positions almost exclusively affected workers who were 40 years of age or older, and the agency conceded that the age of ex-PATCO applicants was considered in the decision to only hire them at the GS-9 level. As such, OFO found that the Agency used ex-PATCO status as a proxy for age. The agency was order to retroactively place Complainant into a GS-12 controller position effective October 31, 1996, until the date on which he would have reached mandatory retirement.

Velva B., et al. v. USPS, EEOC Appeal Nos. 0720160006 & 0720160007 (September 25, 2017)

The Commission affirmed the EEOC administrative judge's determination that the United States Postal Service violated the Rehabilitation Act on a class-wide basis affecting thousands of employees nationwide through the implementation of its National Reassessment Program (NRP). The NRP was ostensibly designed to save money by eliminating "make work" positions. The true purpose was to get disabled employees off the agency's rolls without regard to their rights under the Rehabilitation Act.

Challenging Discrimination in Federal Court

In fiscal year 2017, EEOC field legal units filed 184 merits lawsuits, including 124 suits on behalf of individuals, 30 non-systemic suits with multiple victims, and 30 systemic suits. Merits lawsuits are direct suits or interventions alleging violations of the substantive provisions of the statutes enforced by EEOC and suits to enforce administrative settlements. These merits filings alleged violations covering a wide variety of bases, including disability (75), sex (64), retaliation (53), race (21), religion (12), national origin (8), age (12), and genetic information (3). The issues raised most frequently in these suits were discharge (103), reasonable accommodation (53), hiring (44), and harassment (30). At the end of fiscal year 2017, EEOC had 242 cases on its active district court docket, of which 42 (17.4 percent) were non-systemic multiple victim cases and 60 (24.8 percent) involved challenges to systemic discrimination. The agency also filed 17 subpoena enforcement actions.

In fiscal year 2017, EEOC's legal staff resolved 109 merits lawsuits in the federal district courts for a total monetary recovery of $42.4 million. The EEOC achieved a favorable result in 90.8 percent of all district court resolutions. A total of 4,668 individuals received monetary relief as a direct result of EEOC lawsuit resolutions. The Commission also resolved 15 subpoena enforcement actions during the fiscal year.

When selecting cases for litigation, the EEOC is guided by the priorities articulated in its Strategic Enforcement Plan. Below is a sampling of significant outcomes in cases arising under EEOC's priorities:[4]

- **Protecting Vulnerable Workers: *EEOC v. Wisconsin Plastics,*** No. 14-cv-663 (E.D. Wisc. May 25, 2017)

  The EEOC alleged that the defendant metal and plastics manufacturer in Wisconsin fired a class of Hispanic and Hmong employees because of their national origins. According to the suit, the targeted employees were performing their jobs well, and their lack of English fluency was a pretext for a discriminatory motive. The case was resolved by consent decree providing $475,000 to 19 victims (mostly Hmong) and requiring the company to report periodically to the EEOC regarding its hires, discharges, and discrimination complaints.

- **Addressing Selected Emerging and Developing Issues: *EEOC v. Capital Restaurant Concepts d/b/a Paolo's Ristorante,*** No. 16-cv-2477 (D.D.C. July 6, 2017)

  The EEOC alleged that the defendant restaurant in Washington, DC, allowed its employees to subject an 18-year old gay male server to repeated homophobic epithets and taunts about his sexuality, including asking him about sexual scenarios with women that might "turn" him straight. When the charging party complained to management, he was told he was being "too sensitive," according to the suit. The case was resolved by consent decree, under which the defendant paid the charging party $50,000 and revised its sexual harassment policy.

- **Ensuring Equal Pay Protections: *EEOC v. Prince George's County, Md.,*** No. 15-cv-1091 (D. Md. Jun. 1, 2017)

  The EEOC alleged that the defendant Maryland county paid a female engineer in the storm water management division less than a male co-worker performing the same job. The charging party had a degree in civil engineering and more than five years of relevant experience when hired. According to the suit, the county rebuffed her efforts to negotiate a higher starting salary matching her experience and education, but just two weeks later, hired a male into the same job and paid him his requested, higher salary. The county also promoted and paid another male engineer a higher salary, and even paid a lesser graded male engineer with less experience a higher salary. The court ruled summarily in favor of the EEOC, finding that the evidence showed, as matter of law, that the county violated the Equal Pay Act. Following the court's ruling on liability, the suit was resolved by consent decree providing $145,000 to the charging party along with a significant pay raise. In addition, the county was required to retain a consultant to ensure non-discriminatory compensation policies.

- **Preserving Access to the Legal System: *EEOC v. Crothall Services Group. Inc.,*** No. 15-cv-3812 (E.D. Pa. Dec. 16, 2016)

  The EEOC alleged that the defendant janitorial and facilities management company in Pennsylvania was using criminal history assessments to make hiring decisions without making and keeping required records that would disclose the impact the assessments have on persons identifiable by race, sex or ethnic group. The court agreed with the EEOC that the record-keeping regulation in the Uniform Guidelines on Employee Selection Procedures was mandatory, and thus that the company was required to maintain records disclosing the impact its selection procedures have on employment opportunities based on race, sex or ethnic group. Following the court's ruling, the case resolved by consent decree, under which the defendant must make and retain records identifying the race, gender and ethnicity of any person screened for criminal history.

- **Preventing Systemic Harassment: *EEOC v. Northwest Territorial Mint, LLC,*** No. 15-cv-1554 (W.D. Wash. Jan. 31, 2017)

  The EEOC alleged that the owner of the defendant precious metals dealer in Washington State repeatedly made lewd comments to and about his female employees, including using derogatory terms for female genitalia and commenting on their breast sizes and body shapes. The case was resolved by consent decree, which provided $725,000 to five victims and required the defendant to overhaul its sexual harassment policy and report to the EEOC on compliance.

Challenging Discrimination in the Federal Appellate Courts

In addition to its nationwide litigation program at the district court level, EEOC maintains an active appellate program in the

[4] Significant resolutions in cases involving the EEOC's priority of eliminating barriers to recruitment and hiring are discussed infra at pp. 41–42.

federal circuit courts of appeal. Among the most notable appellate decisions in fiscal year 2017 is ***EEOC v. Consol Energy, Inc. & Consolidation Coal Co***., a Title VII religious accommodation and constructive discharge case involving a coal miner who requested an exemption from a new biometric hand-scanning system at the mine for religious reasons. The Fourth Circuit affirmed a jury verdict and award of damages of nearly $600,000 in the EEOC's favor. Noting that the core of Consol's defense was its position that the charging party's interpretation of Scripture was erroneous, the court stated, "It is not Consol's place as an employer, nor ours as a court, to question the correctness or even the plausibility of [his] religious understandings. . . . So long as there is sufficient evidence that [his] beliefs are sincerely held . . . and conflict with Consol's employment requirement, that is the end of the matter."

In ***EEOC v. EmCare, Inc.,*** the Fifth Circuit affirmed judgment in favor of the EEOC after a favorable jury verdict in a Title VII sexual harassment and retaliation suit. EmCare had appealed the judgment as to one of the three employees, arguing that the EEOC had adduced no evidence the decisionmaker knew of his complaints of discrimination. The Fifth Circuit disagreed, holding that, even in the absence of direct evidence, there was more than sufficient circumstantial evidence to support a jury finding of knowledge on the decisionmaker's part.

In ***EEOC v. Union Pacific Railroad Co.,*** the Seventh Circuit affirmed an order of the district court enforcing an EEOC subpoena under Title VII. During the investigation, the charging parties requested right-to-sue notices, filed suit, and then lost their suit on the merits, but the EEOC sought to continue the investigation based on information suggesting the alleged discrimination may have adversely affected other individuals. The court ruled that "while a valid charge is a requirement for beginning an EEOC investigation, nothing in Title VII supports a ruling that the EEOC's authority is then limited by the actions of the charging individual." The court also held that "EEOC's independent authority" permits it to pursue investigations even where the charging party is barred from bringing suit, or, as here, the private suit is resolved on the merits, because EEOC's "enforcement authority is not derivative of the legal rights of individuals even when it is seeking to make them whole."

There were two court rulings in ***EEOC v. McLane Corp.,*** a Title VII subpoena enforcement action in which the district court had refused to enforce the subpoena, the Ninth Circuit reversed, and the Supreme Court granted certiorari to decide the proper standard of appellate court review for a subpoena action. In a decision authored by Justice Sotomayor, with Justice Ginsburg concurring in part and dissenting in part, the Supreme Court agreed with both the Commission and McLane Corp. that a court of appeals should review a district court's decision to enforce or quash an EEOC subpoena under an abuse of discretion standard. The Court vacated the judgment of the Ninth Circuit and remanded the case for review under the correct standard. On remand, the Ninth Circuit concluded that the district court abused its discretion when it refused to enforce the Commission's subpoena. The court held that "[b]ecause the district court based its ruling on an incorrect view of the legal standard governing relevance, it necessarily abused its discretion" when it held that the information sought was not relevant to the EEOC's investigation.

At the end of fiscal year 2017, EEOC was handling 19 appeals in EEOC enforcement actions and participating as amicus curiae in 26 cases on appeal in private suits.

Maximizing Impact through Focus on Systemic Discrimination

Tackling systemic discrimination — where a discriminatory pattern, practice or policy has a broad impact on an industry, company or geographic area — is central to the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and the economy. Without systemic enforcement, many discriminatory systems and structures would persist — leading to more harm to individuals subject to such discriminatory practices and potentially more individuals filing charges of discrimination against their employers. Research studies also document that systemic enforcement is a greater driver of employer compliance than individual investigations or cases.

EEOC is studying the types of remedial provisions that work to advance opportunity and reduce discrimination in the workplace. In addition, the agency is exploring approaches to relief where the interests of the employees, employers, and the EEOC align to result in lasting improvements to workplace practices and policies.

In fiscal year 2017, EEOC field offices resolved 329 systemic investigations and obtained over $38.4 million in remedies in those resolutions. The [near record] monetary relief the EEOC obtained this fiscal year in resolving systemic cases without resort to litigation demonstrates the EEOC's continued commitment to resolving cases early in the process. In addition, the agency issued reasonable cause determinations finding discrimination in 167 systemic investigations.

A few of the key systemic investigation resolutions achieved in fiscal year 2017 are listed below. [Note: due to the confidentiality provisions of Title VII, the ADA and GINA, the names of these companies who settled pre-litigation cannot be made public without their consent]:

- Ford Motor Company agreed to publicly announce the conciliation of a systemic investigation of claims that personnel had subjected female and African-American employees to sexual and racial harassment at two of Ford's plants in Chicago and retaliated against workers who complained. Ford agreed to pay up to $10.125 million to those who are found eligible through a claims process established by the agreement and significant targeted equitable relief aimed at preventing a reoccurrence of the problem. The agreement ensures that during the next five years Ford will conduct regular training, including training aimed at developing mutual respect among its employees and management, at two of its Chicago-area facilities; continue to disseminate its anti-harassment and anti-discrimination policies and procedures to employees and new hires; report to the EEOC and a three-person monitoring panel regarding complaints of harassment and/or related discrimination; and increase corporate monitoring of Chicago facilities regarding issues of alleged sexual or racial harassment and related discrimination.

- A restaurant operating over 100 facilities in the Eastern U.S. agreed to pay $9.6 million to class members after the EEOC found that the company had engaged in systemic hiring discrimination against African Americans. The restaurant additionally agreed to overhaul its hiring procedures instituting practices aimed at meeting hiring targets consistent with the labor market. The new hiring procedures include implementation of an extensive applicant tracking system that will better enable the company to assess its efforts toward meeting the targeted hiring goals. The restaurant will also provide the EEOC with an annual report detailing the company's efforts in complying with the five-year agreement, including detailed hiring assessments for each facility covered.

- The EEOC resolved for $3,209,000 in relief several charges alleging that a trucking company's policy on sleep apnea violated the ADA. The agreement provided for monetary compensation for three people who filed charges of discrimination and a class of 704 employees. The employer made offers of reinstatement to 37 employees who were terminated for refusing to comply with the employer's demands. The employer agreed to reimburse class members who were required to buy medical equipment and to refrain from requiring employees to purchase medical equipment in the future. The employer also agreed to monitoring of its implementation of the agreement, training in the requirements of the ADA, and posting of the terms of the agreement.

- The EEOC obtained $2,672,800 in relief on behalf of a class of males who were denied hire to Store Manager and Assistant Store Manager positions at a chain of retail clothing stores. The agreement provides for back pay and preferential placement in up to 50 management jobs for class members. The employer also agreed to implement significant policy changes including targeted training which will feature the company's CEO, using industry job boards and state departments of workforce services to recruit employees, and utilizing store signage designed to encourage the hiring of males into management positions.

- The EEOC obtained $1,005,263 in back pay for charging party and a class of 18 individuals who were not selected for supervisory positions due to respondent's discriminatory job postings which required that candidates "must have graduated in the last 2 years." Charging Party, and the other class members in the protected age group, were highly qualified for these positions but were not hired. Although respondent claimed that these positions were part of its "college hire" program and were entry level, the investigation revealed that about a quarter of the advertised positions were not entry level positions and adversely affected otherwise qualified applicants due to their age. Respondent agreed to rectify its hiring policy and job advertisement, and it will provide ADEA training for all managers and recruiters.

When efforts to combat systemic discrimination via voluntary compliance fail, litigation may be necessary to remedy and prevent future systemic discrimination. In fiscal year 2017, the Commission filed 30 systemic lawsuits. At the end of fiscal year 2017, a total of 60 cases on the active docket were systemic cases, accounting for 24.8 percent of all active merits suits. This past year, the EEOC resolved 22 systemic cases, four of which included at least 100 victims of discrimination and two of which included over 1,000 victims of discrimination. In total, the agency obtained approximately $33.8 million in relief for victims of systemic discrimination. The EEOC's litigation program achieved a remarkable 91 percent success rate in its systemic cases this year. Below is a sampling of significant outcomes of systemic discrimination lawsuits in fiscal year 2017. Most of these cases involve the EEOC's strategic priority of eliminating barriers to recruitment and hiring:

- ***EEOC v. Texas Roadhouse,*** No. 11-cv-11732 (D. Mass. Mar. 31, 2017)

  The EEOC alleged in this ADEA lawsuit that defendant, a nationwide restaurant chain, failed to hire applicants age 40 and older into front of the house positions across the nation. Following a four-week jury trial that resulted in a hung jury, the case was resolved by consent decree. The decree provides $12 million in damages to around 800 older applicants. In addition, the decree requires the defendant to establish a diversity director and to take concrete steps to increase the proportion of older employees in front of the house positions, including the creation of a mandatory national recruiting platform, updating the electronic application and hiring system, recruitment of older employees, age-diversity ads, recognition of stores that excel at hiring older employees, and round-table managing partner discussions on success stories. The decree also establishes a compliance monitor, and periodic reporting to the EEOC for 42 months.

- ***EEOC v. Bass Pro Shops,*** No. 11-cv-3425 (S.D. Tex. Jul. 25, 2017)

  The EEOC alleged in this Title VII lawsuit that defendant, a nationwide camping and sporting goods chain, failed to hire black and Hispanic applicants into retail jobs across the nation and retaliated against those who opposed discriminatory practices. The suit was resolved by a consent decree providing $10.5 million to around 1,500 applicants. The decree also required the defendant to create a new Office of Diversity and Inclusion, and to recruit black and Hispanic employees through reaching out to educational institutions, holding job fairs, and posting job openings targeted to communities of color. In addition, the decree requires the defendant to develop new hiring criteria, to make good faith efforts to achieve parity in the hiring rates of qualified white and non-white applicants, and to submit periodic reports to the EEOC for 42 months.

- ***EEOC v. Mach Mining,*** No. 11-cv-879 (S.D. Ill. Jan. 25, 2017); ***EEOC v. Foresight***, No. 16-1306 (S.D. Ill. Jan. 25, 2017)

  The EEOC alleged in these two consolidated Title VII lawsuits that defendants, two surface coal mining companies, failed to hire female applicants into mining and mining-related jobs primarily in southern Illinois. After an appeal to the Supreme Court on the question of EEOC's fulfillment of its pre-suit statutory responsibilities, the cases resolved by consent decree. The decree provides a combined total of $4.25 million in damages to around 70 women. The decree also requires the defendants to provide changing and restroom facilities for women, and establishes hiring goals at each of four mines totaling 34 women through various recruitment techniques. In addition, the decree requires the defendants to advise staffing agencies not to screen out female applicants, and to make periodic reports to the EEOC for three years.

- ***EEOC v. Rosebud,*** No. 13-cv-6656 (N.D. Ill. May 31, 2017)

  The EEOC alleged in this Title VII lawsuit that defendant, an upscale chain of Italian restaurants in Chicago, failed to hire black applicants. The suit also alleged that defendant failed to maintain employment applications or file EEO-1 demographic reports. The suit was resolved by a consent decree providing $1.9 million in damages to around 320 black applicants. The decree requires concrete steps for to recruit and hire qualified black applicants, and establishes a goal of creating an 11% black workforce. The defendant will report periodically to the EEOC over a four-year period on its progress.

- ***EEOC v. United Parcel Service***, No. 09-cv-5291 (N.D. Ill. Aug. 8, 2017)

  The EEOC alleged in this ADA lawsuit that defendant, a nationwide package delivery company, refused to permit an extension of leave as a reasonable accommodation for qualified employees with disabilities and refused to allow employees with disabilities on leave to return to work with restrictions. The suit was resolved by a consent decree providing $1.7 million to 88 current and former disabled employees. The decree also required the defendant to update its policies on reasonable accommodation and improve implementation of those policies, and to provide periodic reports to the EEOC over a three-year period.

- ***EEOC v. Georgia Power Co.,*** No. 13-cv-3225 (N.D. Ga. Nov. 18, 2016)

  The EEOC alleged in this ADA lawsuit that defendant Georgia power company placed unnecessary medical restrictions on a class of individuals with disabilities that resulted in the withdrawal of job offers and the denial of return to work following a medical leave of absence. In many cases, the company disregarded the medical opinions of the individuals' treating physicians, the suit alleged. In addition, defendant automatically disqualified applicants and employees under its seizure and drug and alcohol policies without performing an individualized assessment of ability to work, the suit alleged. The suit was resolved by a consent decree providing around $1.6 million to 24 aggrieved individuals. The decree also required revision of the company's drug, alcohol and seizure policies, and reports to the EEOC over a three-year period whenever the company rejects an individual based on a disability.

- ***EEOC v. Allsup's,*** No. 15-cv-863 (D.N.M. Sep. 25, 2017)

  The EEOC alleged in this Title VII/ADA lawsuit that defendant, a convenience store chain in Texas and New Mexico, subjected pregnant employees to unfavorable working conditions and failed to provide a class of employees with reasonable accommodations for their pregnancy-related disabilities and instead placed them on unpaid leave or discharged them. The suit was resolved by a consent decree which provides $950,000 to 28 women as well as offers of reinstatement and letters of reference for all 28 women. In addition, the company was required to implement new policies and practices to prevent pregnancy and disability-related discrimination.

STRENGTHENING PARTNERSHIPS

EEOC has strengthened collaborative efforts with enforcement partners in federal, state, and local government as well as with employer, employee, and academic communities to maximize the impact of our collective knowledge and resources.

Rather than addressing persistent problems after they occur, the agency is examining the underlying causes of discriminatory patterns, and focusing on developing solutions to the most complex problems. Building active and engaged partnerships to develop innovative solutions to the workplace challenges facing many employers and employees today is one way to do this. The Select Task Force on the Study of Harassment in the Workplace is a prime example of this effort as it brought together employers, workers' advocates, academics, and others experienced with harassment issues to identify underlying problems leading to harassment claims and effective strategies for preventing and remedying workplace harassment.

In fiscal year 2016, the co-chairs of the Select Task Force on the Study of Harassment in the Workplace, Commissioners Chai R. Feldblum and Victoria A. Lipnic, issued a report, recommending resources and tools for promising prevention strategies. To implement recommendations from the report and provide employers with methods to address workplace harassment, in fiscal year 2017 the EEOC developed innovative training programs which go above and beyond traditional anti-harassment training for both employers and employees. The EEOC will begin to offer these anti-harassment training program to employers during fiscal year 2018.

Leveraging Partnerships to Maximize Strategic Enforcement

Working in partnership with other enforcement agencies and stakeholder communities allows the EEOC to incorporate diverse perspectives, achieve savings and efficiencies, eliminate duplication of efforts and avoid the pursuit of conflicting enforcement objectives.

The EEOC continues to collaborate with the Office of Federal Contract Compliance Programs of the Department of Labor, the 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 when doing so promoted efficiency or enhanced law enforcement.

The agency also continued to work with these enforcement partners to develop and conduct joint outreach, public education, and staff training programs. For example, EEOC has collaborated with other federal government agencies and contributed to the work of intergovernmental efforts such as the Presidential Interagency Task Force to Monitor and Combat Trafficking, the President's HIV/AIDS Strategy, and The Legal Aid Interagency Roundtable.

In addition to these partnership efforts, through outreach, training and education, the EEOC enhances public awareness of emerging issues of employment discrimination in America's workplaces. Agency outreach provides knowledge and an understanding of workplace conditions that may give rise to violations of the statutes that the EEOC enforces. Approximately 38 percent of agency outreach is conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and Fair Employment Practice Agencies. In fiscal year 2017, the EEOC conducted over 4,000 outreach events reaching 317,239 individuals nationwide.

With a combined total of 277 significant partnerships — as outlined in Strategic Measures 8 and 9 discussed above — EEOC has been able to work with many varied organizations on efforts to prevent employment discrimination through education and outreach to employers. In fiscal year 2017, EEOC entered into a new National MOU with the Embassy of Peru and renewed a national MOU with the Embassy of Mexico. Also, several of the EEOC's field offices renewed MOUs with the local consulates of Mexico and the Philippines and one office signed a new MOU with the consulate of Honduras.

Small Business Outreach

In fiscal year 2017, EEOC continued to assist and prioritize outreach to small businesses. Approximately 14 percent of the EEOC's outreach is to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Agency staff conducted 557 no-cost outreach events for small businesses in fiscal year 2017, reaching 48,623 small business representatives.

The EEOC continued to update and promote the Small Business Resource Center, launched in fiscal year 2016 under the leadership of Commissioner Constance S. Barker. The site provides a user-friendly one-stop source for information on federal employment anti-discrimination laws tailored to meet the needs of small businesses.

Working with the Small Business Administration's (SBA) Office of the National Ombudsman, EEOC participated in several round table discussions at various locations around the country with small businesses and organizations that represent small businesses as well as a Regulatory Fairness Hearing held in Washington, DC.

The SBA Ombudsman's Report grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's preliminary report for fiscal year 2016, gives EEOC an "A" rating across-the-board, the highest rating possible, reflecting the SBA's recognition of EEOC's strong commitment to assist this important sector of the economy.

Outreach to Vulnerable Communities

Approximately 42 percent of the outreach conducted is to vulnerable communities. This focused outreach includes immigrant and farm worker communities, as well as areas where certain communities where individuals are reluctant to come forward to complain about employment discrimination. In fiscal year 2017, EEOC hosted 111 events that reached 6,926 people in communities with limited English proficiency. EEOC is working diligently with various organizations, governmental and non-governmental, to raise awareness and address trafficking that occurs in various industries. In fiscal year 2017, EEOC conducted 199 events focused on human trafficking issues, partnering with community-based organizations, and reaching 10,409 people.

Through the Youth@Work Initiative, EEOC raises awareness and educates youth, who are working or about to enter the workforce, about various forms of employment discrimination including sexual harassment and the responsible use of social media. In fiscal year 2017, field offices conducted 423 Youth@Work events, reaching 49,935 individuals.

The table below shows the number of outreach events and the number of attendees for fiscal year 2017 at events that covered all of EEOC's national priorities identified in the agency's Strategic Enforcement Plan 2017

2017 TABLE OF EVENTS AND ATTENDEES		
National Priorities	**Events**	**Attendees**
Recruitment/Hiring	981	103,048
Vulnerable Workers including Immigrant and Migrant Workers and Underserved Communities	1,503	178,246
Emerging/Developing Issues (Total)	1,293	231,197
Americans with Disabilities Amendments Act (ADAAA)	974	160,785
Pregnancy Discrimination Act/ADA	548	63,352
LGBT	640	82,308
Complex Employment Relationships*	100	8,448
Backlash Discrimination*	118	13,508
Equal Pay	727	83,201
Access to Legal System (includes retaliation, recordkeeping violations, waivers, mandatory arbitration)	1,209	120,698
Harassment (includes non-sexual and sexual harassment)	1,273	141,044

*Data collection started in the third quarter of fiscal year 2017.

Providing Employers and Employees with Education and Technical Assistance

The EEOC Training Institute (the Institute) provides fee-based training and technical assistance to stakeholders in the private and public sectors. The Institute is funded through the EEOC's Revolving Fund, established by Congress in 1992 to enable the EEOC to charge "reasonable fees" for specialized products and services developed and delivered as part of the Commission's training and technical assistance efforts.

In fiscal year 2017, the Institute trained over 17,000 individuals at more than 430 events, including 30 one and two day Technical Assistance Program Seminars (TAPS), 16 half-day workshops, and 43 federal courses, and over 300 on-site trainings for private sector employers and federal agencies. The half-day, one and two-day TAPS seminars are responsive to employers' needs, address their respective rights and obligations in the workplace, covering their respective rights and obligations, and provided detailed information about identifying and preventing workplace discrimination.

In June 2017, the agency held its 20th annual Examining Conflicts in Employment Laws (EXCEL) Conference for both federal sector and private sector EEO practitioners. This year's conference offered separate tracks for the more than 770 attendees from the federal sector and private sector. The conference offered over 70 workshops that covered a wide array of subjects of interest to EEO practitioners. Among the highlights of conference, which had as its theme "Embracing the Future: People, Purpose, Passion" were presentations by keynote speakers Steve Pemberton, author of "A Chance in the World", Haben Girma, a civil rights attorney and leader in global inclusion efforts, JoAnn Jenkins, CEO and AARP's transformational leader, and Dr. Sheldon Goode, Director of Diversity and Inclusion for the Oshkosh Corporation.

Providing Clarity through Regulations, Enforcement Guidance and Technical Assistance

Issuing regulations and guidance is at the heart of the EEOC's role of leading the enforcement of federal employment anti-discrimination laws. Regulations and guidance inform individuals and employers of their legal rights and responsibilities, aid EEOC employees in conducting their work, and serve as references for the courts when resolving novel legal issues.

In fiscal year 2017, the agency issued the following regulatory actions, policy guidance, and resource documents under the laws enforced by the EEOC. Information about regulations, policy guidance and resource documents can be found on the EEOC website at www.eeoc.gov/laws/index.cfm

Regulatory Actions:

- Final rule on affirmative action for individuals with Disabilities in the federal government. On January 3, 2017, the Commission published this final rule in the *Federal Register.* It describes the obligations of federal agencies as employers under Section 501 of the Rehabilitation Act of 1973. Among other things, the final rule establishes goals for the employment of people with disabilities and people with targeted (or severe) disabilities, encourages use of special appointing authorities to increase the hiring of people with disabilities, and requires agencies to provide personal assistance services that help some employees with targeted disabilities perform certain activities of daily living while at work. A copy of the final rule is available the EEOC website and from the *Federal Register.* On the same day the rule was published, EEOC issued a question-and-answer document about the rule and a description of the rule's contents on the agency's website.

To fulfill the reporting requirements of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, The EEOC is reporting the information in the following table as the most recent adjustment to civil monetary penalties.

Subregulatory Guidance:

- Enforcement guidance on national origin discrimination. The Commission approved this guidance on November 18, 2016, and it replaces Compliance Manual Section 13 which was issued in 2002. There have been significant legal developments in the intervening years including, among other things, the definition of "national origin," citizenship issues, and language access. The Guidance also addresses topics that are new or were not fully addressed in the Compliance Manual section, including human trafficking and job segregation.

- Proposed enforcement guidance on harassment. On January 10, 2017, EEOC released for a 30-day public input period a proposed enforcement guidance on harassment under all the statutes EEOC enforces. After extending the comment period until March 21, 2017, the Commission is considering appropriate revisions to the draft guidance in preparation for issuing a final guidance document.

Resource Documents:

- *Depression, PTSD, and Other Mental Health Conditions in the Workplace: Your Legal Rights*: On December 12, 2016, EEOC released this resource document intended to explain the legal rights of individuals with mental health conditions under the ADA, including how to make and support a request for reasonable accommodation and, ADA rules governing confidentiality of employee medical information.

- *Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services (PAS) Under Section 501 of the Rehabilitation Act:* this document responds to numerous questions EEOC has received from federal agencies and the public about the obligation to provide personal assistance services under EEOC's Final Rule on Affirmative Action for Individuals with Disabilities in the Federal Government. PAS assist employees with targeted disabilities to perform activities of daily living while at work, such as eating and using the restroom. These services typically are

Statutory Authority	Penalty	Year Enacted	Latest Year of Adjustment	Current Penalty Level	Sub-Agency/ Bureau/ Unit	Locations for Penalty Update Details
Section 711(a) & (b) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-10(a) & (b); 29 C.F.R. §§ 1601.30(a) & (b)	Willful Violation	1964	2016	$525	N/A	81 Federal Register 35269 (June 2, 2016)

not required as reasonable accommodations. The obligation to provide PAS takes effect on January 3, 2018.

Memoranda of Understanding:

- On January 6, 2017, the EEOC entered into a memorandum of understanding with the United States Department of Labor, Wage and Hour Division that outlines how the agencies will coordinate and share information to better protect the rights of employees in the workplace.

- On January 13, 2017, the EEOC entered into a memorandum of understanding with the United States Department of Health and Human Services Office of Civil Rights that outlines how the agencies will improve their enforcement efforts by encouraging greater cooperation between the agencies through information sharing, complaint referrals, and coordinated investigations.

Providing Strong Leadership and Oversight for Federal Agencies

The EEOC provides leadership and guidance to federal agencies on all aspects of their equal employment opportunity (EEO) programs. As part of this role, EEOC ensures federal agency and department compliance with federal sector regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, produces an annual report on federal sector complaint processing, appellate case processing, and compliance, produces reports on significant issues and government-wide trends in the federal sector, develops and distributes federal sector educational materials, and conducts training for stakeholders.

During fiscal year 2017, to hasten the issuance of remedies awarded as a result of employment discrimination, assist federal agencies in their quest to be model employers, and coordinate with other federal agencies to deter future employment discrimination, the EEOC established a new compliance enforcement team.

The EEOC continued using program evaluations as a valuable tool in its leadership and oversight role. During fiscal year 2017, EEOC staff submitted a final report for one large cabinet level agency and completed two additional program evaluations to address areas of concerns and provide guidance on recommended EEO practices.

After providing agencies with at least two years to implement the recommendations provided in fiscal years 2014 and 2015, EEOC conducted technical assistance visits with 116 federal agencies in fiscal year 2017. In its 2017 technical assistance sessions, the EEOC covered all aspects of a model EEO program, including the agency EEO reporting structure, timely EEO complaint processing, compliant reasonable accommodation programs, and compliant anti-harassment programs. Agencies also shared innovative and noteworthy practices during these visits, which will be included in an upcoming report. To date, the EEOC has timely issued feedback letters to 97 agencies, and will issue the remaining letters in early fiscal year 2018.

To improve the timeliness and efficiency of the federal sector EEO process, EEOC's regulations allow federal agencies the opportunity to request variances from the current administrative process. During fiscal years 2016 and 2017 the Commission reviewed proposals for "pilot projects." The Commission has approved two: One for the U.S. Department of the Air Force and the other for the U.S. Department of Interior.

In addition to its overall, ongoing initiatives and process improvements, the EEOC has made progress in addressing specific priority areas set forth in its Strategic Enforcement Plan and Federal Sector Complement Plan. The following highlights those efforts and outcomes.

- Eliminating Barriers in Recruitment and Hiring

  During fiscal year 2017, the EEOC produced a new computerized Recruitment Barrier Analysis Tool. Focusing specifically on recruitment, this tool identifies triggers (red flags) and potential barriers to equal employment opportunities, and provides recommendations for the next steps agencies should take to identify and remedy root causes of discrimination.

  In January 2017, EEOC issued a final rule to amend the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501). The rule consolidates and strengthens existing regulations in several ways, including establishing representation goals for individuals with disabilities, imposing a new requirement to provide personal assistance services to employees with targeted disabilities, and specifying affirmative action report requirements. After issuing the rule, EEOC placed on its external website several resource documents to assist federal agencies in their compliance efforts. Training and education efforts have prepared well over 1,000 EEO professionals, Disability Program Managers, employees and supervisors with the basic knowledge to ensure a smooth integration of the new rule to agency disability programs. The EEOC also updated its fee-based training by adding a Section 501 module to several core courses. To further ensure that this information reached a diverse body of stakeholders, the EEOC provided no-cost educational opportunities, including a webinar and brown bag sessions; the EEOC also presented a Section 501 overview during nine different stakeholder conferences.

To eliminate duplication between the Section 501 rule and MD-715 reporting requirements, during 2017 EEOC drafted revisions to the 2003 MD-715 instructions. These will be issued in early fiscal year 2018. Following issuance, agencies will, among other changes, be required to submit new information about the recruitment, hiring, advancement, and retention of individuals with disabilities. Using these MD-715 submissions, the EEOC will automatically generate agencies' Affirmative Action Plans, which must be uploaded to the agencies' public websites.

- Protecting Immigrant, Migrant and Other Vulnerable Workers

In fiscal year 2015, the EEOC began working with the State Department and the Office of the Director of National Intelligence to discuss the impact of security clearances on the opportunities for different EEO groups within the diplomatic and national security areas. As a result, the State Department updated the process to appeal the denial of a security clearance and provided more information to employees on how to appeal a determination. In fiscal year 2016, the EEOC worked with the National Security Council to draft a Presidential Memorandum on Promoting Diversity and Inclusion in the National Security Workforce that includes language directing all national security agencies to review their assignment restriction policies and ensure that affected personnel are informed of the rights and process to review a restriction. The White House issued the Memorandum during fiscal year 2017.

Persons with targeted disabilities also are included in this priority. Continuing work done in fiscal years 2014–2016, the EEOC continued to work with agencies in fiscal year 2017 to review the status of their Schedule A employees, and ensure that they are made permanent after a successful probationary period. Schedule A streamlines the hiring process for persons with disabilities and, in some instances, hiring officials may select solely from a list of qualified applicants. Converting Schedule A employees to permanent status makes them available for promotions and bestows upon them other benefits guaranteed to full-time permanent federal employees.

- Addressing Emerging and Developing Issues

In fiscal year 2017, the EEOC updated its training materials used in outreach to federal sector stakeholders to include information on emerging issues surrounding the Rehabilitation Act, pregnancy discrimination, and EEO issues raised by LGBT federal employees and applicants.

- Enforcing Equal Pay Laws

The EEOC has worked with the Government Accountability Office and the Office of Personnel Management (OPM) to explore possible pay disparities in the federal sector. In fiscal year 2014, OPM published its report setting forth a government strategy on advancing pay equality and a guide for conducting pay data analysis. The EEOC has supported this effort and in fiscal year 2016, began more refined research on the impact pregnancy has on the long-term earnings of women in the federal government.

The EEOC also completed an evaluation focused on opportunities for women in public safety occupations (law enforcement, fire prevention and security) government-wide to provide a resource document on innovative leading recruitment and hiring practices for federal agencies to consider in their efforts to hire women in these occupations.

- Preserving Access to the Legal System

One of the strategies for preserving access to the legal system in the federal sector is to prevent improper agency procedural dismissals of EEO complaints. In fiscal year 2014, the EEOC issued a report identifying common agency dismissal errors, including when an agency determines that complainant is a contractor rather than a federal employee without properly reviewing the relevant factors to determine whether there is a common-law employee-employer relationship. In fiscal year 2017, EEOC shared with federal agency EEO directors an updated resource document to assist agency EEO staff in properly analyzing this threshold issue.

The EEOC continued efforts it began during fiscal year 2015 to research the behavioral science associated with retaliatory behavior. In partnership with the Federal Management Association, the EEOC published a follow up to a fiscal year 2015 article discussing the social science of retaliation. To further educate federal employees about retaliation and its effects in the workplace, EEOC held a no-cost webinar and a seminar on its updated retaliation guidance. This presented an opportunity for approximately 100 stakeholders to discuss how retaliation may appear in the workplace and to brainstorm potential strategies.

- Preventing Harassment through Systemic Enforcement and Targeted Outreach

  Through fee-based training EEOC e-conducted 72 sessions on Preventing Workplace Harassment, educating 390 federal employees throughout the United States and the Commonwealth of Puerto Rico. The EEOC's brown bag event, webinar and four conferences presented opportunities for stakeholders to begin a dialogue about the findings of EEOC's Rebooting Harassment Report and to discuss alternative methods to standard compliance training.

LEVERAGING TECHNOLOGY AND ENHANCING OUR SERVICE TO THE PUBLIC

The EEOC continued to invest in technology and build digital systems and services to increase efficiency and to provide timely service to the public. This encompasses everything the agency does, from increasing the effectiveness of its administrative processes to better supporting efforts to advance opportunity and freedom from discrimination. This effort is organized around three strategic goals:

- Transform the way the EEOC serves the public by making its charge, complaint, and appeal processes transparent and providing information to its constituents online and on demand.
- Streamline processes to improve customer service for constituents, including individuals, state and local partners, Federal agencies, businesses and other organizations.
- Improve productivity by providing agency employees ready access to the tools, data and documents they require.

To lead the country in advancing equal opportunity in the workplace, the EEOC must ensure that it is providing excellent service to the public. That means investing in the infrastructure, software, services, and equipment necessary to support the digital systems that will enable the agency to efficiently handle all of its work.

To this end, the EEOC is implementing a new "Digital Charge System" that will provide for online transmittal of documents and communications between the EEOC, potential charging parties, and respondents involved in private sector charges. The EEOC receives approximately 155,000 inquiries and 90,000 charges per year, making its charge system the agency's most common interaction with the public. The Digital Charge System aims to improve customer service, enhance security, ease the administrative burden on staff, and reduce the use of paper submissions and files. This initiative will also improve collaboration and knowledge sharing, enhance data integrity, reduce paper file storage and manual archiving/destruction requirements, and enable a more mobile workforce.

Phase I of the Digital Charge System allowed employers against whom a charge has been filed to communicate with the EEOC through a secure portal to download the charge, review and respond to an invitation to mediate, submit a position statement, and provide and verify their contact information. In fiscal year 2017, the EEOC implemented encryption of data-at-rest for sensitive documents submitted to the agency via this portal and piloted Phase II, which provided similar online communications and capabilities to the EEOC's charging parties.

The EEOC also piloted an Online Inquiry and Scheduling system in five offices in fiscal year 2017, enabling the public to perform self-screening, submit a pre-charge inquiry, schedule an appointment for an intake interview, and electronically sign the charge of discrimination. In fiscal year 2017 4,585 inquiries were initiated through the online pilot, of which 1,354 were formalized as charges of discrimination saving the agency more than 1,000 hours of investigator time. Nationwide deployments of Phase II of the Digital Charge System and Online Inquiry and Scheduling are scheduled for November 2017.

EEOC's Digital Charge System now includes over 1 million documents in its repository and the agency served notice of 46,440 charges through the system in fiscal year 2017 saving the agency more than $30,000 in printing, postage and related costs. In addition, through EEOC's Online Charge Status system, individuals viewed information on the charge status, possible next steps and staff contact information of private party charges more than 570,800 times in fiscal year 2017 saving over 20,000 hours of investigator time otherwise spent responding to calls.

The EEOC continued the digital build-out of the Federal sector operations through expansion of the Federal Sector EEO Portal (FedSEP). EEOC Administrative Judges can now upload their orders and decisions into FedSEP for access by the parties in cases before them. Federal agencies can also upload all documents required for hearings and appeals, including requests for reconsideration. FedSEP now includes over 849,000 documents in its digital repository.

In fiscal year 2017, the EEOC initiated the use of SharePoint as a document management system for litigation. Using SharePoint will allow EEOC staff to access case files regardless of where the litigation is being managed. This increased availability and searchability will facilitate cross-office staffing and collaboration. In this fiscal year 14 cases were transitioned from network shared drives to SharePoint, and using SharePoint will be mandatory for litigation filed in fiscal year 2018.

Digital charge capabilities have also been provided to state and local government Fair Employment Practices Agencies (FEPAs), to enable electronic notifications and document exchange between the EEOC and FEPAs. In September 2017, the DCS Document Module was deployed to all FEPAs, providing the foundation for automatic transmission of uploaded charges of discrimination (Form 5) that are dual-filed with the FEPAs and the EEOC. Three FEPAs presently are piloting the upload of electronic files to charges, including a signed charge of discrimination that is automatically transferred to the EEOC office at which the charge is jointly filed. In early FY 2018, these capabilities will be extended to all FEPAs and expanded for bi-directional notification — from the EEOC to FEPAs, and to automate the Notice of Dual-Filing Form (Form 212).

For digital projects to achieve the goals of increased efficiency and improved service, the EEOC prioritized investment in the infrastructure necessary to support a digital environment. Achievements in this area include:

- The EEOC migrated our field offices and headquarters to an Ethernet-based MPLS network — more than quadrupling the effective bandwidth to agency offices and providing considerably more flexibility in meeting bandwidth requirements going forward. In fiscal year 2017, we expanded capacity in nearly all Field Offices to 10 Mbps.
- Shifted resources from the agency's aging Novell directory and email services to investments in Microsoft Office 365. Rather than using funds to support and patch outdated systems, this investment has: brought significant efficiencies and laid the foundation for future savings; improved secure access to agency systems; improved record management and discovery capabilities; increased internal collaboration; and supported email integration with digital case files. During fiscal year 2017, the EEOC:
  - Migrated over 2,500 Novell E-Directory accounts to Microsoft Active Directory (AD).
  - Added over 2,500 laptops to the EEOC AD domain.
  - Migrated live GroupWise mailboxes to Exchange Online/ Outlook for over 2,500 staff and contractors.
  - Collected the archives from nearly 2,100 laptops and successfully migrated the archives for 1,937 accounts from them. The process resulted in over 50 million migrated email items by the end of fiscal year 2017 and collections will be completed before the end of October 2017.
- Increased the use of cloud services, with scanning, business intelligence and advanced analytics solutions migrating to Microsoft Azure in fiscal year 2017. The use of FedRAMP-certified cloud services affords better protection to data sets containing Sensitive Personally Identifiable Information (SPII).
- Procured new equipment to replace the EEOC's aged laptops that do not have the capacity or speed to deliver the efficiencies that digital systems offer. Over 2,000 new laptops will be deployed to agency staff in early fiscal year 2018.
- Deployed new scanners to field offices and consolidated three multi-function device contracts into one new lease, equipping all offices with dedicated scanning and new multi-function device services to support digital workplace requirements.
- Incorporated an enterprise wireless solution into all new office leases.

Securing the EEOC's digital workplace is a critical component of the agency's plans, with priorities developed and put in place to protect data that is central to the agency's mission and the privacy of the people the EEOC serves. In early fiscal year 2017, the EEOC issued updated policy on the handling and protection of sensitive information, and provided training to all agency users. The EEOC also implemented new inventory controls and encryption of data-at-rest for sensitive personally identifiable information submitted through our online portals.

In late fiscal year 2017, EEOC implemented mandated multi-factor authentication for its Office 365 administrators and contracted for the addition of Personal Identification Verification (PIV) linked authentication for its AD domain. The EEOC will roll-out two-factor authentication using agency PIV cards to all users during fiscal year 2018, and plans to modernize its remote access services, including integration with the two-factor authentication solution.

The EEOC also is actively engaged with the Department of Homeland Security to fully implement the Einstein 3A (E3A) and Continuous Diagnostics and Mitigation (CDM) programs. The EEOC completed traffic aggregation to E3A in fiscal year 2016, employed DNS sink-holding in fiscal year 2017, and will implement email filtering in early fiscal year 2018. The EEOC is part of CDM Task Order 2F, which will provide the agency with new CDM tools and services during fiscal year 2018.

TRANSFORMING OUR WORKPLACE TO PROMOTE INCLUSION, COLLABORATION AND INNOVATION

Because of its mission, EEOC has a unique role to play in demonstrating the value of diversity and inclusion in the workplace. Living out these concepts and principles at the EEOC is essential — not only to serve as a model — but also to strengthen the workplace to accomplish more for the people it serves. All levels across the agency work to foster an inclusive work culture that emphasizes collaboration and innovation.

Improving Hiring and Position Management in the EEOC

The EEOC is working to ensure that the agency's positions are appropriately structured and staffed with a high quality, diverse workforce to effectively accomplish the agency's mission.

The EEOC has been aggressively moving to improve time to hire rates. In fiscal year 2017 the agency made 109 hires (there was a government wide hiring freeze from January 21, 2017 through April 2017). Sixty-one, or 56 percent, of those hires were made within the 78-day deadline. Thirty hires were made outside of the 78-day timeframe. Reasons for the delays include hiring managers not adhering to time frames, delays in scheduling interviews, and selected candidates declining job offers. Overall, the EEOC processed 9,098 personnel actions in fiscal year 2017, an increase of 34 percent over fiscal year 2016.

The EEOC increased the number of persons hired with disabilities. In fiscal year 2017 43 of the EEOC's 109 hires were individuals with disabilities, 10 of those new employees having targeted disabilities. Overall, 511 EEOC staff identified as being a person with a disability in fiscal year 2017 — an increase of more than 9 percent from 468 in fiscal year 2016.

Performance Management

Performance management efforts significantly expanded in fiscal year 2017. During the second quarter the agency moved all general schedule (GS) supervisory and non-supervisory employees to the new performance plans. This achievement capped off three years of planning and discussions between management, HR specialists and the Union. The focus in the new performance management system is accountability and in fiscal year 2017 human resources staff trained and coached all EEOC staff on the importance of quality performance plans, continuous feedback, how to summarize performance by writing quality accomplishment reports.

The agency also piloted using USA Performance for GS employees during the third and fourth quarters of 2017. This system will automate the performance management process, allow management to better assess the completion of plans and ratings and monitor mid-year progress reviews. Full implementation is scheduled during the first quarter of 2018.

Performance management will continue to be emphasized across the agency in 2018. In June 2017 the agency submitted plans to Maximize Employee Performance to the Office of Management and Budget (OMB) as part of the president's request for workforce and succession planning. We made significant progress in this arena during fiscal year 2017 and will continue those efforts during fiscal year 2018. Moreover, this work will guide future human capital management initiatives that impact performance management, employee engagement, recruitment and retention at EEOC.

Labor Relations

As part of the effort to maximize performance the EEOC is taking a more proactive approach to addressing employee conduct and performance issues. In fiscal year 2017 the agency conducted nine training sessions for supervisors and managers to better prepare them to implement the Agency's new performance management program. We also issued a Table of Penalties and a Management Desk Reference guide to give supervisors more tools to use when engaging with their employees and addressing conduct and performance issues. Some of these actions have also led to an increase in grievance filings. While we are committed to continuing to collaborate with the Union we are continuing to act against employees who are not meeting job performance standards. In the second half of fiscal year 2017 the EEOC faced six Unfair Labor Practice filings, four of which the agency has won, and two of which remain unresolved.

Employees' Viewpoint Survey Results

The EEOC participates in the Office of Personnel Management's (OPM) Federal Employee Viewpoint Survey (FEVS) each year. EEOC's fiscal year 2017 FEVS response rate was a record-breaking 70.8 percent which is 35.3 percent over the government-wide rate of 45.5 percent. This represents the agency's highest response rate since we began participating in the survey in 2004. The agency also received results for five EEOC specific questions on workplace environment related to harassment. The average scores on these questions showed that 75 percent of employees have a positive view of how the agency handles reports of harassment in the workplace.

PROGRAM EVALUATIONS

Program evaluation is an important component of the EEOC's effort to assure that its programs are operating as intended and achieving results. Program evaluation is a thorough examination of program design and/or operational effectiveness that uses rigorous methodologies and statistical and analytical tools. These evaluations also 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 the EEOC's Strategic Plan for Fiscal Years 2012–2016 (as modified on February 2, 2015)[5] and helped shape some of the program issues and key focus areas for improvement. They are an invaluable management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability.

Consistent with the agency's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to consider appropriate program areas for evaluation each year. This will ensure that the agency's efforts align with the EEOC's budget and other programmatic priorities.

VERIFICATION AND VALIDATION OF DATA

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

The EEOC continually reviews the information we collect in our databases for accuracy by using software editing programs

[5] February 2, 2015, is the date the EEOC's FY 2016 Congressional Budget Justification was issued. A modification was reported as an addendum to EEOC's FY 2016 Budget per the Government Performance and Results Modernization Act of 2010 (GPRAMA) and Circular A-11 (2013), OMB Guidance for Strategic Planning. The interim modification was authorized by OMB on December 10, 2013, pursuant to OMB Circular A-11 (2013), Section 230.17.

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. In FY 2016, we enhanced database validation at the time of registration by discontinuing the ability to use special characters and added CAPTCHA validation upon login. This enhanced the security of our data. In addition, ORIP also provided EEO-1 data filers with the capability to securely upload, view, test, edit, submit and certify their datafiles, thereby significantly reducing or eliminating the burden for EEO-1 data filers. Reduced wait times and burden were also experienced by EEO-1 filers due to enhancement of the EEO-1 Call Center.

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. Recent implementation of the Federal Sector EEO Portal that enables all federal agencies to electronically submit annual equal employment opportunity statistics (EEOC Form 462 and MD-715) continues to improve the quality and timeliness of the information received electronically. 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 (OIG) 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 our reports. We use the OIG's information and recommendations to continually improve our systems and data. Additionally the agency's Research and Data Plan calls for the conduct of a data inventory that when completed will provide the EEOC with: 1) a clear overview of what data we have in our databases, what the data are used for; what opportunities there are for streamlining the EEOC's databases, and what data categories not previously addressed need to be added to our databases; 2) an information baseline to inform the development of an EEOC knowledge management capability that would assist EEOC management to know what our data means; and 3) a foundation for moving forward in a well-informed proactive, operational mode. That effort is largely completed with a series of interviews with key EEOC officials and the enhancement and creation of system documents.

MANAGEMENT CHALLENGES

The United States Equal Employment Opportunity Commission (EEOC) must overcome several hurdles to better succeed in its mission to "stop and remedy unlawful employment discrimination." In fiscal year 2017, EEOC effectively addressed some of the management challenges we identified in last year's management challenges. For fiscal year 2018, EEOC needs to continue focusing on strategic performance management, the private sector inventory, and data analytics. We believe EEOC leadership should continue to pursue progress in these challenge areas.

Strategic Performance Management

In fiscal year 2017, the Agency continued to make progress by meeting some of its performance targets and updating its Strategic Enforcement Plan. In fiscal year 2017, as well as in fiscal years 2015 and 2016, the agency enjoyed mixed success in meeting its performance targets (eight met, five partially met, and one not applicable–as of October 11, 2017). Last year, we advocated that in developing the new strategic plan (for fiscal years 2018–2022), the Agency should adopt additional outcome-based measures.

However, the agency faces a challenge in developing a new strategic plan. EEOC needs to better measure critical outcomes for its customers. Regardless of the goals EEOC adopts in the new strategic plan, it remains critical that EEOC begin to track progress toward reducing unlawful employment discrimination. Our March 2013 evaluation of the strategic plan's performance measures (https://oig.eeoc.gov/reports/audit/2012-010-pmev) stated "the current measures do not cover the nation's progress towards achieving the [EEOC's] overarching goal: to reduce employment discrimination in the United States." The agency, in its fiscal years 2016–2019 Research and Data Plan, also recognizes that measuring employment discrimination is a worthy effort. Therefore, fiscal year 2018 is the right time for EEOC to directly address the obstacles that have prevented this most critical measurement of EEOC's success. In addition, as we noted last year, our reports show that EEOC should better measure program effectiveness.[6]

We believe ample opportunity remains for EEOC to craft a stronger mission-focused strategic plan. The Office of Management and Budget allows for strategic plan modifications at any time when changes are justified.

Management of the Private-Sector Charge Inventory

As in previous years, EEOC is challenged to decrease the private-sector charge inventory, while improving the quality of charge processing. The inventory data shows that the inventory decreased 18.1 percent over the last four years. The inventory increased by 6.9 percent in fiscal year 2014, to 75,658. In fiscal year 2015, the inventory increased 1.4 percent, to 76,408. In fiscal year 2016, the inventory decreased by 3.8 percent to 73,508. In fiscal year 2017, EEOC again reduced the inventory, with a 15.7 percent reduction (based on the Agency's estimate of an inventory of 61,941). Two major reasons for the fiscal year 2017 decreased inventory are fewer filings from charging parties and increased priority on inventory reduction. Despite this significant decline, much work remains.

Acting Chair Victoria Lipnic, in July 2017, addressed the inventory issue by distributing a discussion memo to senior managers describing how to substantially reduce the inventory. Reducing inventory will allow the Agency to free up resources to pursue strategically important cases. The memo addresses key issues involved with reducing the inventory, including: accurately defining the terms "inventory" and "backlog;" determining the sustainable number of charges; holding field offices accountable for consistently implementing Priority Charge Handling Processing; increased use of digital technologies to increase staff time for investigating and resolving charges; and, as needed, aggressively addressing the inventory issues in individual field offices through various means. The primary challenge is to ensure that all field offices understand and fully implement the changes.

[6] An Exploratory Evaluation of EEOC's Litigation Activities (https://oig.eeoc.gov/reports/audit/2015-001-lit and Evaluation of EEOC's Outreach and Education https://oig.eeoc.gov/reports/audit/2014-003-oe)

Management of Data Analytics Activities

Data analytics can be defined as the science of examining raw data with the purpose of finding patterns and drawing conclusions about that information to produce better understanding. Data analysis, on the other hand, is the process of inspecting, cleansing, transforming, and modeling data with the goal of discovering useful information, suggesting conclusions, and supporting decision-making. The EEOC faces a challenge in developing a comprehensive data analytics strategy. Without such a strategy and its implementation, EEOC lacks a major tool in using data to improve its ability to fashion remedies for unlawful employment discrimination. As we noted last year, improved data analytics is vital for EEOC to determine if agency efforts are effective in deterring, detecting, and stopping employment discrimination, as well as where and how EEOC should efficiently place its resources.

EEOC's Strategic Enforcement Plan for fiscal years 2017–2021 affirms that collecting and analyzing data is central to EEOC's enforcement and education/outreach outcomes. EEOC's Research and Data Plan identified data analytics projects and made the Office of Research, Information and Planning responsible for analyzing the health of EEOC's analytic data. In 2017, the Agency completed a draft assessment of its data inventory. Completing the data inventory will aid EEOC's development of a data analytics roadmap that includes strategy, leadership, and staffing.

Data Analytics Strategy

EEOC does not have an agency-wide data analytics strategy. The agency's Research and Data Plan describes projects associated with mission-critical analytical work, but does not contain an agency data analytics strategy. A well-defined agency data analytics strategy is essential to ensuring that analytics activities are results-oriented, transparent, and proportionate to the enforcement and educational/outreach challenges facing EEOC. A strong data analytics strategy aligns with strategies for business intelligence, information technology, and quality improvement.

Data Analytics Leadership

EEOC currently lacks an experienced management official fully versed in data analytics practices and procedures. Such a subject matter expert at the senior leadership level is essential to develop and implement a successful data analytics strategy. The agency must identify a senior manager to champion solutions to the challenges of developing an effective and efficient data analytics strategy. The agency recently approved the hiring of a Senior Executive Service individual with the title Chief Data Officer. This executive will lead the agency's Office of Research, Information and Planning, which we previously noted is responsible for analyzing the health of EEOC's analytic data. The individual is scheduled to report to duty mid-November 2017.

Data Analytics Staffing

An agency goal, as cited in the Research and Data Plan, is to move the EEOC towards using more sophisticated analytical tools for enforcement, education/outreach, and operational performance to better serve the public and continuously improve the agency's work overall. However, EEOC does not employ data analytic or data management specialists, making this goal difficult to accomplish. A review of the position descriptions of those individuals associated with conducting information analysis of agency data (Economists and Social Science Analysts) demonstrates that agency staff possess skill-sets more closely associated with data analysis. In an effort, in part, to address this skill gap EEOC's Office of Information Technology identified an Analytics/Data Management Lead position as a hiring priority for fiscal year 2018 to support EEOC's data analytic goals.

Respectfully submitted,

Milton A. Mayo Jr.
Inspector General

MESSAGE FROM THE CHIEF FINANCIAL OFFICER

I am happy to report that once again the EEOC received an unmodified opinion on its financial statements. This is the 14th consecutive year we have achieved such a significant goal.

Fiscal year 2017 was a year of change for the agency. One accomplishment was the implementation of an Enterprise Risk Management (ERM) Program. ERM is necessary to help leadership detect potential challenges or threats that may affect the agency. Internal and external risks are combined and managed within the established risk appetite. It provides reasonable assurance regarding the achievement of the agency's objectives and additional insight on how to more effectively allocate the agency's limited resources. We developed ERM policy and procedures and the ERM policy were issued agency-wide. Risk assessments were conducted by all EEOC offices, and risk profiles as well as risk mitigation strategies were developed. Our Enterprise Risk Steering Committee comprised of senior leaders and managers met during May 2017 to prioritize agency risks identified. The most significant risks were elevated to the EEOC Chair and included in the agency's draft strategic plan. We are pleased with our ERM efforts; however, we know this is just the beginning. There are plans to further refine the risk program and implement yearly improvements.

For the 3rd fiscal year in a row, the EEOC's appropriation mark remained flat at $364.5M. In addition, a hiring freeze was in place from January 22, 2017–April 12, 2017. These factors made it challenging for leaders to effectively manage agency operations. Nevertheless, we funded the most critical programs, projects and hired needed staff in various locations. We ended fiscal year 2017 with 2,082 FTE on board — that is 89 percent of the agency's optimal approved staffing level.

I would like to thank the dedicated men and women in the Office of the Chief Financial Officer and other staff throughout the agency for their support. Our financial successes are the direct result of our hard work, passion for the agency's mission and efforts to remain good stewards of the funds entrusted to us by the public.

Germaine P. Roseboro

Germaine P. Roseboro, CPA, CGFM
Chief Financial Officer

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

Office of
Inspector General

November 15, 2017

MEMORANDUM

TO: Victoria A. Lipnic
Acting Chair

FROM: Milton A. Mayo, Jr.
Inspector General

SUBJECT: Audit of the Equal Employment Opportunity Commission's Fiscal Year 2017 Financial Statements (OIG Report No. 2017-01-AOIG)

The Office of Inspector General (OIG) contracted with the independent certified public accounting firm of Harper, Rains, Knight and Company, P.A (HRK) to audit the financial statements of the U.S. Equal Employment Opportunity Commission (EEOC) for fiscal year 2017. The contract required that the audit be done in accordance with U.S. generally accepted government auditing standards(GAGAS) contained in *Government Auditing Standards* issued by the Comptroller General of the United States and Office of Management and Budget (OMB) Bulletin 17-03, *Audit Requirements for Federal Financial Statements*.

HRK reported that EEOC's fiscal year 2017 financial statements and notes were fairly presented, in all material respects, in accordance with accounting principles generally accepted in the United States of America. HRK noted no instances of material weaknesses or significant deficiencies FY 2017 Financial Statements. HRK noted no instances of noncompliance or other matters that were required to be reported under Government Auditing Standards or OMB Bulletin 17-03.

In connection with the contract, OIG reviewed HRK's report and related documentation and inquired of its representatives. Our review, as differentiated from an audit in accordance with GAGAS, was not intended to enable us to express, and we do not express, opinions on EEOC's financial statements or conclusions about the effectiveness of internal controls, or whether EEOC's financial management systems substantially complied with Federal Financial Management Improvement Act (FFMIA); or conclusions on compliance with laws and regulations. HRK is responsible for the attached auditor's report dated November 13, 2017, and the conclusions expressed in the report. However, OIG's review disclosed no instances where HRK did not comply, in all material respects, with generally accepted government auditing standards. EEOC management was given the opportunity to review the draft report and to provide comments. Management comments are included in the report.

The Office of Management and Budget issued Circular Number A-50, Audit Follow Up, to ensure that corrective action on audit findings and recommendations proceed as rapidly as possible. EEOC Order 192.002, Audit Follow up Program, implements Circular Number A-50 and requires that for resolved recommendations, a corrective action work plan should be submitted within 30 days of the final audit report date describing specific tasks and completion dates necessary to implement audit recommendations. Circular Number A-50 requires prompt resolution and corrective action on audit recommendations. Resolutions should be made within six months of final report issuance.

cc:

Cynthia Pierre
Mona Papillon
Jim Paretti
Germaine Roseboro
Raj Mohan
Nicholas Inzeo
Traci DiMartini
Pierrette McIntire
Brett Brenner
Carlton Hadden
Kimberly Essary
Carol Miaskoff

Harper, Rains, Knight & Company

Independent Auditors' Report

Inspector General
U.S. Equal Employment Opportunity Commission

Report on the Financial Statements

We have audited the accompanying consolidated balance sheets of the Equal Employment Opportunity Commission (EEOC), as of September 30, 2017 and 2016, and the related consolidated statements of net cost and changes in net position, and combined statements of budgetary resources, for the fiscal years then ended and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audit contained in Government Auditing Standards issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 17-03, Audit Requirements for Federal Financial Statements. Those standards and OMB Bulletin No. 17-03 require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

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Auditors' Responsibility – Continued

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion on the Financial Statements

In our opinion, the financial statements including the accompanying notes, present fairly, in all material respects, the financial position of EEOC as of September 30, 2017 and 2016, and its net cost of operations, changes in net position, and budgetary resources for the fiscal years then ended, in conformity with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Generally accepted accounting principles in the United States of America require that the information in the Management's Discussion and Analysis and Required Supplementary Information sections be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Federal Accounting Standards Advisory Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming an opinion on the basic financial statements as a whole. The information in the Message from the Chief Financial Officer (CFO), Improper Payments Elimination and Recovery Act, and Summary of Financial Statement Audit and Management Assurances are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by *Government Auditing Standards*

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered EEOC's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of EEOC's internal control. Accordingly, we do not express an opinion on the effectiveness of EEOC's internal control. We did not test all internal controls

Inspector General
U.S. Equal Employment Opportunity Commission – Continued

Internal Control over Financial Reporting-Continued

relevant to operating objectives as broadly defined by the *Federal Managers' Financial Integrity Act of 1982*.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether EEOC's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests of compliance disclosed no instances of noncompliance or other matters that are required to be reported herein under *Government Auditing Standards* or OMB Bulletin No. 17-03.

***Purpose of the Other Reporting Required by* Government Auditing Standards**

The purpose of the communication described in the Other Reporting Required by *Government Auditing Standards* section is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of EEOC's internal control or compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Harper, Rains, Knight & Company, P.A.

November 13, 2017

Status of Prior Year Findings
Exhibit II

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Status of Prior Year Findings

Title of Finding from FY16 Audit Report	Prior Year Status	Current Year Status
Lack of Sufficient Controls over Supporting Documentation for Personnel Expenses	Significant Deficiency	Resolved

CONSOLIDATED BALANCE SHEETS

as of September 30, 2017 and 2016 (in dollars)

	2017	2016
ASSETS:		
Intragovernmental:		
Fund Balance With Treasury (Note 2)	$ 69,909,869	$ 72,087,589
Accounts Receivable, Net (Note 3)	39,004	68,762
Advances and Prepayments	32,389	38,909
Total Intragovernmental	$ 69,981,262	$ 72,195,260
Public:		
Accounts Receivable, Net (Note 3)	167,611	122,331
General Property, Plant, and Equipment, Net (Note 4)	1,379,491	2,483,084
Total Assets	$ 71,528,364	$ 74,800,675
Stewardship PP&E		
LIABILITIES:		
Intragovernmental:		
Accounts Payable (Note 6)	$ 252,264	$ 445,710
Employer Payroll Taxes	2,063,497	2,047,208
Workers' Compensation liability (Note 7)	2,090,034	2,256,327
Other Liability (Note 5)	—	189
TOTAL INTRAGOVERNMENTAL	$ 4,405,795	$ 4,749,434
Public:		
Accounts Payable	20,795,192	19,233,064
Future worker's compensation liability (Note 7)	10,242,147	10,493,950
Accrued Payroll	7,413,488	7,455,450
Employer Payroll Taxes	286,885	279,656
Accrued annual Leave (Note 7)	17,859,513	18,032,687
Deferred Revenue	94,515	1,700
Amounts collected for restitution (Note 2, 7)	36,898	29,782
TOTAL LIABILITIES	$ 61,134,433	$ 60,275,723

The accompanying notes are an integral part of these statements.

CONSOLIDATED BALANCE SHEETS

As of September 30, 2017 and 2016 (in dollars)

	2017	2016
NET POSITION:		
Funds from Dedicated Collections:		
Cumulative Results of Operations	3,518,427	3,603,249
Total Net Position—Funds from Dedicated Collections	3,518,427	3,603,249
All Other Funds:		
Unexpended Appropriations—Other Funds	35,526,190	39,152,737
Cumulative Results of Operations—Other Funds	(28,650,686)	(28,231,034)
Total Net Position All other Funds	$ 6,875,504	$ 10,921,703
TOTAL NET POSITION	$ 10,393,931	$ 14,524,952
TOTAL LIABILITIES AND NET POSITION	$ 71,528,364	$ 74,800,675

The accompanying notes are an integral part of these statements.

CONSOLIDATED STATEMENTS OF NET COST

for the Years Ended September 30, 2017 and 2016 (in dollars)

	2017	2016
COMBATING EMPLOYMENT DISCRIMINATION THROUGH STRATEGIC LAW ENFORCEMENT		
Private Sector:		
Enforcement	$ 178,809,993	$ 183,692,493
Mediation	25,296,763	25,581,933
Litigation	69,652,730	72,126,839
Intake information	3,811,841	3,553,046
State and Local	37,542,718	31,135,424
Total Program Costs—Private Sector	$ 315,114,045	$ 316,089,735
Revenue	(56,437)	(318,201)
Net Cost—Private sector	$ 315,057,608	$ 315,771,534
Federal Sector:		
Hearings	29,801,665	30,200,893
Appeals	16,980,019	16,699,318
Mediation	1,386,124	1,421,218
Oversight	7,970,213	8,172,006
Total Program Cost—Federal Sector	$ 56,138,021	$ 56,493,435
Revenue	—	—
Net Cost—Federal Sector	$ 56,138,021	$ 56,493,435
Total Private, Federal Sector		
Program Costs	$ 371,252,066	$ 372,583,172
Revenue	(56,437)	(318,201)
Net Cost, Private, Federal Sectors	$ 371,195,629	$ 372,264,971
PREVENTING EMPLOYMENT DISCRIMINATION THROUGH EDUCATION AND OUTREACH		
Outreach		
Fee Based	4,275,678	6,414,295
Non-Fee Based	8,316,744	7,106,092
Total Program Cost—Outreach	12,592,422	13,520,387
Revenue	(4,190,856)	(3,662,323)
Net Cost Outreach	$ 8,401,566	$ 9,858,064
Total, All Programs		
Program Cost (Note 15)	383,844,488	386,103,559
Revenue (Note 10)	(4,247,293)	(3,980,524)
Net Cost of Operations	$ 379,597,195	$ 382,123,035

The accompanying notes are an integral part of these statements.

CONSOLIDATED STATEMENT OF CHANGES IN NET POSITION

For the Years Ended September 30, 2017 and 2016 (in dollars)

	2017		
	Consolidated Funds from Dedicated Collections	Consolidated All Other Funds	Consolidated Total
CUMULATIVE RESULTS OF OPERATIONS:			
Beginning Balances	$ 3,603,249	$ (28,231,034)	$ (24,627,785)
Beginning Balances, as Adjusted	3,603,249	(28,231,034)	$ (24,627,785)
Budgetary Financing Sources:			
Appropriations Used	$ —	$ 365,472,609	$ 365,472,609
Other Financing Sources (Non Exchange):			
Imputed Financing (Note 14)	—	13,620,112	13,620,112
Total Financing Sources	—	379,092,721	379,092,721
Net Cost of Operations	(84,822)	(379,512,373)	(379,597,195)
Net Change	(84,822)	(419,652)	(504,474)
Cumulative Results of Operations	$3,518,427	$(28,650,686)	$ (25,132,259)
UNEXPENDED APPROPRIATIONS:			
Beginning Balances	$ —	$39,152,737	$ 39,152,737
Beginning Balances, as Adjusted	—	39,152,737	39,152,737
Budgetary Financing Sources:			
Appropriations Received (Note 11)	—	364,500,000	364,500,000
Appropriations Used	—	(365,472,609)	(365,472,609)
Other Adjustments	—	(2,653,938)	(2,653,938)
Total Budgetary Financing Resources	—	(3,626,547)	(3,626,547)
Total Unexpended Appropriations	$ —	$ 35,526,190	$ 35,526,190
Net Position	$ 3,518,427	$ 6,875,504	$ 10,393,931

The accompanying notes are an integral part of these statements.

CONSOLIDATED STATEMENT OF CHANGES IN NET POSITION

For the Years Ended September 30, 2017 and 2016 (in dollars)

	2016		
	Consolidated Funds from Dedicated Collections	Consolidated All Other Funds	Consolidated Total
CUMULATIVE RESULTS OF OPERATIONS:			
Beginning Balances	$ 4,223,393	$ (28,140,591)	$ (23,917,198)
Beginning Balances, as Adjusted	4,223,393	(28,140,591)	(23,917,198)
Budgetary Financing Sources:			
Appropriations Used	$ —	$ 363,688,421	$ 363,688,421
Other Financing Sources (Non Exchange):			
Imputed Financing (Note 14)	—	17,724,027	17,724,027
Total Financing Sources	—	381,412,448	381,412,448
Net Cost of Operations	(620,144)	(381,502,891)	(382,123,035)
Net Change	(620,144)	(90,443)	(710,587)
Cumulative Results of Operations	$ 3,603,249	$ (28,231,034)	$ (24,627,785)
UNEXPENDED APPROPRIATIONS:			
Beginning Balances	$ —	$ 40,369,300	$ 40,369,300
Beginning Balances, as Adjusted	—	40,369,300	40,369,300
Budgetary Financing Sources:			
Appropriations Received (Note 11)	—	364,500,000	364,500,000
Appropriations Used	—	(363,688,421)	(363,688,421)
Other Adjustments	—	(2,028,142)	(2,028,142)
Total Budgetary Financing Resources	—	(1,216,563)	(1,216,563)
Total Unexpended Appropriations	$ —	$ 39,152,737	$ 39,152,737
Net Position	$ 3,603,249	$ 10,921,703	$ 14,524,952

The accompanying notes are an integral part of these statements.

COMBINED STATEMENT OF BUDGETARY RESOURCES

For the Years Ended September 30, 2017 and 2016 (in dollars)

	2017	2016
BUDGETARY RESOURCES:		
Unobligated Balance Brought Forward, October 1	$ 7,510,886	$ 7,695,942
Recoveries of Prior Year Unpaid Obligations	6,460,177	6,334,225
Other Changes in Unobligated Balance (+ or -)	(2,493,495)	(1,903,111)
Unobligated Balance from Prior Year Budget Authority, Net	11,477,568	12,127,056
Appropriations (Discretionary and Mandatory)	364,500,000	364,500,000
Spending Authority from Offsetting Collections (Discretionary and Mandatory)	4,387,420	4,174,047
Total Budgetary Resources	$ 380,364,988	$ 380,801,103
STATUS OF BUDGETARY RESOURCES:		
Obligations Incurred (Note 12):	$ 373,853,745	$ 373,290,217
Unobligated Balance, End of Year:		
Apportioned	1,880,603	1,991,343
Unapportioned	4,630,640	5,519,543
Total Unobligated Balance, End of Year	6,511,243	7,510,886
Total Budgetary Resources	$ 380,364,988	$ 380,801,103
CHANGE IN OBLIGATED BALANCE:		
Unpaid Obligations:		
Unpaid Obligations, Brought Forward, October 1 (gross)	$ 63,951,988	$ 63,167,841
Obligations Incurred	373,853,745	373,290,217
Outlays (Gross)(-)	(368,621,828)	(366,171,845)
Recoveries of Prior Year Unpaid Obligations (-)	(6,460,177)	(6,334,225)
Unpaid Obligations, End of Year	62,723,728	63,951,988
Uncollected Payments:		
Uncollected Customer Payments, Federal Sources, Brought Forward, October 1 (-)	(43,067)	(202,451)
Change in Uncollected Payments, Federal Sources (+ or -)	43,067	159,384
Uncollected Payments Federal Sources, End of Year	—	(43,067)
Memorandum (non-add) entries:		
Obligated balance, start of year (+ or -)	$ 63,908,921	$ 62,965,390
Obligated Balance, End of Year (Net)	$ 62,723,728	$ 63,908,921
BUDGET AUTHORITY AND OUTLAYS, NET:		
Budget Authority, Gross (Discretionary and Mandatory)	$ 368,887,420	$ 368,674,047
Actual Offsetting Collections (Discretionary and Mandatory)	(4,590,929)	(4,458,461)
Change in Uncollected Customer Payments from Federal Sources (Discretionary and Mandatory) (+ or -)	43,067	159,384
Recoveries of Prior Year Paid Obligations	160,442	—
Anticipated Offsetting Collections (Discretionary and Mandatory)	—	125,030
Budget authority, net (Discretionary and Mandatory)	$ 364,500,000	$ 364,500,000
Outlays, Gross (Discretionary and Mandatory)	$ 368,621,828	$ 366,171,845
Actual Offsetting Collections (Discretionary and Mandatory) (-)	(4,590,929)	(4,458,461)
Outlays, Net (Discretionary and Mandatory)	364,030,899	361,713,384
Agency Outlays, Net (Discretionary and Mandatory)	$ 364,030,899	$ 361,713,384

The accompanying notes are an integral part of these statements.

September 30, 2017 and September 30, 2016 (In Dollars)

(1) Summary of Significant Accounting Policies

(a) Reporting Entity

The Equal Employment Opportunity Commission (EEOC; Commission) was created by Title VII of the Civil Rights Act of 1964 (78 Stat. 253:42 U.S.C. 2000e, et seq.) as amended by the Equal Employment Opportunity Act of 1972 (Public Law 92261), and became operational on July 2, 1965. Title VII requires that the Commission be composed of five members, not more than three of whom shall be of the same political party. The members are appointed by the President of the United States of America, by and with the consent of the Senate, for a term of 5 years. The President designates one member to serve as Chairman and one member to serve as Vice Chairman. The General Counsel is also appointed by the President, by and with the advice and consent of the Senate for a term of 4 years.

In addition, based on the EEOC Education Technical Assistance and Training Revolving Fund Act of 1992 (P.L. 102-411), the EEOC is authorized to charge and receive fees to offset the costs of education, technical assistance and training.

The Commission is concerned with discrimination by public and private employers with 15 or more employees (excluding elected or appointed officials of state and local governments), public and private employment agencies, labor organizations with 15 or more members, or agencies which refer persons for employment or which represent employees of employers covered by the Act, and joint labor-management apprenticeship programs of covered employers and labor organizations. The Commission carries out its mission through investigation, conciliation, litigation, coordination, regulation in the federal sector, and through education, policy research, and provision of technical assistance.

(b) Basis of Presentation

These financial statements have been prepared to report the consolidated financial position, net cost of operations, changes in net position, and budgetary resources of the EEOC, consistent with the Chief Financial Officers' Act of 1990 (CFO Act) and the Government Management Reform Act of 1994. These financial statements have been prepared from the books and records of the EEOC in accordance with generally accepted accounting principles (GAAP) and the form and content requirements of the Office of Management and Budget (OMB) Circular No. A-136, and the EEOC's accounting policies, which are summarized in this note. All intra-agency transactions and balances have been eliminated, except in the Statement of Budgetary Resources, which is presented on a combined basis, as required by OMB Circular No. A-136. These consolidated financial statements present proprietary information while other financial reports also prepared by the EEOC pursuant to OMB directives are used to monitor and control the EEOC's use of federal budgetary resources.

(c) Basis of Accounting

The Commission's integrated Oracle Federal Financials (OFF) uses Oracle, which has funds control, management accounting, and a financial reporting system designed specifically for federal agencies.

Financial transactions are recorded in the financial system, using both an accrual and a budgetary basis of accounting. Under the accrual method, revenues are recognized when earned and expenses are recognized when a liability occurs without regard to the receipt or payment of cash. Budgetary accounting facilitates compliance with legal requirements and mandated controls over the use of federal funds. It generally differs from the accrual basis of accounting in that obligations are recognized when new orders are placed, contracts are awarded, or services are received that will require payments during the same or future periods.

(d) Revenues, User Fees and Financing Sources

The EEOC receives the majority of the funding needed to support its programs through congressional appropriations. Financing sources are received in annual and no-year appropriations that may be used, within statutory limits, for operating and capital expenditures. Appropriations used are recognized as an accrual-based financing source when expenses are incurred or assets are purchased.

The EEOC also has a permanent, indefinite appropriation. These additional funds are obtained through fees charged to offset costs for education, training and technical assistance provided through the revolving fund. The fund is used to pay the cost (including administrative and personnel expenses) of providing education, technical assistance, and training by the Commission. Revenue is recognized as earned when the services have been rendered.

An imputed financing source is recognized to offset costs incurred by the EEOC and funded by another federal source, in the period in which the cost was incurred. The types of costs offset by imputed financing are: (1) employees' pension benefits; (2) health insurance, life insurance and other post-retirement benefits for employees; and (3) losses in litigation proceedings.

(e) Assets and Liabilities

Assets and liabilities presented on the EEOC's balance sheets include both entity and non-entity balances. Entity assets are assets that the EEOC has authority to use in its operations. Non-entity assets are held and managed by the EEOC, but are not available for use in operations. The EEOC's non-entity assets represent receivables that, when collected will be transferred to the U.S. Treasury.

Intra-governmental assets and liabilities arise from transactions between the Commission and other federal entities. All other assets and liabilities result from activity with non-federal entities.

Liabilities covered by budgetary or other resources are those liabilities of the EEOC for which Congress has appropriated funds, or funding is otherwise available to pay amounts due. Liabilities not covered by budgetary or other resources represent amounts owed in excess of available congressionally appropriated funds or other amounts. The liquidation of liabilities not covered by budgetary or other resources is dependent on future congressional appropriations or other funding.

(f) Fund Balance with the U.S. Treasury

Fund Balances with the U.S. Treasury are fund balances remaining as of the fiscal year (FY)-end from which the EEOC is authorized to make expenditures and pay liabilities resulting from operational activity, except as restricted by law. The balance consists primarily of appropriated undelivered orders, accounts payables, unavailable balances, and deposit funds that will be disbursed to third parties. The EEOC records and tracks appropriated funds in its general funds. Also included in Fund Balance with the U.S. Treasury are fees collected for services which are recorded and accounted for in the EEOC's revolving fund.

(g) Accounts Receivable

Accounts receivable consists of amounts owed to the EEOC by other federal agencies and from the public.

Intra-governmental accounts receivable represents amounts due from other federal agencies. Amounts due from federal agencies are considered fully collectible. The receivables are stated net of an allowance for estimated uncollectible amounts. The method used for estimating the allowance is based on analysis of aging of receivables and historical data.

Accounts receivable from non-federal agencies are stated net of an allowance for estimated uncollectible amounts. All public receivables, collectible in their entirety, become due upon the receipt of a due process notice. Although the allowance is determined by the age of the receivable for financial statement reporting, the actual allowance is determined by considering the debtor's current ability to pay, their payment record and willingness to pay and an analysis of aged receivable activity. The estimated allowance for accounts receivable is computed as follows: Accounts receivable between 365 days and 720 days old are computed at 50% and those older than 720 days are calculated at 100%.

(h) Property, Plant and Equipment

Property, plant and equipment consist of equipment, leasehold improvements and capitalized software. There are no restrictions on the use or convertibility of property, plant and equipment.

For property, plant and equipment, the EEOC capitalizes equipment (including capital leases), with a useful life of more than 2 years and an acquisition cost of $100,000 or more. Leasehold improvements and capitalized software are capitalized when the useful life is 2 years or more and the acquisition cost is at least $200,000.

Expenditures for normal repairs and maintenance for capitalized equipment and capitalized leases are charged to expense as incurred unless the expenditure is equal to or greater than $100,000 and the improvement increases the asset's useful life by more than 2 years. For leasehold improvements and capitalized software the amount must be greater than $200,000 and the improvements increase the asset life by more than 2 years.

Depreciation or amortization of equipment is computed using the straight-line method over the assets' useful life ranging from 5 to 15 years. Copiers are depreciated using a 5-year life. Computer hardware is depreciated over 10 to 12 years. Capitalized software is amortized over a useful life of 2 years. Amortization of capitalized software begins on the date it is put in service, is purchased, or when the module or component has been successfully tested if developed internally. Leasehold improvements are amortized over the remaining life of the lease.

The EEOC leases the majority of its office space from the General Services Administration. The lease costs approximate commercial lease rates for similar properties.

(i) Advances and Prepaid Expenses

Amounts advanced to EEOC employees for travel are recorded as an advance until the travel is completed and the employee accounts for travel expenses.

Expenses paid in advance of receiving services are recorded as a prepaid expense until the services are received.

(j) Accrued Annual, Sick and Other Leave and Compensatory Time

Annual leave, compensatory time and other leave time, along with related payroll costs, are accrued when earned, reduced when taken, and adjusted for changes in compensation rates. Sick leave is not accrued when earned, but rather expensed when taken.

(k) Retirement Benefits

EEOC employees participate in the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). On January 1, 1987, FERS went into effect pursuant to Public Law 99-335. Most employees hired after December 31, 1983 are automatically covered by FERS and Social Security. Employees hired prior to January 1, 1984 could elect to either join FERS and Social Security or remain in CSRS.

For employees under FERS, the EEOC contributes an amount equal to 1% of the employee's basic pay to the tax deferred thrift savings plan and matches employee contributions up to an additional 5% of pay. FERS and CSRS employees can contribute $18,000 of their gross earnings to the plan, for the calendar years 2017 and 2016. However, CSRS employees receive no matching agency contribution. There is also an additional $6,000 that can be contributed as a "catch-up" contribution for those 50 years of age or older, for the calendar years 2017 and 2016.

The EEOC recognizes the full cost of providing future pension and Other Retirement Benefits (ORB) for current employees as required by SFFAS No. 5, *Accounting for Liabilities of the Federal Government*. Full costs include pension and ORB contributions paid out of EEOC appropriations and costs financed by the U.S. Office of Personnel Management (OPM). The amount financed by OPM is computed based on OPM guidance and recognized as an imputed financing source and benefit program expense. Reporting amounts such as plan assets, accumulated plan benefits, or unfunded liabilities, if any, is the responsibility of OPM.

Liabilities for future pension payments and other future payments for retired employees who participate in the Federal Employees Health Benefits Program (FEHB) and the Federal Employees Group Life Insurance Program (FEGLI) are reported by OPM rather than the EEOC.

(l) Workers' Compensation

A liability is recorded for estimated future payments to be made for workers' compensation pursuant to the Federal Employees' Compensation Act (FECA). The FECA program is administered by the U.S. Department of Labor (DOL), which initially pays valid claims and subsequently seeks reimbursement from federal agencies employing the claimants. Reimbursements to the DOL on payments made occur approximately 2 years subsequent to the actual disbursement. Budgetary resources for this intra-governmental liability are made available to the EEOC as part of its annual appropriation from Congress in the year that reimbursement to the DOL takes place. A liability is recorded for actual un-reimbursed costs paid by DOL to recipients under FECA.

Additionally, an estimate of the expected future liability for death, disability, medical and miscellaneous costs for approved compensation cases is recorded, as well as a component for claims that have been incurred but have not yet been reported. The EEOC computes this estimate using a DOL-provided model for non-CFO Act agencies that uses actual benefit payments for the EEOC from the past 9 to 12 quarters to project these future payments. The estimated liability is not covered by budgetary resources and will require future funding. This estimate is recorded as a noncurrent liability.

(m) Contingent Liabilities

Contingencies are recorded when losses are probable and the cost is measurable. When an estimate of contingent losses includes a range of possible costs, the most likely cost is reported, but where no cost is more likely than any other, the lowest possible cost in the range is reported.

(n) Amounts Collected for Restitution

The courts directed an individual to pay amounts to the EEOC as restitution to several claimants named in a court case. These monies will be paid to claimants as directed by the courts.

(o) Cost Allocations to Programs

Costs associated with the EEOC's various programs consist of direct costs consumed by the program, including personnel costs, and a reasonable allocation of indirect costs. The indirect cost allocations are based on actual payroll amount devoted to each program from information provided by EEOC employees.

(p) Unexpended Appropriations

Unexpended appropriations include the unobligated balances and undelivered orders of the EEOC's appropriated spending authority as of the fiscal year-end that has not lapsed or been rescinded or withdrawn.

(q) Income Taxes

As an agency of the federal government, the EEOC is exempt from all income taxes imposed by any governing body, whether it is a federal, state, commonwealth, local, or foreign government.

(r) Use of Estimates

Management has made certain estimates and assumptions in reporting assets and liabilities and in the footnote disclosures. Actual results could differ from these estimates. Significant estimates underlying the accompanying financial statements include the allowance for doubtful accounts receivable, contingent liabilities, and future workers' compensation costs.

(2) Fund Balance with Treasury

The Department of the Treasury (Treasury) performs cash management activities for all federal agencies. The net activity represents Fund Balance with Treasury. The Fund Balance with Treasury represents the right of the EEOC to draw down funds from Treasury for expenses and liabilities. Fund Balance with Treasury by fund type as of September 30, 2017 and September 30, 2016 consists of the following:

		FY 2017		FY 2016
Fund Type				
Revolving funds	$	3,711,263	$	3,611,548
Appropriated funds		66,161,708		68,446,259
Other fund types		36,898		29,782
Totals	**$**	**69,909,869**	**$**	**72,087,589**

The status of the fund balance is classified as unobligated available, unobligated unavailable, or obligated. Unobligated funds, depending on budget authority, are generally available for new obligations in the current year of operations. Unavailable unobligated balances are not available to fund new obligations because they are expired, they must be re-apportioned, or their use has been permanently or temporarily restricted. The obligated, but not yet disbursed, balance represents amounts designated for payment of goods and services ordered but not yet received, or goods and services received, but for which payment has not yet been made.

The Fund Balance with Treasury includes items for which budgetary resources are not recorded, such as deposit funds. These funds are shown in the table below as a Non-budgetary Fund Balance with Treasury.

The undelivered orders at the end of the period consist of $31,943,855 and $35,548,669 for September 30, 2017 and September 30, 2016, respectively.

Annual appropriation balances returned to Treasury along with balances classified as miscellaneous receipts are not included in EEOC's fund balance presented on its balance sheet. For FYs ended September 30, 2017 and September 30, 2016, funds in the cancelling appropriation of $2,653,938 and $2,028,142 were returned to Treasury. As of September 30, 2017 and September 30, 2016, miscellaneous receipts of $61,813 and $120,954 were returned to Treasury (NOTE: The amounts for the closed accounts are ONLY returned to Treasury at the end of the fiscal year as a September 30, 2017).

The Status of Fund Balance with Treasury as of September 30, 2017 and September 30, 2016 consists of the following:

		FY 2017		FY 2016
Status of Funds				
Unobligated balance:	$	1,880,603	$	1,991,343
Available		*5,268,640		*6,157,542
Obligated balance not yet disbursed		62,723,728		63,908,922
Non-budgetary Fund Balance with Treasury		36,898		29,782
Totals	**$**	**69,909,869**	**$**	**72,087,589**

*Note: The status of funds unavailable include the Revolving Fund sequestration of $638,000 for FY2016 and FY2017.

(3) Accounts Receivable, Net

Intra governmental accounts receivable due from federal agencies arise from the sale of services to other federal agencies. This sale of services generally reduces the duplication of effort within the federal government resulting in a lower cost of federal programs and services. While all receivables from federal agencies are considered collectible, an allowance for doubtful accounts is sometimes used to recognize the occasional billing dispute.

Accounts receivable due to the EEOC from the public arise from payroll debts and revolving fund education, training and technical assistance provided to public and private entities or to state and local agencies. An analysis of accounts receivable is performed to determine collectability and an appropriate allowance for uncollectible receivables is recorded. Accounts receivable as of September 30, 2017 and September 30, 2016 are as follows:

	FY 2017	FY 2016
Intragovernmental:		
Accounts receivable (see detail below)	$ 39,004	$ 68,762
Allowance for uncollectible receivables	—	—
Totals	**$ 39,004**	**$ 68,762**

	FY 2017	FY 2016
With the public:		
Accounts receivable	$ 253,924	$ 410,919
Allowance for uncollectible receivables	(86,313)	(288,588)
Totals	**$ 167,611**	**$ 122,331**

Amounts due from various federal agencies are for accounts receivable as of September 30, 2017 and September 30, 2016. These are related to registered participants' training fees due to the revolving fund and appropriated interagency agreements as shown in the table below:

	FY 2017	FY 2016
Agency:		
Department of the Army	$ 4,409	$ —
US Coast Guard	4,050	2,400
Department of Agriculture	4,332	9,759
Department of Commerce - NOAA	4,332	4,332
Department of Defense	3,525	3,400
Department of the Navy	3,387	5,777
Social Security Administration	2,918	3,093
Department of Energy	2,490	2,490
Export-Import Bank of US	1,800	—
Environmental Protection Agency	1,700	1,700
Department of State	1,700	1,700

	FY 2017	FY 2016
Agency: (continued)		
Selective Service System	1,543	1,543
Federal Bureau of Investigation	1,145	1,145
Department of Education	975	975
Bureau of Land Management	349	—
Department of Justice	349	—
Department of the Treasury	—	2,220
Office of Personnel Management	—	1,095
Department of Homeland Security	—	5,005
Department of the Interior	—	5,186
Department of Labor	—	2,925
Federal Bureau of Prisons	—	13,042
Pension Benefit Guaranty Corporation	—	975
Totals	**$ 39,004**	**$ 68,762**

(4) Property, Plant and Equipment, Net

Property, plant and equipment consist of that property which is used in operations and consumed over time. The following tables summarize cost and accumulated depreciation of property, plant and equipment.

As of September 30, 2017	Cost	Accumulated Depreciation	Net Book Value
Equipment	$ 523,022	$ (523,022)	$ —
Capital leases	126,745	(126,745)	—
Internal use software	4,115,134	(4,115,134)	—
Leasehold improvements	11,772,261	(10,392,770)	1,379,491
Totals	**$ 16,537,162**	**$ (15,157,671)**	**$ 1,379,491**

As of September 30, 2016	Cost	Accumulated Depreciation	Net Book Value
Equipment	$ 523,022	$ (523,022)	$ —
Capital leases	175,575	(175,575)	—
Internal use software	4,115,134	(4,115,134)	—
Leasehold improvements	11,772,261	(9,289,177)	2,483,084
Totals	**$ 16,585,992**	**$ (14,102,908)**	**$ 2,483,084**

Depreciation expense for the periods ended September 30, 2017 and September 30, 2016 is:

FY 2017	FY2016
$ 1,103,593	**$ 1,103,593**

(5) Non-Entity Assets

The EEOC has $0 of net receivables to collect on behalf of the U.S. Treasury as of September 30, 2017, and $189 of net receivables to collect on behalf of the U.S. Treasury as of September 30, 2016.

(6) Liabilities Owed to Other Federal Agencies

As of September 30, 2017 and September 30, 2016, the following amounts were owed to other federal agencies:

	FY 2017	FY 2016
Agency:		
Executive Office of the President	$ 171,959	$ —
Government Printing Office	35,000	57,500
Department of the Interior	25,462	14,845
Department of Labor	9,978	10,353
Department of Health and Human Services	4,611	—
General Services Administration	4,026	332,503
Department of Homeland Security	1,225	5,407
Office of Personnel Management	3	3
The Judiciary	—	15,222
National Archives and Records Administration	—	9,877
Totals	**$ 252,264**	**$ 445,710**

(7) Liabilities Not Covered by Budgetary Resources

Liabilities not covered by budgetary resources represent amounts owed in excess of available congressionally appropriated funds or other amounts.

Liabilities not covered by budgetary resources as of September 30, 2017 and September 30, 2016 are shown in the following table:

	FY 2017	FY 2016
Intragovernmental:		
Workers' compensation liability	$ 2,090,034	$ 2,256,327
Liability of non-entity asset	—	189
Total Intragovernmental	2,090,034	2,256,516
Accrued annual leave	17,859,513	18,032,687
Future workers' compensation liability	10,242,147	10,493,950
Amounts collected for restitution	36,898	29,782
Total liabilities not covered by budgetary resources	30,228,592	30,812,935
Total liabilities covered by budgetary resources	$ 30,905,841	$ 29,462,788
Total liabilities	**$ 61,134,433**	**$ 60,275,723**

(8) Liabilities Analysis

Current and non-current liabilities as of September 30, 2017 are shown in the following table

	Current	Non-Current	Totals
Covered by budgetary resources:			
Intragovernmental:			
Accounts payable	$ 252,264	$ —	$ 252,264
Employer payroll taxes	2,063,497	—	2,063,497
Total Intragovernmental	2,315,761	—	2,315,761
Accounts payable	20,795,192	—	20,795,192
Accrued payroll	7,413,488	—	7,413,488
Employer payroll taxes	286,885	—	286,885
Deferred Revenue	94,515	—	94,515
Liabilities covered by budgetary resources	$ 30,905,841	—	$ 30,905,841
Liabilities not covered by budgetary resources:			
Intragovernmental:			
Workers' compensation liability	2,090,034	—	2,090,034
Liability of non-entity asset	—	—	—
Total Intragovernmental	2,090,034	—	2,090,034
Accrued annual leave	17,859,513	—	17,859,513
Future workers' compensation liability	—	10,242,147	10,242,147
Amounts collected for restitution	36,898	—	36,898
Liabilities not covered by budgetary resources:	19,986,445	10,242,147	30,228,592
Total liabilities	**$ 50,892,286**	**$ 10,242,147**	**$ 61,134,433**

Current and non-current liabilities as of September 30, 2016 are shown in the following table:

	Current	Non-Current	Totals
Covered by budgetary resources:			
Intragovernmental:			
Accounts payable	$ 445,710	$ —	$ 445,710
Employer payroll taxes	2,047,208	—	2,047,208
Total Intragovernmental	2,492,918	—	2,492,918
Accounts payable	19,233,064	—	19,233,064
Accrued payroll	7,455,450	—	7,455,450
Employer payroll taxes	279,656	—	279,657
Deferred Revenue	1,700	—	1,700
Liabilities covered by budgetary resources	$ 29,462,788	$ —	$ 29,462,788
Liabilities not covered by budgetary resources:			

	Current	Non-Current	Totals
Intragovernmental:			
Workers' compensation liability	2,256,327	—	2,256,327
Liability of non-entity asset	189	—	189
Total Intragovernmental	2,256,516	—	2,256,516
Accrued annual leave	18,032,687	—	18,032,687
Future workers' compensation liability	—	10,493,950	10,493,950
Amounts collected for restitution	29,782	—	29,782
Liabilities not covered by budgetary resources:	20,318,985	10,493,950	30,812,935
Total liabilities	**$ 49,781,773**	**$ 10,493,950**	**$ 60,275,723**

(9) Leases

Operating leases

The EEOC has several cancelable operating leases with the General Services Administration (GSA) for office space which do not have a stated expiration. The GSA charges rent that is intended to approximate commercial rental rates. Rental expenses for operating leases as of September 30, 2017 and 2016 are $30,025,723 and $29,266,632, respectively. The EEOC does not have any noncancellable operating leases with terms longer than one year.

(10) Earned Revenue

The EEOC charges fees to offset costs for education, training and technical assistance. These services are provided to other federal agencies, the public, and State and local agencies, as requested. In the chart below, the fees from services does not include intra-agency transactions. The Commission also has a small amount of reimbursable revenue from contracts with other federal agencies to provide on-site personnel. Revenue earned by the Commission as of September 30, 2017 and September 30, 2016 is as follows:

	FY 2017	FY 2016
Reimbursable revenue	$ 56,437	$ 318,201
Fees from services	4,190,856	3,662,323
Total Revenue	**$ 4,247,293**	**$ 3,980,524**

(11) Appropriations Received

Warrants received by the Commission as of September 30, 2017 and September 30, 2016 are:

	FY 2017	FY 2016
Warrants/Continuing Resolution received	**$ 364,500,000**	**$ 364,500,000**

The EEOC received no warrant reductions for FYs 2017 and 2016.

(12) Obligations Incurred

Direct and Reimbursable obligations, by apportionment category, incurred as of September 30, 2017 and September 30, 2016 are:

	FY 2017	FY 2016
Obligations		
Direct A	$ 339,660,604	$ 338,660,969
Direct B	29,890,477	28,982,666
Subtotal Direct Obligations	369,551,081	367,643,635
Reimbursable — Direct A	4,302,664	5,646,582
Total Obligations	**$ 373,853,745**	**$ 373,290,217**

(13) Funds from Dedicated Collections (Permanent Indefinite Appropriations)

The Commission has permanent, indefinite appropriations from fees earned from services provided to the public and to other federal agencies. These fees are charged to offset costs for education, training, and technical assistance provided through the revolving fund. This fund is a fund from dedicated collections and is accounted for separately from the other funds of the Commission. The fund is used to pay the cost (including administrative and personnel expenses) of providing education, technical assistance, and training by the Commission. Revenue is recognized as earned when the services have been rendered by the EEOC.

	FY 2017	FY 2016
Balance Sheets		
ASSETS		
Fund balance with Treasury	$ 3,711,263	$ 3,611,548
Accounts receivable (net of allowance)	45,098	102,261
Advances and prepaid expenses	2,279	2,279
TOTAL ASSETS	**$ 3,758,640**	**$ 3,716,088**
LIABILITIES		
Accounts payable	145,698	111,139
Deferred revenue	94,515	1,700
TOTAL LIABILITIES	**$ 240,213**	**$ 112,839**
NET POSITION		
Cumulative results of operations	3,518,427	3,603,249
TOTAL LIABILITIES AND NET POSITION	**$ 3,758,640**	**$ 3,716,088**
Statements of Net Cost		
Program Costs	4,275,678	4,282,468
Revenue	(4,190,856)	(3,662,323)
Net Cost (Revenue)	**$ 84,822**	**$ 620,145**

(14) Imputed Financing

OPM pays pension and other future retirement benefits on behalf of federal agencies for federal employees. OPM provides rates for recording the estimated cost of pension and other future retirement benefits paid by OPM on behalf of federal agencies. The costs of these benefits are reflected as imputed financing in the consolidated financial statements. Expenses of the EEOC paid or to be paid by other federal agencies at September 30, 2017 and September 30, 2016 consisted of:

	FY 2017	FY 2016
Judgment Fund	$ 42,198	$ 1,084,769
NPPD program from DHS	—	3,666
Office of Personnel Management:		
Pension expenses	4,296,358	5,380,499
Federal employees health benefits (FEHB)	9,247,754	11,220,609
Federal employees group life insurance (FEGLI)	33,802	34,484
Total Obligations	**$ 13,620,112**	**$ 17,724,027**

(15) Gross Program Costs and Exchange Revenue:

The Consolidated Statements of Net Cost report the EEOC's gross costs less earned revenues to arrive at net cost of operations for each FY presented. The table below shows the value of exchange transactions between the EEOC and other federal entities as well as with the public. Intragovernmental and nongovernmental costs and revenues for September 30, 2017 and September 30, 2016 consisted of:

	FY 2017	FY 2016
Costs		
Office of Personnel Management	$ 55,414,623	$ 59,966,599
General Services Administration	37,438,022	36,614,027
Payroll Benefits	12,938,344	13,070,730
Department of the Interior	4,732,887	3,519,372
Department of Homeland Security	2,881,850	2,794,579
Executive Office of the President	1,957,835	—
Department of Transportation	1,217,750	1,211,325
US Postal Service	578,261	596,313
Department of Health & Human Services	417,421	704,893
Library of Congress	122,767	123,482
National Archives & Records Administration	97,948	97,288
Government Printing Office	38,394	(27,610)
Environmental Protection Agency	28,027	—
Department of Justice	27,282	—
The Judiciary	16,859	—
Council of the Inspectors General on Integrity & Efficiency	5,859	4,340
Corp of Engineers	2,035	2,340

	FY 2017	FY 2016
Costs (continued)		
Department of Energy	(1,117)	—
Department of the Treasury	(1,538)	(296)
Department of Labor	(95,295)	(43,639)
Intragovernmental Costs	117,818,214	118,633,743
Public costs	266,026,274	267,469,816
Total Program costs	**$ 383,844,488**	**$ 386,103,559**

	FY 2017	FY 2016
Revenue		
Department of Defense	$ 322,726	$ 277,355
Department of Homeland Security	132,326	262,080
Department of the Navy	118,700	73,247
Department of Justice	117,427	180,537
Department of Agriculture	85,330	69,572
Department of the Army	80,024	45,856
Department of the Treasury	74,030	43,311
Environmental Protection Agency	73,709	14,796
Department of Health & Human Services	73,609	59,854
Department of the Air Force	72,042	71,032
Department of Interior	58,475	94,628
Department of Transportation	57,076	38,412
Department of Energy	55,226	72,723
Department of Housing and Urban Development	46,132	9,897
Bureau of Consumer Financial Protection	41,147	93,287
US Postal Service	38,716	25,265
Department of Labor	34,981	35,875
Social Security Administration	32,442	34,313
Central Intelligence Agency	31,274	11,304
National Aeronautics and Space Administration	30,726	17,770
Department of Veterans Affairs	29,875	95,909
Department of Commerce	28,996	19,079
General Services Administration	21,559	12,256
Federal Deposit Insurance Corporation	13,899	9,416
Nuclear Regulatory Commission	13,496	4,043
Federal Communication Commission	12,998	2,749
National Labor Relations Board	10,270	975

	FY 2017	FY 2016
Revenue (continued)		
District of Columbia, Justice	9,323	1,899
Tennessee Valley Authority	8,822	1,950
Department of State	8,125	10,264
Government Publishing Office	6,395	7,484
Railroad Retirement Board	6,173	4,936
Commission on Civil Rights Budget and Finance Div	5,559	2,999
Executive Office of the President	5,550	2,209
Federal Housing Finance Agency	5,324	3,299
Small Business Administration	5,300	2,257
Smithsonian Institution	4,700	2,325
Office of Personnel Management	4,150	11,725
Consumer Product Safety Commission	4,074	1,599
National Transportation Safety Board	3,925	1,400
Securities and Exchange Commission	3,325	7,973
Department of Education	3,024	575
Selective Service System	2,950	575
District of Columbia	2,350	—
Occupational Safety and Health Review	2,349	—
Federal Trade Commission	2,060	1,175
National Credit Union Administration	1,849	2,800
Broadcasting Board Of Governors	1,825	3,925
US Holocaust Memorial Council	1,672	958
Agency for International Development	1,400	4,699
National Archives and Records Administration	1,373	1,150
US Army Corp of Engineers	1,372	658
Farm Credit Administration	1,323	—
Denali Commission	1,250	—
Access Board	1,250	300
Chemical Safety and Hazard Investigation Board	1,075	—
Office of Government Ethics	1,075	—
National Science Foundation	1,075	—
Armed Forces Retirement Home	1,075	575
Federal Labor Relations Authority	975	2,930
Northern Border Regional Commission	698	—
The Judiciary Branch	698	5,841

	FY 2017	FY 2016
Revenue (continued)		
Federal Election Commission	674	1,599
Federal Maritime Commission	650	300
Corporation for National and Community Services	625	2,925
Morris K. Udall Scholarship Foundation	625	—
Intelligence Community Oversight	625	—
Federal Mediation & Conciliation Service	625	—
National Capital Planning Commission-Office of Adm	625	—
Architect of the Capitol	349	—
US China Security Review Commission	349	658
Office of Special Counsel	325	—
National Endowment for the Arts & Humanities	325	629
Federal Mine Safety & Health Review Commission	175	11,056
Overseas Private Investment Corp	—	1,950
Government Accountability Office	—	300
National Science Foundation	—	329
Presidio Trust	—	975
Congressional Budget Office	—	575
Other Legislative Branch Agencies	—	2,579
Merit Systems Protection Board	—	1,950
Equal Employment Opportunity Commission	—	18,313
Commodity Futures Trading Commission	—	1,379
Abraham Lincoln Bicentennial Commission	—	329
Millennium Challenge Corporation	—	300
Office of Special Counsel	—	300
Intragovernmental earned revenue	1,826,646	1,810,467
Public earned revenue	2,420,647	2,170,057
Total Program earned revenue (Note 11)	**4,247,293**	**3,980,524**
Net Cost of Operations	**$ 379,597,195**	**$ 382,123,035**

(16) Explanation of Differences between the Statement of Budgetary Resources and the Budget of the United States Government

Information from the President's Budget and the Combined Statement of Budgetary Resources for the period ended September 30, 2016 is shown in the following tables. A reconciliation is not presented for the period ended September 30, 2017, since the President's Budget for this period has not been issued by Congress.

The differences between the President's 2016 budget and the Combined Statement of Budgetary Resources for 2016 are shown below:

		Budgetary Resources		Obligations		Outlays
As reported on the Combined Statement of Budgetary Resources for FY 2016	$	381	$	373	$	362
(a) Revolving fund collections not reported in the budget		(4)		—		4
(b) Obligations in the revolving fund (no-year fund) not included in the President's budget		—		(5)		(4)
(c) Carry-forwards and recoveries in the revolving fund (no-year fund) not included in the President's Budget		—		—		-—
(d) Carry-forwards and recoveries in expired funds		(14)		—		—
(e) Obligations in expired funds		—		(2)		—
(f) Canceled appropriations		2		—		—
(g) Rounding differences		—		(1)		(1)
As reported in the President's Budget for FY 2016	**$**	**365**	**$**	**365**	**$**	**361**

(a) The EEOC's revolving fund provides training and charges fees to offset the cost. The collections are reported on the Combined Statement of Budgetary Resources as a part of total budgetary resources, but are not reported in the President's Budget.

(b) The obligations incurred by the revolving fund and no year fund are not a part of the President's Budget but are included in total obligations incurred in the Combined Statement of Budgetary Resources.

(c) Revolving funds and no-year funds have carry-overs of unobligated balances and recoveries of obligations that are included in total resources on the Combined Statement of Budgetary Resources, but are not included in the President's Budget.

(d) Expired funds have carry-overs of unobligated balances and recoveries of obligations that are included in total resources on the Combined Statement of Budgetary Resources until they are canceled, but are not included in the President's Budget.

(e) New obligations in expired funds are shown as a part of obligations incurred on the Combined Statement of Budgetary Resources, but are not included in the President's Budget.

(f) Canceled appropriations are not shown in the President's Budget, but are reported as a reduction to resources in the Combined Statement of Budgetary Resources.

(g) Difference due to rounding by millions.

(17) Reconciliation of Net Cost of Operations to Budget

The objective of the information shown below is to provide an explanation of the differences between budgetary and financial (proprietary) accounting. This is accomplished by means of a reconciliation of budgetary obligations and non-budgetary resources available to the EEOC with its net cost of operations.

	FY 2017	FY 2016
Resources Used to Finance Activities	$ 373,853,745	$ 373,290,217
Current Year Gross Obligations		
Budgetary Resources from Offsetting Collections		
Spending Authority from Offsetting Collections		
Actual Offsetting Collections	(4,498,114)	(4,456,761)
Change in Unfilled Customer Orders	(92,815)	(1,700)
Recoveries of Prior Year Unpaid Obligations	(6,460,177)	(6,334,225)
Other Financing Resources		
Imputed Financing Sources	13,620,112	17,724,027
Total Resources Used to Finance Activity	$ 376,422,751	$ 380,221,558
Resources Used to Finance Items Not Part of the Net Cost of Operations		
Budgetary Obligations and Resources not in the Net Cost of Operations		
Change in Unfilled Customer Orders	92,815	—
Change in Undelivered Orders	2,585,016	1,890,220
Components of the Net Cost of Operations which do not Generate or use Resources in the Reporting Period		
Revenues without Current Year Budgetary Effect		
Bad Debt Expenses	(5,375)	(36,135)
Change in NonFederal Receivables	90,379	—
Other Financing Sources Not in the Budget	(13,620,112)	(17,724,027)
Costs without Current Year Budgetary Effect		
Accrued Annual Leave-Future Funded Expense	(339,467)	(337,839)
Depreciation and Amortization	1,103,593	1,103,593
Imputed costs	13,620,112	17,724,027
Other Expenses Not Requiring Budgetary Resources	(352,517)	(718,362)
Net Cost of Operations	**$ 379,597,195**	**$ 382,123,035**

OTHER INFORMATION

(1) Improper Payments Elimination and Recovery Act

The Improper Payments Information Act (IPIA) of 2002, as amended by the Improper Payments Elimination and Recovery Act (IPERA) of 2010 the Improper Payments Elimination and Recovery Improvement Act of 2012(IPERIA), requires agencies to review all programs and activities and identify those which may be susceptible to significant erroneous payments. For all programs and activities in which the risk of improper payments is significant, agencies are to estimate the annual amount of improper payments in the susceptible programs and activities. Office of Management and Budget (OMB) requires agencies to report the results of their improper payment activities. Agency is required to include a link https://paymentaccuracy.gov/. In addition, agency must inform readers that the link contains more detailed information on improper payments and all of the information previously reported in the PAR is not included in the FY 2017 PAR. The IPERIA also requires conducting payment recapture audits.

Circular No. A-136 and Appendix C of Circular No. A-123 requires detailed information related to EEOC's Improper Payments Elimination Program, which is provided below. Prior to the passing of IPERIA, which further amended IPIA, agencies were not required to review intra-governmental transactions or payments to employees. IPERIA now requires agencies to review payments to employees as well as Government charge card transactions. Intra-governmental transactions remain the lone exception to IPERIA requirements. Therefore, management identified commercial payments, employee payments and Government charge cards as potential areas to test pending results of an IPAI risk assessment.

In FY 2017, the EEOC reviewed the programs and activities it administers to identify those which may be susceptible to significant erroneous payments. The risk assessment included 1) consideration of certain risk factors that are likely to contribute to a susceptibility to significant improper payments, and 2) transaction testing on a sample basis of payments made during FY 2017. The risk assessment was performed for the following programs:

Vendor payments (includes a separate review of travel payments).

Office of management and Budget (OMB) Memorandum M-15-02 prescribes guidance for agencies to use in implementing IPERA. OMB guidance defines "significant improper payments", for FY 2017 reporting, as those in any particular program or activity that exceed both 1.5 percent of program outlays and $10 million of all program or activity payments made during the fiscal year ($100 million regardless of the improper payment percentage of total program outlay). In addition, the OMB guidance addresses implementing payment recapture audits, for programs and activities that expend $1 million or more annually, provided it is cost-effective to do so. In accordance with the OMB guidance, the EEOC reviewed its programs and activities and determined that none of the agency's programs or activities was susceptible to making significant improper payments and that the implementation of a payment recapture audit would not be cost-effective.

The EEOC is cross-serviced by the Department of Interior, Interior Business Center (DOI/IBC) for accounting system support and accounts payable processing. As a result, the implementation of the Do Not Pay (DNP) initiative is a joint responsibility between the EEOC and IBC. Prior to making a new contract award, the EEOC checks the System for Award Management (SAM) and the Excluded Parties List System (EPLS) for a match. If there is not a match, the EEOC submits a new vendor request to IBC. The IBC Vendor Maintenance Team verifies EEOC's entire new employee and Non-Federal Vendor requests against the Department of Treasury's Do Not Pay (DNP) database using the DNP portal on-line search capability. If the IBC Vendor Maintenance Team finds a positive match, they advise the EEOC. The EEOC reviews the match, determines if the payment is proper, and reports the result.

Based on the results of transaction testing applied to a sample of payments, consideration of risk factors, and reliance on the internal controls in place over the payment process, the EEOC determined that none of its programs and activities are susceptible to significant improper payments at or above the threshold levels set by OMB.

In FY 2017, EEOC's testing of its payments resulted in improper payment of $1,328

Since the level of risk of improper payment is determined to be low and baseline estimates have been established, the EEOC is only required to conduct a formal risk assessment every three years unless the program experiences a significant change. The EEOC will conduct a follow up review in FY 2017 of its programs and activities to determine whether the programs have experienced any unexpected changes. If so, the EEOC will re-assess the programs' risk susceptibility and make a statistically valid estimate of improper payments for any programs determined to be susceptible to significant erroneous payments.

Recapture of Improper Payments

The EEOC does not administer grant, benefit or loan programs. Implementation of recapture auditing, if determined to be cost-effective, would apply to vendor payments. Because the definition of payment in the new IPERIA legislation means any payment or transfer of Federal funds to any non-Federal person or entity, the EEOC is not required to review, and has not reviewed, intra-governmental transactions.

The EEOC has determined that implementing a payment recapture audit program for vendor payments is not cost-effective. That is, the benefits or recaptured amounts associated with implementing and overseeing the program do not exceed the costs, including staff time and resources, or payments to a contractor for implementation, of a payment recapture audit program. In making this determination, the EEOC considered its low improper payment rate based on testing conducted in FY 2017. The EEOC also considered whether sophisticated software and other cost-efficient matching techniques could be used to identify significant overpayments at a low cost per overpayment, or if labor intensive manual reviews of paper documentation would be required. In addition, the EEOC considered the availability of tools to efficiently perform the payment recapture audit and minimize payment recapture audit costs, and determined such tools to not be cost effective.

The EEOC will continue to monitor its improper payments across all programs and activities it administers and assess whether implementing payment recapture audits for each program is cost-effective. If through future risk assessments the agency determines a program is susceptible to significant improper payments and implementing a payment recapture program may be cost-beneficial, the EEOC will implement a pilot payment recapture audit to measure the likelihood of cost-effective payment recapture audits on a larger scale.

Even though the EEOC has determined that implementing a payment recapture audit program for its programs is not cost-effective, the agency strives to recover any overpayments identified through other sources, such as payments identified through statistical samples conducted under the IPERIA. The amounts identified and recovered, by program, are shown below.

Overpayments Recaptured (in dollars) **as of September 30, 2017**

Source	Amount Identified FY 2017	Amount Recovered FY 2017	Cumulative Identified	Cumulative Recovered
Travel Payments	$ 1,328	$ 1,328	$ 11,966	$ 11,966

(2) Summary of Financial Statement Audit and Management Assurances

Summary of Financial Statement Audit

Audit Opinion-Unmodified

Restatement-No

Material Weakness	Beginning	New	Resolved	Consolidated	Ending Balance
Lack of sufficient control over financial management	0	0	0	0	0

Summary of Management Assurances

Effectiveness of Internal Control Over Financial Reporting

Statement of Assurance-Unmodified

Material Weakness	Beginning	New	Resolved	Consolidated	Ending Balance
Lack of sufficient control over financial management	0	0	0	0	0

(3) Civil Monetary Penalty Adjustment for Inflation

Final rule adjusting the penalty for violation of notice-posting requirements. On June 2, 2016, the Commission, in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, published this final rule in the Federal Register to adjust for inflation the civil monetary penalty for violation of the requirement that every employer, employment agency, labor organization, and joint-labor management commit¬tee controlling an apprenticeship or other training program post notices describing the pertinent nondiscrimination provisions of Title VII of the Civil Rights Act, the ADA, and GINA.

Statutory Authority	Penalty	Year Enacted	Latest Year of Adjustment	Current Penalty Level	Sub-Agency/ Bureau/ Unit	Locations for Penalty Update Details
Sections 711(a) & (b) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-10(a) & (b); 29 C.F.R. §§ 1601.30(a) & (b)	Willful Violation	1964	2017	$534	N/A	82 Federal Register 8812 (January 31, 2017)

APPENDIX A: ORGANIZATION AND JURISDICTION

The U.S. Equal Employment Opportunity Commission is a bipartisan Commission comprised of five presidentially-appointed members, including the Chair, and four Commissioners. The Chair is responsible for the administration and implementation of policy and the financial management and organizational development of the Commission. The Commissioners participate equally in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of certain lawsuits. In addition to the Commissioners, the President appoints a General Counsel to support the Commission and provide direction, coordination, and supervision to EEOC's litigation program. A brief description of major program areas is provided on the following pages.

When the Commission first opened its doors in 1965, it was charged with enforcing the employment provisions of the landmark Civil Rights Act of 1964. EEOC's jurisdiction over employment discrimination issues has since grown and now includes the following areas:

- **Title VII of the Civil Rights Act of 1964**, which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **Pregnancy Discrimination Act**, which 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.
- **Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Age Discrimination in Employment Act of 1967**, which protects workers 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Title I and Title V of the Americans with Disabilities Act of 1990**, as amended by the Americans with Disabilities Act Amendments Act of 2008, which prohibits employment discrimination by private sector respondents and state and local governments against qualified individuals on the basis of disability.
- **Section 501 of the Rehabilitation Act of 1973**, which prohibits employment discrimination on the basis of disability in the federal government.
- **Title II of the Genetic Information Nondiscrimination Act**, which prohibits employment discrimination on the basis of an applicant's or employee's genetic information (including family medical history), generally prohibits acquisition of genetic information from applicants and employees, and requires covered entities to keep such information confidential.
- **Lilly Ledbetter Fair Pay Act of 2009**, which overturned adverse Supreme Court precedent and restored the EEOC's long-held position on the timeliness of pay discrimination claims.

The **Office of Field Programs**, the **Office of General Counsel**, and 53 **field offices**, ensure that EEOC effectively enforces the statutory, regulatory, policy, and program responsibilities of the Commission through a variety of resolution methods tailored to each charge. Staff is responsible for achieving a wide range of objectives, which focus on the quality, timeliness, and appropriateness of individual, multiple victim, and systemic charges and for securing relief for victims of discrimination in accordance with Commission policies. Staff also counsel individuals about their rights under the laws enforced by EEOC and conduct outreach and technical assistance programs. The Office of General Counsel conducts litigation in federal district courts and in the federal courts of appeals.

Additionally, through the **Office of Field Program's State and Local Program**, EEOC maintains work sharing agreements and a contract services program with 92 state and local **Fair Employment Practices Agencies (FEPAs)** for the purpose of coordinating the investigation of charges dual-filed under state and local laws and federal law, as appropriate. EEOC partners with more than 60 **Tribal Employment Rights Offices (TEROs)** to promote equal employment opportunity on or near Indian reservations.

The **Office of Legal Counsel** develops policy guidance, provides technical assistance to employers and employees, and coordinates with other agencies and stakeholders regarding the statutes and regulations enforced by the Commission. The Office of Legal Counsel also includes an external litigation and advice division, which defends the agency in actions brought by charging parties, respondents, tort claimants, FOIA requesters and other members of the public, and advises the agency on administrative issues such as contracts, disclosures, ethics, fiscal law, and recordkeeping matters, and a Freedom of Information Act unit.

Through its **Office of Federal Operations**, EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. This office ensures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials and conducts training for stakeholders, provides guidance and assistance to EEOC administrative judges who conduct hearings on EEO complaints, and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints.

EEOC receives a congressional appropriation to fund the necessary expenses of enforcing civil rights legislation, as well as prevention, outreach, and coordination of activities within the private and public sectors. In addition, EEOC maintains a **Training Institute** for technical assistance programs. These programs provide fee-based education and training relating to the laws administered by the Commission.

APPENDIX B: ADDITIONAL INFORMATION ON EEOC INVESTIGATIONS AND LITIGATION REQUESTED BY CONGRESS

INVESTIGATIONS

The number of investigations initiated in fiscal year 2017 based on a directed investigation or Commissioner charge and the nature of the alleged discrimination:

In fiscal year 2017 EEOC initiated 17 investigations by Commissioner charges — related charges count as one charge. These charges alleged:

- discharge, discipline, assignment, failure to hire on the basis of disability
- failure to reasonably accommodate disabilities
- prohibited medical inquiry/exam, terms/conditions based on disability and genic information
- assignment, discharge, hire, terms/conditions, on the basis of sex-pregnancy, and genetic information
- harassment, failure to promote, discriminatory terms/conditions, wages on the basis of race (American Indian/Alaska Native) retaliation, sex (female)
- segregated facilities on the basis of sex (female)
- discharge, failure to hire, discriminatory terms/conditions, job classification, referral, waiver on the basis of color, national origin, disability, race (American Indian/Alaska Native, Asian, Bi-Racial/Multi-Racial, Black/African American, Native Hawaiian/Pacific Islander, White) religion, retaliation, sex (female, male)
- Testing which discriminates on the basis of sex (female)
- Recordkeeping violation
- Exclusion on the basis of national origin, race (Bi-Racial/Multi-Racial), sex (female)
- Harassment in retaliation for protected activity

In fiscal year 2017, EEOC initiated 103 directed investigations. These investigations alleged age discrimination in advertising, hiring, terms and conditions of employment, discharge, and retaliation for engaging in protected activity, and unequal pay based on sex (female, male).

The number of ongoing investigations in fiscal year 2017, initiated by a directed investigation or Commissioner charge and the nature of the alleged discrimination:

At the close of fiscal year 2017 there were approximately 86 ongoing investigations initiated by a Commissioner charge. These investigations alleged:

- failure to hire on the basis of sex (female, male, pregnancy), race (Black/African American, American Indian/Alaska Native, Asian, Native Hawaiian/Pacific Islander, White, Bi-racial/Multi-racial), national origin (Hispanic, Mexican, other), religion, disability, genetic information, color, in retaliation for protected activity
- discriminatory terms and conditions of employment based on national origin, disability, race (African American/Black, Bi-Racial/Multi-Racial, American Indian/Alaska Native, Hawaiian/Pacific Islander, White), sex (female, male, pregnancy), genetic information, color, religion-Muslim, in retaliation for protected activity
- retaliation, intimidation, and breach of confidentiality
- harassment based on sex (female), race (Black/African American), and in retaliation for protected activity
- assignment, on the basis of race (Black/African American, Asian, White) sex (female, pregnancy, male), national origin (Hispanic, other), disability, in retaliation for protected activity
- discipline and suspension on the basis of race (Black/African American, Bi-Racial/Multi-Racial), sex (female), disability, in retaliation for protected activity, national origin (other), religion (Muslim), and color
- discharge based on sex (male, female, pregnancy), race (Black/African American, Bi-Racial/Multi-Racial American Indian/Alaska Native, Hawaiian/Pacific Islander, White), national origin (Hispanic, other) disability, color, religion (Muslim), genetic information and in retaliation for protected activity
- testing which discriminated on the basis of sex (female), national origin (Hispanic, Mexican, other), race (Black/African American, Indian/Alaska Native, Asian, Bi-racial/Multi-racial,

Native Hawaiian/Pacific Islander), disability, and genetic information

- referring applicants and employees in ways that discriminate on the basis of sex (female, male), disability, in retaliation for protected activity, race (Black/African American, American Indian/Alaska Native, Hawaiian/Pacific Islander, Asian, Bi-Racial/Multi-Racial, White), national origin (Hispanic, other), religion, and color
- failing to promote based on race (Black/African American, American Indian/Alaska Native, Asian/Pacific Islander), national origin (Hispanic, Mexican, East Indian, Arab, Afghani or Middle-Eastern), sex (female), color
- paying women and Black/African American and Hispanic employees less than their White male counterparts
- segregated facilities and locals on the basis of race (Black/African American), sex (female, male)
- medical inquiries prohibited by the ADA and GINA including medical exams
- failure to accommodate disabilities
- failure to accommodate religion (Muslim)
- exclusion on the basis of race (Black/African American), sex (female, male)
- discrimination in the accommodation of pregnancy
- failure to reinstate in retaliation for protected activity
- discrimination on the basis of language/accent
- discrimination in benefits and insurance based on disability, sex (female, pregnancy)
- waiver which retaliates against employees for engaging in protected activity
- record keeping violations
- job classification based on color, national origin (other), disability, race (American Indian/Alaska Native, Asian, Bi-Racial/Multi-Racial, Black/African American, Native Hawaiian/Pacific Islander, White), religion, retaliation, sex (female, male)
- Training based on sex (female)

At the close of fiscal year 2017, there were approximately 42 ongoing investigations initiated by a directed investigation. These investigations alleged age discrimination in advertising, hiring, assignment, referral, promotion, discharge, recall, waivers, terms and conditions, retaliatory terms and conditions and unequal pay based on sex.

LITIGATION

The number of lawsuits filed in fiscal year 2017 based on a directed investigation or Commissioner charge:

The EEOC filed 3 lawsuits in FY 2017 based on a directed investigation or Commissioner charge:

EEOC v. Horizontal Well Drillers, No. 17-cv-879 (W.D. Okla. Aug. 16, 2017) — The EEOC alleges that that the defendant oil driller conducted background searches to obtain information about applicants' prior workers' compensation claims, and engaged in a pattern or practice of failing to hire applicants based on age (40 or older) and disability (prior injury resulting in workers' compensation), in violation of the ADEA and ADA. The EEOC further alleges that the defendant failed to retain records or maintain confidentiality of employee and applicant medical records and failed to file required reports with the agency. The suit was based on a directed investigation as well as an individual charge.

EEOC v. Pizza Studio, No. 17-cv-2513 (D. Kan. Sept. 5, 2017) — The EEOC alleges that the defendant pizzeria offered to pay a male applicant more than a female applicant for the same work and then fired both in retaliation for discussing their pay and opposing the pay differential, in violation of the EPA. The suit was based on a directed investigation.

EEOC v. R&L Carriers, No. 17-cv-515 (S.D. Ohio Aug. 2, 2017) — The EEOC alleges that the defendant freight trucking carrier failed to hire a class of female applicants for dock work positions because of sex, in violation of Title VII. The suit was based on a charge filed by Commissioner Chai Feldblum.

Final attorneys' fees awarded against EEOC in which the defendant prevailed on the merits:

No final award of attorney's fees based on the defendant having prevailed on the merits of the suit was made against the EEOC.

The number of cases of systemic discrimination brought in court by EEOC under section 706 or 707 of the Civil Rights Act of 1964:

EEOC initiated 30 systemic suits this fiscal year:

EEOC v. All Star Priority Staffing, No. 17-cv-3127 (D. Ariz. Sept. 12, 2017) — The EEOC alleges the that the defendant staffing firm used a pre-offer medical questionnaire and asked pre-offer interview questions about applicants' medical conditions and screened out applicants based on revealed disabilities, in violation of the ADA.

EEOC v. Alorica, Inc., No. 17-cv-1299 (E.D. Cal. Sept. 22, 2017) — The EEOC alleged that the defendant call center subjected male and female employees to sexual harassment and retaliated against those who complained about the harassment, in violation of Title VII.

EEOC v. Bayou City Wings, No. 16-cv-3245 (S.D. Tex. Nov. 3, 2016) — The EEOC alleges that the defendant restaurant denied front of the house positions to individuals 40 and older, instructed managers not to hire or recruit older job seekers, fired a manager who tried to do so, and has not properly retained applications of job seekers, in violation of the ADEA.

EEOC v. Birmingham Beverage Co., No. 17-cv-1651 (N.D. Ala. Sept. 26, 2017) — The EEOC alleges that the defendant beverage distributor denied promotion opportunities to a class of Black employees because of race, in violation of Title VII.

EEOC v. Blood Bank of Hawaii, No. 17-cv-444 (D. Haw. Sept. 6, 2017) — The EEOC alleges that the defendant blood bank refused to provide reasonable accommodations for disabled employees by requiring disabled employees returning from a leave of absence to work without any restrictions and firing employees who required disability-related leave in excess of 12 weeks, in violation of the ADA.

EEOC v. Buffalo Wild Wings, No. 17-cv-624 (E.D. Ark. Sept. 28, 2017) — The EEOC alleged that the defendant restaurant chain failed to hire male applicants as bartenders because of their sex, in violation of Title VII.

EEOC v. Centennial Food Corp. d/b/a IHOP Restaurants, No. 17-cv-2458 (D. Nev. Sept. 21, 2017) — The EEOC alleged that the defendant restaurant franchisee subjected a class of female employees to sexual harassment and retaliated against those who complained about the harassment, in violation of Title VII.

EEOC v. Champion Fiberglass, No. 17-cv-2226 (S.D. Tex. Jul. 20, 2017) — The EEOC alleges that defendant fiberglass company engaged in a pattern or practice of failing to hire Black and non-Hispanic applicants and job seekers into unskilled laborer positions, in violation of Title VII.

EEOC v. City Sports, No. 17-cv-6692 (N.D. Ill. Sept. 18, 2017) — The EEOC alleges that the defendant clothing retailer discriminated against a class of Black and Hispanic applicants and employees by failing to hire or promote them into management positions and subjecting some of them to harassment because of their race or national origin, in violation of Title VII.

EEOC v. Consolidated Edison Co. of New York, No. 17-cv-7390 (S.D.N.Y. Sept. 27, 2017) — The EEOC alleges that the defendant power company subjected disabled applicants and employees to pre-offer medical exams, questioned applicants about family genetic information, and refused to hire or fired disabled applicants, in violation of the ADA and GINA.

EEOC v. CSX Transp., No. 17-cv-3731 (S.D. W.Va. Aug. 1, 2017) — The EEOC alleges that the defendant railroad's use of physical pre-employment tests (isokinetic strength test, step test, and arm strength test) as selection devices for hiring into railroad positions had a disparate impact on female test-takers and was not job-related or consistent with business necessity, in violation of Title VII.

EEOC v. Discover Hawaii Tours, No. 17-cv-67 (D. Haw. Feb. 15, 2017) — The EEOC alleges that the defendant tour company engaged in a pattern or practice of subjecting male employees to sexual harassment, offered jobs and promotions in exchange for sex, and constructively discharged an employee who complained about harassment, in violation of Title VII.

EEOC v. Diversified Maintenance LLC, No. 17-cv-1825 (D. Md. Jul. 5, 2017) — The EEOC alleges the defendant janitorial services company refused to hire Blacks for janitorial positions and harassed and retaliated against a Black manager who complained about its practices, in violation of Title VII.

EEOC v. Dollar General Distrib. Ctr., No. 12-cv-1649 (N.D. Ala. Sept. 25, 2017) — The EEOC alleges that the defendant discount retailer solicited family medical information and rescinded job offers to applicants after post-offer medical examinations revealed disabilities, in violation of the ADA and GINA.

EEOC v. East Coast Labor Solutions, LLC, No. 16-cv-1848 (M.D. Ala. Nov. 15, 2016) — The EEOC alleges that the defendant staffing firm discriminated against a class of Hispanic workers by treating them less favorably than non-Hispanic workers, subjecting them to harassment, denying reasonable accommodations for their disabilities, and then firing them, in violation of Title VII and the ADA.

EEOC v. Estee Lauder, No. 17-cv-3897 (E.D. Pa. Aug. 30, 2017) — The EEOC alleges that the defendant cosmetic company's paid parental leave program discriminates against men, providing more paid child bonding leave and return-to-work benefits to new mothers, in violation of Title VII and the EPA.

EEOC v. Foresight, No. 17-cv-1306 (S.D. Ill. Dec. 5, 2016) — The EEOC alleges that the defendants, surface coal mining companies, failed to hire females into mining and mining-related positions because of their sex, in violation of Title VII.

EEOC v. Horizontal Well Drillers, LLC, No. 17-cv-879 (W.D. Okla. Aug. 16, 2017) — The EEOC alleges that that the defendant oil driller conducted background searches to obtain information about applicants' prior workers' compensation claims, and engaged in a pattern or practice of failing to hire applicants based on age (40 or older) and disability (prior injury resulting in workers' compensation), in violation of the ADEA and ADA. The EEOC further alleges that the defendant failed to retain records or maintain confidentiality of employee and applicant medical records and failed to file required reports with the agency.

EEOC v. M&T Bank Corp. f/k/a Hudson City Savings Bank, No. 17-cv-5077 (S.D.N.Y. Jul. 6, 2017) — The EEOC alleges that the defendant bank denied reasonable accommodations to disabled employees, maintained a rigid policy of requiring employees to bring in a doctor's note stating they were "100% healed" before returning to work from a leave of absence, and fired employees unable to produce such a note, in violation of the ADA.

EEOC v. Maritime Autowash, Inc., No. 17-cv-2463 (D. Md. Aug. 29, 2017) — The EEOC alleges that the defendant car wash company subjected a class of Hispanic employees to a hostile work environment and unfavorable terms and conditions of employment based on their race and national origin, in violation of Title VII.

EEOC v. Marquez Bros. Int'l, Inc., No. 17-cv-44 (E.D. Cal. Jan. 12, 2017) — The EEOC alleges that the defendant, a producer of Mexican-style foods, failed to hire non-Hispanic applicants for unskilled, entry-level positions, and discouraged non-Hispanic applicants from applying for open positions, in violation of Title VII.

EEOC v. Mister Hot Shine Car Wash, No. 17-cv-503 (N.D. Ala. Mar. 30, 2017) — The EEOC alleges that the defendant car wash company denied promotions to supervisory and management-level positions to a class of Black employees because of their race, in violation of Title VII.

EEOC v. MVM, Inc., No. 17-cv-2864 (D. Md. Sept. 27, 2017) — The EEOC alleges that the defendant security services company engaged in a pattern or practice of subjecting African-born employees to harassment and unfavorable terms and conditions of employment and fired some employees based on their national origin, and retaliated against some employees because they complained about the discrimination, in violation of Title VII.

EEOC v. Norfolk Southern, No. 17-cv-1251 (W.D. Pa. Sept. 27, 2017) — The EEOC alleges that the defendant railroad, through its medical department, repeatedly disqualified applicants and employees from employment on the basis of disability and failed to conduct appropriate individualized assessments of direct threat, in violation of the ADA.

EEOC v. Prestige Assisted Living, No. 17-cv-1299 (E.D. Cal. Sept. 29, 2017) — The EEOC alleges that defendants, medical care facilities, denied disabled employees light duty accommodations and leave requests, required employees returning from leave to be fully healed or restriction-free, and fired employees who used leave in excess of a maximum leave policy, in violation of the ADA.

EEOC v. R&L Carriers, No. 17-cv-515 (S.D. Ohio Aug. 2, 2017) — The EEOC alleges that the defendant freight trucking carrier failed to hire a class of female applicants for dock work positions because of sex, in violation Title VII.

EEOC v. SBEEG Holdings, LLC, d/b/a SLS South Beach, No. 17-cv-21446 (S.D. Fla. Apr. 18, 2017) — The EEOC alleged that the defendant hotel fired a class of Black and Haitian dishwashers because of their race, color, and national origin, in violation of Title VII.

EEOC v. UPS Freight, No. 17-cv-2453 (D. Kan. Aug. 8, 2017) — The EEOC alleges that the defendant package handler entered into a collective bargaining agreement under which it pays drivers who become medically unqualified to drive and are assigned dock or other work 90% of the rate of pay provided to drivers who become unable to drive and are reassigned for non-medical reasons, in violation of the ADA.

EEOC v. Upstate Farms Cooperative, No. 16-cv-842 (W.D.N.Y. Dec. 25, 2016) — The EEOC alleges that the defendant, a dairy cooperative, did not hire a class of female applicants for production positions because of their sex, and did not retain applications and hiring-related material, in violation of Title VII.

EEOC v. Village of Hamilton Pointe LLC, No. 17-cv-147 (S.D. Ind. Sept. 19, 2017) — The EEOC alleges that the defendants, nursing home and management companies, subjected a class of Black employees to racial harassment, and made race-based work assignments based on its residents' preference for non-Black caregivers, in violation of Title VII.

EEOC's success rate at the appellate level in fiscal year 2017:

On merits cases, EEOC prevailed in seven appeals; EEOC did not prevail in five appeals. In subpoena enforcement cases, EEOC prevailed in five appeals; EEOC did not prevail in one appeal.

APPENDIX C: BIOGRAPHIES OF THE CHAIR, COMMISSIONERS AND GENERAL COUNSEL

Victoria A. Lipnic, Acting Chair

Victoria A. Lipnic was named Acting Chair of the U.S. Equal Employment Opportunity Commission by President Donald J. Trump on January 25, 2017. She began her service as a Commissioner of the EEOC in April 2010, having been confirmed by the Senate for an initial term ending on July 1, 2015. In November 2015, she was confirmed by the Senate for a second term ending on July 1, 2020.

Acting Chair Lipnic has brought to the EEOC a breadth of experience working with federal labor and employment laws. From 2002 to 2009, she served as the U.S. Assistant Secretary of Labor for Employment Standards, where she oversaw the Wage and Hour Division, the Office of Federal Contract Compliance Programs, the Office of Workers' Compensation Programs, and the Office of Labor Management Standards. She has also worked on Capitol Hill as Workforce Policy Counsel to the Committee on Education and the Workforce in the U.S. House of Representatives. Before her work for Congress, she acted as in-house counsel for labor and employment matters to the U.S. Postal Service for six years. She also served as a special assistant for business liaison on the staff of then U.S. Secretary of Commerce, Malcolm Baldrige. Immediately prior to her service at the Commission, she was of counsel to the law firm of Seyfarth Shaw LLP in its Washington, D.C. office.

For more information about Acting Chair Lipnic, please see: www.eeoc.gov/eeoc/lipnic.cfm

Jenny R. Yang, Commissioner

Jenny R. Yang is a Commissioner of the U.S. Equal Employment Opportunity Commission. She served as Chair of the Commission from September 1, 2014 to January 22, 2017. Prior to that, Ms. Yang served as Vice Chair of the EEOC beginning on April 28, 2014. She began her term as a Commissioner on May 13, 2013 and was unanimously confirmed by the Senate to serve a term ending July 1, 2017.

Throughout her career in the government, private, and nonprofit sectors, Ms. Yang has worked to ensure fairness and equal opportunity in the workplace. Under her leadership as Chair, the Commission promoted transparency by providing the public with an opportunity to submit feedback on proposed guidance documents. Through this initiative, the Commission updated its guidance on retaliation, the most frequent workplace complaint, as well as its guidance on national origin discrimination, addressing issues ranging from human trafficking to workplace harassment. Ms. Yang also led EEOC's efforts to advance pay equality by enhancing the agency's data collection to include summary employer pay data by sex, race, and ethnicity.

Yang was a partner of Cohen Milstein Sellers & Toll PLLC. She joined the firm in 2003, and has represented employees across the country in numerous complex civil rights and employment actions. As chair of the firm's hiring and diversity committee, Yang has experience with the myriad issues employers confront in making hiring and other personnel decisions.

For more information about Commissioner Yang, please see: http://www.eeoc.gov/eeoc/yang.cfm

Chai R. Feldblum, Commissioner

Chai R. Feldblum began her service as a Commissioner of the Equal Employment Opportunity Commission in April 2010. She was confirmed by the Senate for a second term, which will end on July 1, 2018.

During Commissioner Feldblum's service on the Commission, she has focused in particular on the employment of people with disabilities, pregnancy accommodation, sexual orientation and transgender discrimination, harassment prevention, the structure and process of the federal sector complaint system and strategic planning for the Commission.

Prior to her appointment to the EEOC, Feldblum was a Professor of Law at the Georgetown University Law Center where she had taught since 1991. At Georgetown, she founded the Law Center's Federal Legislation and Administrative Clinic, a program designed to train students to become legislative lawyers. As Co-Director of Workplace Flexibility 2010, Feldblum worked to advance flexible workplaces in a manner that works for employees and employers. She also previously served as Legislative Counsel to the AIDS Project of the American Civil Liberties Union. In this role, she developed legislation, analyzed policy on various AIDS-related issues, and played a leading role in drafting the ground-breaking Americans with Disabilities Act of 1990. Later, as a law professor, she was equally instrumental helping in the passage of the ADA Amendments Act of 2008.

For more information about Commissioner Feldblum, please see: www.eeoc.gov/eeoc/feldblum.cfm

Charlotte A. Burrows, Commissioner

Charlotte A. Burrows was nominated to serve as a Commissioner of the EEOC by President Obama on Sept. 12, 2014, and was confirmed as Commissioner on Dec. 3, 2014 by a Senate vote of 93-2.

Prior to her appointment at the EEOC, Burrows served as associate Deputy Attorney General at the Department of Justice (DOJ), where she worked on a broad range of legal and policy issues, including employment litigation, tribal justice, voting rights, and implementation of the Violence Against Women Act, among others.

Burrows previously served as general counsel for Civil and Constitutional Rights to Senator Edward M. Kennedy on the Senate Committee on Health, Education, Labor and Pensions in 2009, and on the Senate Judiciary Committee from 2007 to 2008, after having served as legal counsel on the Senate Judiciary Committee from 2003 to 2007.

Before working on Capitol Hill, Burrows served in the Civil Rights Division's Employment Litigation Section at DOJ first as a trial attorney, and later as special litigation counsel and then as deputy chief. She served as a judicial clerk for the Honorable Timothy K. Lewis of the U.S. Court of Appeals for the Third Circuit and an associate at Debevoise & Plimpton.

For more information about Commissioner Burrows, please see: www.eeoc.gov/eeoc/burrows.cfm

Constance S. Barker, Former Commissioner

Constance Smith Barker was nominated by President George W. Bush on March 31, 2008, and unanimously confirmed by the Senate on June 27, 2008 to serve the remainder of a five-year term expiring on July 1, 2011. On May 19, 2011, Ms. Barker was nominated by President Barack Obama to serve a second term to expire on July 1, 2016. The nomination to the second term was unanimously confirmed by the United States Senate on September 26, 2011.

Prior to her appointment to the Commission, Barker was a shareholder for 13 years at the law firm of Capell & Howard, P.C. in Montgomery, Alabama. As a member of the firm's Labor and Employment Section, she provided advice and counsel to businesses and defended businesses sued for employment discrimination. She also provided training on state and federal employment discrimination laws. Her public-sector experience includes serving for four years as a prosecutor in the 11th Judicial Circuit and later in the 13th Judicial Circuit of Alabama. As an Assistant District Attorney she tried numerous jury and bench trials. Barker also served for 11 years as General Counsel to the Mobile County Public School System, a large city and county school system. She also served as a part-time municipal judge for two municipalities in Mobile, Alabama and was actively involved in Mobile's juvenile justice system.

A native of Florence, Alabama, Barker was awarded a juris doctor from the University of Alabama School of Law in 1977. She received a bachelor's degree from Notre Dame University in 1973, where she was in the first class of women to graduate from that previously all-male institution. While at Notre Dame, she also studied for a year in Angers, France at l'Université Catholique de l'Ouest.

P. David Lopez, Former General Counsel

P. David Lopez was sworn in on April 8, 2010, as General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC). He was nominated by President Obama on Oct. 22, 2009, and given a recess appointment on March 27, 2010, and confirmed by the Senate on December 22, 2010. He was confirmed a second time by the Senate on December 3, 2014.

Lopez is the first field staff attorney to be appointed as General Counsel, having served in the Commission for 15 years in the field and at headquarters. Prior to his appointment, Lopez was a Supervisory Trial Attorney at the Commission's Phoenix District Office, where he oversaw the litigation of a team of trial attorneys. When he initially joined the Commission 1996, he served as Special Assistant to then-Chairman Gilbert F. Casellas in Washington, D.C. In this capacity, he advised Chairman Casellas on policy and litigation matters and helped develop the agency's strategic plan for development of pattern or practice cases.

Immediately prior to joining the Commission, Lopez was a Senior Trial Attorney with the Civil Rights Division, Employment Litigation Division, of the U.S. Department of Justice in Washington, D.C. In this capacity, he litigated employment discrimination cases against state and local governments in numerous jurisdictions throughout the United States on behalf of the Department of Justice.

ADA Americans with Disabilities Act of 1990

ADAAA Americans with Disabilities Act Amendments Act of 2008

ADEA Age Discrimination in Employment Act of 1967

ADR Alternative Dispute Resolution

AJ Administrative Judge

CFO Chief Financial Officer

CHCO Chief Human Capital Officer

DMS Document Management System

EEO Equal Employment Opportunity

EEOC Equal Employment Opportunity Commission

EPA Equal Pay Act of 1963

EXCEL Examining Conflicts in Employment Laws

FEPA Fair Employment Practice Agency

FLSA Fair Labor Standards Act

FMFIA Federal Managers Financial Integrity Act

FOIA Freedom of Information Act

FTE Full-Time Equivalent

GINA Genetic Information Nondiscrimination Act of 2008

GSA General Services Administration

IIG Intake Information Group

IFMS Integrated Financial Management System

OFO Office of Federal Operations

OFP Office of Field Programs

OGC Office of General Counsel

OIG Office of Inspector General

OMB U.S. Office of Management and Budget

OPM U.S. Office of Personnel Management

PMA President’s Management Agenda

PCHP Priority Charge Handling Procedures

TAPS Technical Assistance Program Seminar

TERO Tribal Employment Rights Offices

UAM Universal Agreement to Mediate

APPENDIX E: INTERNET LINKS

EEOC:

http://www.eeoc.gov/

EEOC FY 2016 Performance Budget:

http://www.eeoc.gov/eeoc/plan/2016budget.cfm

EEOC Open Government Plan:

http://www.eeoc.gov/open/index.cfm

EEOC Statistics:

http://www.eeoc.gov/eeoc/statistics/index.cfm

EEOC Strategic Plan:

http://www.eeoc.gov/eeoc/plan/strategic_plan_12to16.cfm

Meetings of the Commission:

https://www.eeoc.gov/eeoc/meetings/index.cfm

Past EEOC Performance Budgets:

http://www.eeoc.gov/eeoc/plan/archives/budgets/index.cfm

Past EEOC Performance and Accountability Reports:

http://www.eeoc.gov/eeoc/plan/archives/annualreports/index.cfm

Report of the Select Task Force for the Study of Harassment:

https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm

Small Business Resource Center:

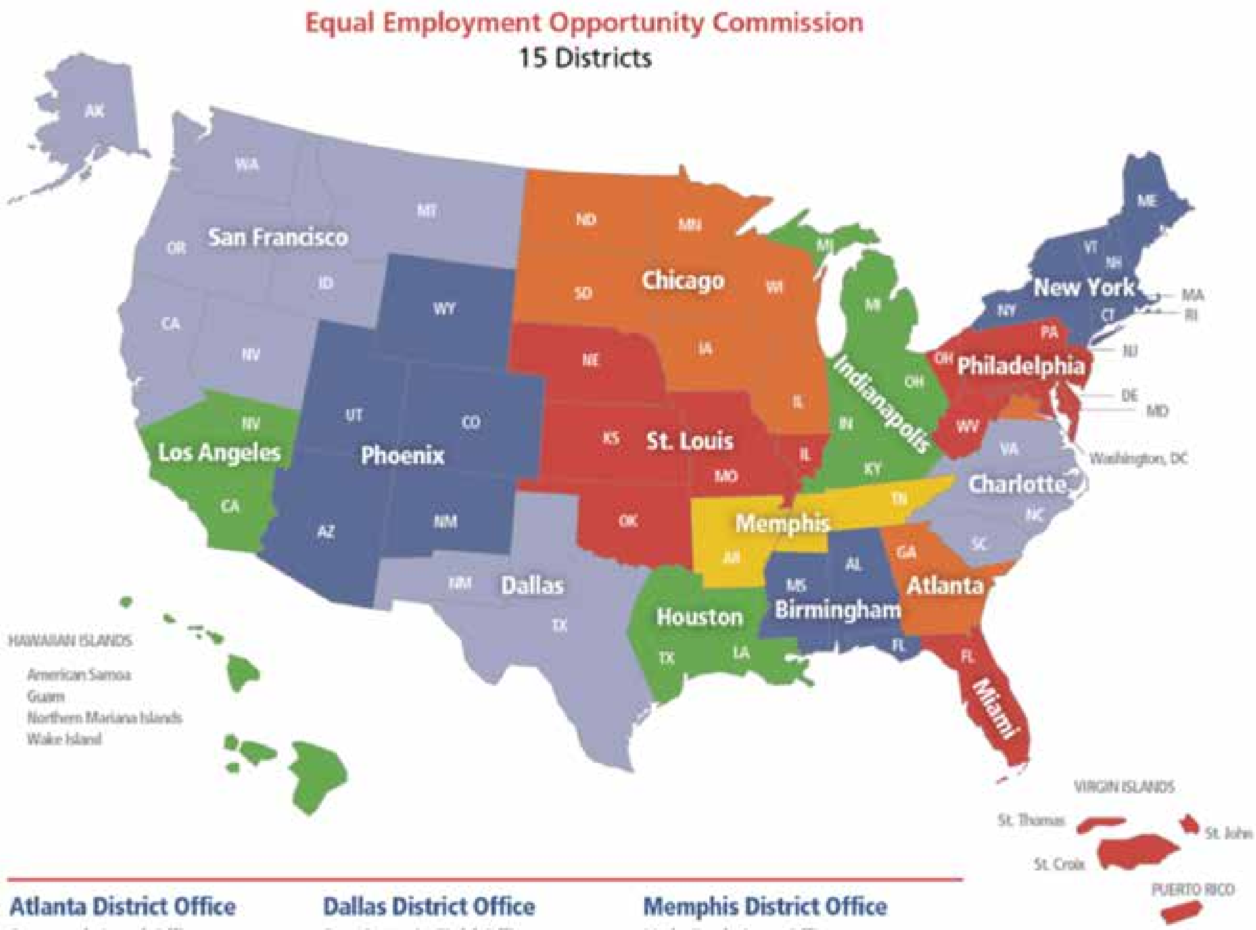
https://www.eeoc.gov/employers/smallbusiness/index.cfm

Strategic Enforcement Plan for FY 2017–2021:

https://www.eeoc.gov/eeoc/plan/sep-2017.cfm

Youth@Work:

https://www.eeoc.gov/youth/



Atlanta District Office
Savannah Local Office

Birmingham District Office
Jackson Area Office
Mobile Local Office

Charlotte District Office
Raleigh Area Office
Greensboro Local Office
Greenville Local Office
Norfolk Local Office
Richmond Local Office

Chicago District Office
Milwaukee Area Office
Minneapolis Area Office

Dallas District Office
San Antonio Field Office
El Paso Area Office

Houston District Office
New Orleans Field Office

Indianapolis District Office
Detroit Field Office
Cincinnati Area Office
Louisville Area Office

Los Angeles District Office
Fresno Local Office
Honolulu Local Office
Las Vegas Local Office
San Diego Local Office

Memphis District Office
Little Rock Area Office
Nashville Area Office

Miami District Office
Tampa Field Office
San Juan Local Office

New York District Office
Boston Area Office
Newark Area Office
Buffalo Local Office

Philadelphia District Office
Baltimore Field Office
Cleveland Field Office
Pittsburgh Area Office

Phoenix District Office
Albuquerque Area Office
Denver Field Office

San Francisco District Office
Seattle Field Office
Oakland Local Office
San Jose Local Office

St. Louis District Office
Kansas City Area Office
Oklahoma City Area Office

Washington Field Office

ACKNOWLEDGMENTS

EEOC's FY 2017 Performance and Accountability Report is a collaborative endeavor on the part of many EEOC employees and contractors. The Commission would like to acknowledge and thank them for their hard work and commitment in successfully preparing this report and in supporting the audit of the financial statements.

We Welcome Your Comments

Thank you for your interest in EEOC's *FY 2017 Performance and Accountability Report*. We welcome your comments on how we can make this report more informative for our readers. Please send your comments to:

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