



# CONGRESSIONAL BUDGET JUSTIFICATION

SUBMITTED TO THE CONGRESS OF THE UNITED STATES  
FEBRUARY 2018

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FISCAL YEAR 2019

# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

*Fiscal Year 2019  
Congressional Budget Justification*

*U.S. Equal Employment  
Opportunity Commission*

*February 2018*

*Submitted to the  
Congress of the United States*





**OUR MISSION**

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

**OUR VISION**

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



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## **I. CHAIR'S REPORT**

### **A. Fiscal Year (FY) 2019 Budget Highlights**

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to stopping and remedying employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information or family medical history. The 2019 Budget requests \$363,807,086 for the EEOC, which includes \$29,443,921 for State and Local programs. This request represents an increase of \$1.783 million over the FY 2018 CR level.

The EEOC was created by Title VII of the historic Civil Rights Act of 1964, which prohibited discrimination on the basis of race, color, religion, sex, and national origin in private sector employment throughout the United States. During the past 50 years, our jurisdiction has grown and now includes the following areas:

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

Together, these laws protect individuals from employment discrimination (including unlawful harassment) based on race, color, religion, sex, national origin, age, disability, and genetic information. They also make it illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination. Finally, provisions in the

ADA, the Rehabilitation Act, and GINA strictly limit covered entities from obtaining health-related information from applicants and employees and require that any genetic or medical information a covered entity has about an applicant or employee be kept confidential.

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

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) FY 2019 Congressional Budget Justification. The FY 2019 budget request of \$363,807,086, which includes \$29,443,921 for state and local fair employment practice agencies (FEPAs) and tribal employment rights organizations (TEROs), will provide crucial investments to strengthen America's workplaces, continue to support our efforts to upgrade the agency's technology infrastructure, and further enhance our service to the public as we prepare the agency for the future.

On January 23, 2017, President Trump designated me Acting Chair of the EEOC. It has been an honor to serve in that capacity and lead this important civil rights agency. Over this past year, we were true to our name and our mission, creating equal employment opportunity for all. The agency had impressive results in a number of critical areas last year, but there is a lot to accomplish going forward.

Congressional support for the EEOC's FY 2017 Budget enabled the agency to fill critical senior leader vacancies and to invest in necessary hiring brought about by normal attrition. We also trained front line staff in essential areas to better serve the public. These efforts led to tangible results for thousands of individuals, providing job opportunities and recovering relief for employees across private, state and local, and federal workplaces. The agency deployed our resources strategically, promoting voluntary compliance and achieving record success rates in our voluntary resolutions of private and public sector charges of discrimination.

Despite flat funding in FY 2017, we were able to do some targeted hiring in key positions after the lifting of a hiring freeze, and have worked with senior leaders to plan for strategic future hiring should additional resources become available. In FY 2017, we welcomed a new executive Chief Data Officer (CDO) to lead the Office of Research, Information and Planning. This new position was created in response to our goal of increased data-driven decision-making. The CDO is responsible for improving links between siloed databases and data stores; making information and data more accessible and ensuring that data is available, reliable, consistent, accessible, secure, and timely to support the mission and activities of the agency.

In FY 2017, the EEOC's rate of separations (10.8 percent) exceeded the rate of new hires (5.2 percent), indicating a decrease in the total number of employees on board. In addition, as of December 2017, the Commission has 513 retirement-eligible employees with an additional 632 employees reaching retirement eligibility in the next ten years. While the Commission has spent considerable resources on improving technology and providing efficiencies to better serve the public, these improvements will only get us so far. For this reason, the Commission is also committed to ensuring that our approved positions are up to date and to updating our agency's succession plan to ensure that our staff is well-equipped

and poised for the future. The FY 2019 Budget will allow the agency to continue targeted hiring in mission critical positions commensurate with our succession plan.

The EEOC continually strives to ensure that we resolve discrimination charges as promptly as possible. There are two crucial means to accomplish this goal.

First, 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 prevent and remedy unlawful discrimination and advance equal opportunity in the workplace. Providing secure online access to the public and employers enables faster resolution of charges, conserves staff time, and saves costs on printing, postage, and paper.

Over the past two years, and continuing in FY 2017, the EEOC has launched new technology using secure online portals that enable the public and the EEOC to communicate more efficiently using the internet and other electronic media. As discussed in detail herein, this includes the rollout of an online charge status system, which allows private parties to view the status of their charge at the EEOC, as well as a pilot which allows a potential charging party to complete a self-assessment and a charge inquiry, schedule appointments, and upload and receive documents online. This pilot was rolled out to all EEOC offices in November 2017. With this implementation, the Commission will develop and implement feedback surveys and other mechanisms to obtain data and evaluate the effectiveness of the various online services. Continuing to improve the EEOC's use of technology is vital to our work.

Second, to ensure that discrimination charges are resolved as promptly as possible, the agency must have the necessary staff and resources to deliver a high level of service. In FY 2017, the agency focused on training newly hired and mid-career staff as well as on rigorous charge management – resolving 99,109 charges, over 1,600 more than FY 2016. The agency also achieved a 16.2 percent reduction in pending inventory from the end of the prior year, ending FY 2017 with 61,621 charges versus 73,508 at the end of FY 2016.

The FY 2019 budget request provides funding that will allow the EEOC to maintain our staffing levels and further reduce our private sector charge workload through the use of expanded and improved technology and initiatives to maximize employee performance. It also provides needed funding to cover rents and mandatory office relocations.

The FY 2019 budget request supports our nation's economic growth by helping employers take effective steps to build productive and inclusive workplaces that fully utilize the talents of all those in the workforce. The Commission understands that the best way to eliminate discrimination is to prevent it from happening in the first place. To further this objective, the agency has made it a priority to provide updated guidance and user-friendly resources to help employers and employees take action to prevent discrimination or to voluntarily remedy it at the earliest notice.

## *Fiscal Year 2019 Priorities*

The EEOC's priorities for FY 2019 are to make the critical investments needed to make the Commission an agency focused on addressing the needs and challenges of the workplace of the future. Taking guidance from the President's blueprint, as creating jobs is a high priority for this administration, we, as an agency, will seek to increase equality of employment opportunity in the workplace through enhanced outreach and education; voluntary compliance efforts; high-quality investigations; early and voluntary resolution of matters (including mediation and quality conciliations); and strategic litigation to enforce the laws under our jurisdiction.

There is a common refrain from scholars and stakeholders that the nation needs to prepare for changing workforce demographics. The fact of the matter is the demographics have already changed — we see that in the work of the EEOC every day. Our challenge as an agency is to stay attuned to the needs and challenges those demographic changes present in our nation's workplaces. Looking forward to the agency's next 50 years, the agency needs to be agile in its structure and responsive to the needs of the changing workforce. With this proposed budget, the agency will be able to provide services to the public while simultaneously continuing to educate the public on the actual capacity and obligations of the EEOC to ensure a workplace free of discrimination.

The biggest news story in the second half of last year was one that came as no surprise to the Commission: that sexual harassment remains a problem in many of our nation's workplaces. In the wake of accusations against numerous public figures, the Commission's expertise and experience enforcing the law has been called upon over and over again. In response, the Commission has drawn heavily on the efforts of the EEOC's Select Task Force on the Study of Harassment in the Workplace, which I co-chaired in FY 2015 and FY 2016. The final report of the task force co-chairs, issued in June 2016, made a number of findings and recommendations on ways to better prevent harassment. Of note, a recommendation that has received considerable attention is that employers consider different approaches to conducting anti-harassment training for employees. To aid that effort, during FY 2017 the Commission developed new, customizable harassment prevention training that goes above and beyond traditional training by equipping supervisors and employees to actively address behavior that is uncivil or disrespectful while reminding them of their responsibilities in cases of more serious behavior. The Commission began offering this new fee-based training at the beginning of FY 2018. Also of note, last year the Commission revised its internal policy and order governing the prevention and elimination of harassing conduct in the EEOC's own workplace. And, in December 2017, I provided testimony to the U.S. House of Representatives Committee on House Administration, lending the Commission's expertise to Congress as it contemplates changing its own anti-harassment procedures. As much as workplace harassment has been a high priority for the Commission for many years, I expect it to be increasingly so in coming years.

### ***Investing in the Agency of the Future***

Beginning in FY 2017, in response to the Executive Order on Government Reform, we began to undertake an extensive review of the agency's structure and processes and plan to align our FY 2018 funding in response. To develop the Commission's response, we formed two working groups. The first working group focused on Maximizing Employee Performance and the second working group focused on Agency Reform, particularly with an effort to reduce duplicative efforts and improve organizational efficiencies and effectiveness. Although still in their early stages, we have already begun reviewing position descriptions in order to ensure they properly reflect current job requirements and in FY 2018, will be convening a working group to look into cost savings through reducing the agency's footprint. Both plans will be further enhanced through FY 2018 and FY 2019.

Our Strategic Plan for 2018-2022 focuses on making maximum use of our limited resources to achieve the greatest return on the investment of taxpayer dollars. As consistently shown in the annual results of the Federal Employee Viewpoint Survey, the EEOC's employees are highly committed to the mission of the agency, and with the support of the FY 2019 Budget, look forward to fulfilling the promise of the laws we are charged with enforcing. The mission of the EEOC remains the same, but we will continue to innovate and motivate our employees to maximize resources, improve performance and seek to provide high quality service to our stakeholders and the public.

The EEOC has celebrated several milestone anniversaries over the past few years: In 2014, we celebrated the 50th anniversary of the Civil Rights Act of 1964; in 2015, we celebrated the 50th anniversary of the founding of the EEOC and the 25th anniversary of the Americans with Disabilities Act; and throughout 2017, we celebrated the 50th anniversary of the Age Discrimination in Employment Act. Through the decades, we have built solid partnerships with state and local agencies, TEROs, employers, and stakeholder and advocacy groups to educate the public regarding laws the EEOC enforces and the rights and obligations of employers and workers under those laws. This budget request will help us to continue to work with them to build a strong American workplace committed to fulfilling our nation's promise of equal opportunity.

### ***Managing the Inventory and Reducing the Backlog***

Achieving and maintaining a balanced and manageable inventory is pivotal to providing quality customer service to our primary stakeholder, the American workforce. The Office of Management and Budget, Congress, and other observers of the EEOC have long expressed concerns about the agency's ability to resolve discrimination charges filed by private and federal sector employees and job seekers in a prompt manner, while simultaneously ensuring that the rights of the charging parties and respondents receive appropriate attention and respect. Balancing these interests—timeliness and quality—requires a proper and accurate understanding of the agency's workload.

With respect to the private sector, in 2017, the EEOC responded to over 540,000 calls to the agency's toll-free number and 154,200 inquiries in field offices—resulting in 84,254 charges of discrimination. EEOC staff resolved an additional 99,109 charges, reducing the pending workload to 61,621 (a 16.2 percent reduction). On any given day, the EEOC

averages about 4,000 charges in intake, over 1,000 charges in conciliation, and 7,500 to 8,000 charges in mediation in addition to the tens of thousands in investigation.

In July 2017, I gathered Commission leadership to discuss successful strategies utilized in the field, to facilitate cross-program collaboration, and to devise and foster sustainable responses to charge processing challenges in light of our persistent resource constraints. In addition, I have committed to bolstering the appropriate use of Alternative Dispute Resolution (ADR) and the prompt referral of charges suitable for mediation in order to expedite charge processing without sacrificing or compromising the rights of either the charging party or the respondent. Because of the strategies emphasized in FY 2017, we achieved a 16.2 percent reduction in inventory over the previous fiscal year.

The FY 2019 Budget will allow the agency to continue these successful strategies, as well as explore new ways to improve the agency's delivery of service to the public with the expectation that significant and sustainable backlog reduction can be achieved while maintaining a manageable inventory. This must be a sustained effort which requires continued management attention, a commitment of resources, and consistent implementation of systems.

In addition to our private sector enforcement activities, the Commission has adjudicatory responsibilities in the federal EEO complaints process and oversight responsibilities for federal programs. Charges of discrimination in our federal workplaces are no less important than in the private sector. The EEOC is responsible for federal sector enforcement. This system involves the receipt of hearings requests from complainants, who are either federal employees or applicants. As of FY 2017, the hearings program received 8,012 hearings requests, and resolved 6,661 complaints. Of those resolutions, 2,528 were merit resolutions (2,394 were settlements). The pending workload as of the first quarter of FY 2018 was 14,885. To address the federal sector backlog, and the increased number of hearings requests received annually, I have set aside funds to hire six additional attorney-examiners to address the volume of hearing requests pending and ensure that they, along with new requests, are timely processed.

Various factors, have caused an increase in Freedom of Information Act (FOIA) requests, creating a third inventory backlog consisting of FOIA requests. At the end of FY 2016, the EEOC carried a backlog of 792 FOIA requests. At the end of FY 2017, that backlog had increased to 2,259 FOIA requests (a backlog increase of 185 percent). In addition, in FY 2017, the Commission saw an 8 percent increase in the number of FOIA requests received (from 17,680 requests in FY 2016 to 19,119 requests in FY 2017). In response, we have implemented a FOIA backlog reduction plan and authorized the hiring of a FOIA attorney with technological expertise to help devise better ways to use technology to reduce the FOIA backlog.

## ***Enhancing Service to the Public by Improving and Leveraging Technology***

Across the agency, we continue to invest in and leverage technology to transform the way the EEOC does its work, including making its processes more transparent and providing information to its constituents faster – electronically, online, and on demand. In an increasingly mobile environment, our stakeholders want to be able to reach the agency through a variety of media. During FY 2018, the EEOC will expand its digital services to our state and local FEPA partners to facilitate sharing notices of dual-filed charges, and to federal employees to streamline the systems for discrimination complaints and appeals, bringing efficiencies to the process and savings to other federal agencies. Making these critical technology investments in support of our mission will accelerate productivity across our program areas, and will result in savings for years to come; however, our legacy charge data system is near end of life and must be replaced with a new Integrated Management System (IMS) in FY 2019. More than 60 percent of people who visit our website do so with their mobile devices. With the FY 2019 Budget, the EEOC plans to become more accessible to the public by fully implementing online access for charge inquiries, scheduling appointments, replacing our legacy IMS, enhancing mobile applications, and achieving paperless case files.

Investments in our technological infrastructure are critical to increasing the agency’s responsiveness and capacity to more readily resolve claims of discrimination. The agency has limited discretionary resources for information technology investments and needed improvements have already been delayed because of prior budget challenges. In FY 2017, the agency began the process of exchanging existing (and relatively expensive-to-maintain) email and collaboration software with more efficient cloud-based services. With and the FY 2019 Budget, the agency can provide the necessary devices and access to cultivate digital business processes and deliver mission-enabling systems to our employees. In short, to maximize the digital services we are developing, the agency must invest in corresponding infrastructure and equipment.

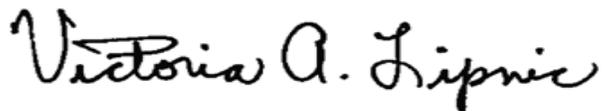
## ***Outreach, Education, and Strategic Law Enforcement***

The Commission will take a more holistic approach to championing employment opportunity in the workplace through providing public hearings and guidance and increased transparency and public participation in policy making. On April 5, 2017, the Commission hosted a meeting with the theme “Examining the State of the Workforce and the Future of Work,” where a panel of witnesses offered their expertise about jobs currently unfilled in our economy, the skills gap and apprenticeship programs, and how best to prepare our workforce with the skills needed in this 21st century knowledge economy. Continuing the theme of equal employment opportunity for all, on June 14, 2017, the Commission held a hearing on the Age Discrimination in Employment act and its relevance for today’s workforce.

In the federal sector, in FY 2017, the EEOC offered more than three dozen open-national enrollment courses including new courses on special-emphasis program management and anti-harassment among others. Customized classes – created in response to agency requests – were provided to more than 43 different federal agencies and reached 4,730 federal employees with over 844 hours of customized course content. To assess the

effectiveness of these efforts, the EEOC has created several evaluative tools, including an agency-participant satisfaction survey and a tool to measure participant knowledge, understanding, and ability to respond to unlawful workplace harassment. In addition, the EEOC has developed toolkits on retaliation, harassment prevention and reasonable accommodation. Finally, through the EEOC's YouTube channel, the agency continues to provide educational videos, and introduced a "NewsFlash" series to disseminate via email articles on current EEO topics such as religious accommodation and Youth@Work. With these, and other initiatives, the EEOC plans to increase outreach to its federal sector stakeholders by 20 percent in FY 2019.

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. It has been my privilege to lead the Commission during this administration and I urge support of the FY 2019 Budget submission. Doing so will allow Commission staff to seize the opportunity to make the Commission an even better organization than it already is and to fulfill our service to the nation and its workforce.

A handwritten signature in black ink that reads "Victoria A. Lipnic". The signature is written in a cursive style with a large, stylized initial 'V'.

Victoria A. Lipnic  
Acting Chair

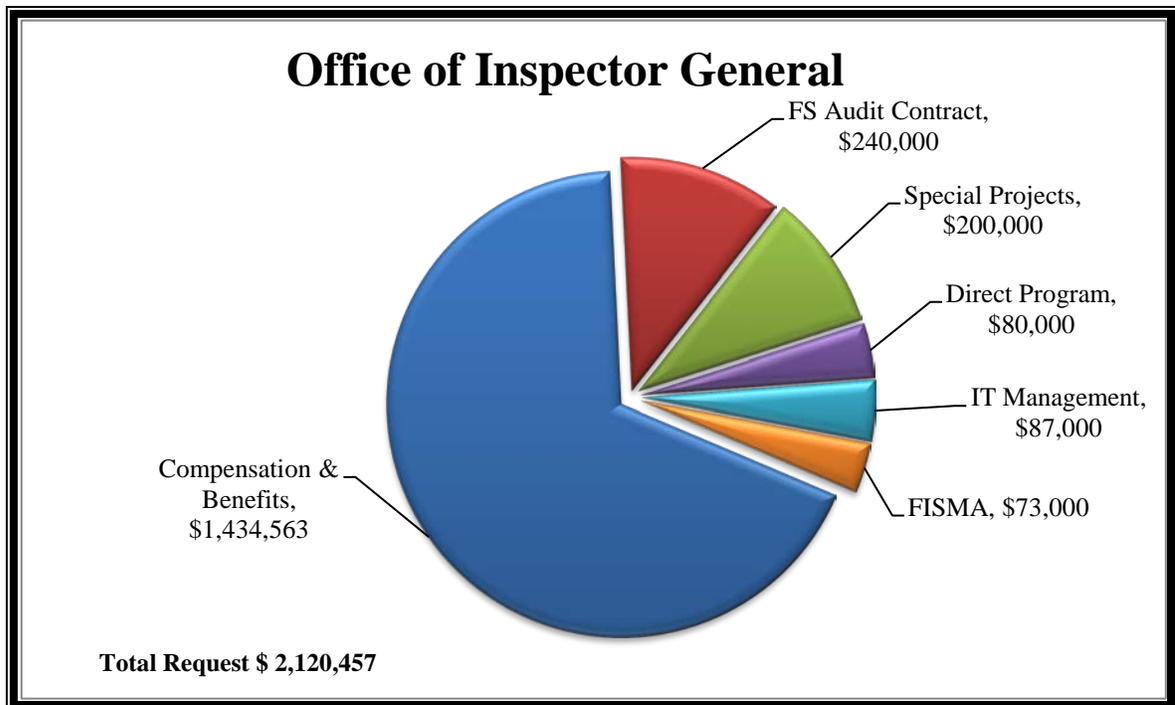
## II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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

Office of Inspector General Initial Request	\$2,120,457
Aggregate amount of funds	\$2,120,457 <sup>1</sup>
Amount requested in OIG budget for training	\$45,000 <sup>2</sup>
Amount requested to support CIGIE	\$ 5,894 <sup>3</sup>

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

**Chart 1: Office of Inspector General**



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

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for FY 2019.

<sup>3</sup> .27% of \$2,120,457 or \$5,894 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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### III. BUDGETING AND ACCOUNTING INFORMATION

#### A. Appropriation Language

U.S. Equal Employment Opportunity Commission

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

*For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621), the Equal Pay Act of 1963 (29 U.S.C. § 206), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 705), the Civil Rights Act of 1991 (Pub. L. 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (42 U.S.C. § 2000ff), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and up to \$29,443,921 for payments to State and Local enforcement agencies for authorized services to the Commission, \$362,024,681 [\$363,807,086]: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: [Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act:] Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.*

Note. —A full-year 2018 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2018 (P.L. 115-96). The amounts included for 2018 reflect the annualized level provided by the continuing resolution.

**B. Staffing and Funding Profile**

Table 1 below depicts the EEOC’s total agency staffing and funding profile by Strategic Objectives and Programs for FYs 2017 through 2019.

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

<b>FY 2017 to FY 2019</b> <i>(Dollars in thousands*)</i>				
	<b>FY 2017 (Actual)</b>	<b>FY 2018 CR</b>	<b>FY 2019 (Request)</b>	<b>Change From FY 2018 CR</b>
<b>Strategic Objective I: Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities</b>				
1. Private Sector Enforcement	\$286,894	\$284,965	\$286,302	\$1,337
State and Local	\$28,913	\$29,444	\$29,444	\$0
2. Federal Sector Enforcement	\$42,693	\$41,615	\$42,061	\$446
<b>Total Strategic Objective I</b>	<b>\$358,500</b>	<b>\$356,024</b>	<b>\$357,807</b>	<b>\$1,783</b>
<b>Strategic Objective II: Prevent employment discrimination and promote inclusive workplaces through education and outreach</b>				
Outreach (Non-Fee based)	\$6,000	\$6,000	\$6,000	\$0
<b>Total Strategic Objective II</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$0</b>
<b>Agency Total</b> <i>(includes Strategic Objective III Resources listed below)</i>	<b>\$364,500</b>	<b>\$362,024</b>	<b>\$363,807</b>	<b>\$1,783</b>
<b>Total Full-Time Equivalents**</b>	2,082	2,041	2,025	(16)
<b>Management Objective: Achieve organizational excellence</b>				
<b>Highlighted Resource Areas</b> [Information Technology]	\$18,948	\$17,204	\$19,730	\$2,526

\*May not add due to rounding.

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

### C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to the EEOC's appropriation request for FY 2018 to FY 2019.

**Table 2: Analysis of Change**

<b>FY 2019</b>			
(Dollars in thousands)			
	<b>FY 2018 CR</b>	<b>FY 2019 (Request)</b>	<b>Net Change (+/-)</b>
<b>Spending Authority</b> <i>(Includes State and Local)</i>	<b>\$362,024</b>	<b>\$363,807</b>	<b>\$1,783</b>
<b>Explanation of Changes:</b>			<b>Amount</b>
<b>Total Compensation and Benefits*</b>	258,434	256,495	(1,939)
<b>Subtotal Compensation Changes</b>			<b>\$(1,939)</b>
<b>Program Support Changes</b>			
1. Rent (adjustment to base – inflation)	30,287	30,801	514
2. DHS security (Adjustment to Base – Inflation)	3,115	3,234	119
3. Information Technology Enterprise Systems	17,204	19,730	2,526
4. Chief Human Capital Officer (OCHCO) **	5,498	5,886	388
5. Additional program increases**			175
<b>Program Support Changes</b>			<b>\$3,722</b>
<b>Total Net Change</b>			<b>\$1,783</b>

\* FY 2019 Compensation and Benefits (C&B) reflects agency estimates as of December 2017. It includes no FY 2019 Pay Raise. It includes the Annualization of the FY 2018 pay raise of 1.9%, effective January 2018 - increase of \$1,215; FY 2019 separation savings - decrease of \$9,500; FY 2019 hires to include 9 mediators, 52 investigators and support staff - increase of \$1,210; annualization of FY 2018 hires - increase of \$2,591; Annualization of FY 2018 within grade and promotions increase of \$1,258; FY 2019 within grade and promotions - increase of \$1,287.

\*\* Reflects increase to Library Subscriptions by \$175 and other increases to OCHCO for background investigations, the performance management system and mandatory training for new hires.

#### D. Object Class – Agency Summary

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

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

<b>Agency Summary Requirements by Object Class FY 2017 to FY 2019 (Dollars in thousands*)</b>			
<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2017 (Actual)**</b>	<b>FY 2018 CR</b>	<b>FY 2019 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$183,051	\$187,888	\$183,592
11.3 Other than FTP	2,302	2,200	2,200
11.5 Other personnel compensation	1,850	1,800	1,800
<b>Total Personnel Compensation</b>	<b>187,203</b>	<b>191,888</b>	<b>187,592</b>
12.1 Civilian personnel benefits	71,158	66,546	68,903
<b>Total Compensation and Benefits</b>	<b>258,361</b>	<b>258,434</b>	<b>256,495</b>
21.1 Travel of persons	2,775	2,800	2,800
22.0 Transportation of things	32	25	25
23.1 Rental payment to GSA	29,687	30,286	30,801
23.2 Other rent/communications	6,616	6,700	6,700
24.0 Printing and reproduction	119	250	250
25.1 State and local contracts	28,871	29,444	29,444
25.2 Security services (including DHS)	3,072	3,114	3,234
25.2 Other services from non-federal sources	19,767	17,491	19,841
25.2 Litigation support	3,568	3,250	3,450
25.3 Other goods & services from federal sources	6,718	5,100	5,300
26.0 Supplies and materials	3,852	3,850	3,850
31.0 Equipment	1,062	1,280	1,617
<b>Total Other Object Classes</b>	<b>106,139</b>	<b>103,590</b>	<b>107,312</b>
<b>Agency Total</b>	<b>\$364,500</b>	<b>\$362,024</b>	<b>\$363,807</b>

\*May not add due to rounding

\*\*Amounts updated after the FY 2019 Budget Appendix was finalized.

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

In March 2017, the EEOC implemented a formal risk management plan. The Chair announced the program with an EEOC-wide memorandum that also designated a Chief Risk Officer. In addition, EEOC established an Executive Risk Steering Committee (ERSC), and formalized the group's membership, authority and responsibilities with a charter. The initial ERSC met in March to discuss implementation across all EEOC offices, the draft handbook for ERM implementation was reviewed, recommendations were made, and the ERM handbook was published in April 2017.

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

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

Risk management has become central to the EEOC's mission, vision, and culture. All employees are expected to adopt the principles of risk management developed through the ERM program as it is progressively expanded to all offices and program areas, and to apply the standards, tools and techniques within their assigned responsibilities. Each office has prepared a risk register that is tailored to their program area and the office directors have reviewed and prepared risk profiles. These profiles were reviewed and discussed at ERSC meetings on May 25 and June 5, 2017, and an Agency Risk Profile was finalized by the ERSC on June 29, 2017. With this commitment to ERM, the EEOC can ensure the widest application of equal employment practices throughout the nation in the most efficient and cost-effective manner. See Appendix C.

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## V. STRATEGIC PLAN AND PERFORMANCE MEASURES

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

#### 1. Introduction

Equal opportunity for all is one of our nation's most cherished and hard-fought values. Since 1965, the United States Equal Employment Opportunity Commission ("the EEOC," "the agency," or "the Commission") has been the leading federal law enforcement agency dedicated to preventing and remedying employment discrimination and advancing equal opportunity for all in the workplace. The Strategic Plan for FYs 2018-2022 ("the Strategic Plan") establishes a framework for achieving the EEOC's mission to "Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace," so that the nation might soon realize the Commission's vision of "Respectful and inclusive workplaces, with equal employment opportunity for all."

The United States Congress requires executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The plan must include at least the following:

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

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

The development of a four-year Strategic Plan and annual performance plans require the leadership of an agency to reflect upon the statutory mission of the agency, reassess prior goals and objectives, and identify any new goals and objectives that

will enable the agency to meet its statutory mission. The plans also alert Congress and stakeholders to key factors external to the agency that may affect the agency's ability to carry out its mandate.

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

Congress entrusted the Commission with the responsibility of enforcing the nation's employment non-discrimination laws. These laws reflect Congress' vision of equal opportunity in our nation's workplaces. To honor the trust that has been given us, we must have an unwavering commitment to carrying out that vision.

**Accountability:** Like all federal agencies, the EEOC is accountable to the public it serves. We must therefore continue to demand excellence in ourselves and have systems in place to hold us accountable for that excellence. To this end, the Commission must ensure that the resources entrusted to us are used to advance the agency's mission, that the EEOC workforce has adequate training, and that the agency's processes are consistent and periodically evaluated and updated.

**Integrity:** The Commission has an obligation to be objective as it investigates charges in the private sector and adjudicates cases in the federal sector. If we conclude that unlawful discrimination has occurred, we have an obligation to advance the public interest and work to remedy the harm caused by discrimination. We also have an obligation to be an impartial adjudicator in federal sector cases. Moreover, every person we serve or interact with in the performance of our work and every member of the EEOC workforce is entitled to be treated with respect, courtesy, and professionalism.

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

**1. Combat and prevent employment discrimination through the strategic application of EEOC's law enforcement authorities.** The corresponding outcome goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.

**2. Prevent employment discrimination and promote inclusive workplaces through education and outreach.** The corresponding outcome goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.

**3. Organizational Excellence.** The corresponding outcome goals are: 1) A culture of excellence, respect and accountability; and 2) Resources align with priorities to strengthen outreach, education, enforcement and service to the public.

The plan also presents clear and realistic strategies for achieving each outcome goal and identifies 12 performance measures (with yearly targets) to track the EEOC's progress as it approaches FY 2022.

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<b>MISSION</b>		<b>VISION</b>
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.		Respectful and inclusive workplaces with equal employment opportunity for all.
<b>Strategic Objective I</b> Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	<b>Strategic Objective II</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.	<b>Management Objective</b> Achieve organizational excellence.
<p><b>Outcome Goal I.A:</b> Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief.</p> <p>Strategy I.A.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on EEOC priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.A.2: Use administrative and litigation mechanisms to identify and attack discriminatory policies and practices, including systemic practices.</p> <p>Strategy I.A.3: Use EEOC decisions and oversight activities to target discriminatory policies and practices in federal agencies.</p> <p>Strategy I.A.4: Seek remedies to end discriminatory practices and deter future discrimination.</p> <p>Strategy I.A.5: Seek remedies that provide meaningful relief to individual victims of discrimination.</p> <p><b>Outcome Goal I.B:</b> Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.</p>	<p><b>Outcome Goal II.A:</b> Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws.</p> <p>Strategy II.A.1: Broaden the use of technology to expand our reach to diverse populations.</p> <p>Strategy II.A.2: Target outreach to vulnerable workers and underserved communities.</p> <p><b>Outcome Goal II.B:</b> Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.</p> <p>Strategy II.B.1: Utilize modern technology and media to expand our reach to employers and other covered entities.</p> <p>Strategy II.B.2: Promote promising practices that employers can adopt to prevent discrimination in the workplace.</p> <p>Strategy II.B.3: Target outreach to small and new employers.</p> <p>Correlated Strategies: Strategy II.A.3/II.B.4: Provide up-to-date, accessible guidance and training on the requirements of employment discrimination laws.</p>	<p><b>Outcome Goal III.A:</b> EEOC has a culture of excellence, respect, and accountability.</p> <p>Strategy III.A.1: Recruit, develop, and retain skilled and committed employees.</p> <p>Strategy III.A.2: Advance performance management to maximize organizational improvement.</p> <p>Strategy III.A.3: Advance diversity and inclusion in the workplace.</p> <p>Strategy III.A.4: Develop and support innovation and collaboration to foster employee engagement and morale.</p> <p>Strategy III.A.5: Continuously implement quality practices in all programs.</p> <p>Strategy III.A.6: Foster constructive employee and labor management relations.</p> <p>Strategy III.A.7: Strive to model the workplace practices we promote.</p>

<p>Strategy I.B.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on EEOC priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.B.2: Rigorously and consistently implement the charge management systems for private sector and state and local government charges.</p> <p>Strategy I.B.3: Further develop and rigorously and consistently implement a case management system for federal sector hearings and appeals.</p>	<p>Strategy II.A.4/II.B.5: Increase the knowledge of targeted audiences through focused, innovative collaborations with internal and external stakeholders.</p>	<p><b>Outcome Goal III.B:</b> Resources align with priorities to strengthen outreach, education, enforcement, and service to the public.</p> <p>Strategy III.B.1: Embrace and invest in technology to transform the way the EEOC serves the public and to improve productivity.</p> <p>Strategy III.B.2: Expand the use of data and technology to support, evaluate, and improve the Agency’s programs and processes.</p> <p>Strategy III.B.3: Prioritize and actively manage available fiscal resources to best achieve our mission.</p>
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PERFORMANCE MEASURES		
<p><b>STRATEGIC OBJECTIVE I:</b> Combat and prevent employment discrimination through the strategic application of EEOC's law enforcement authorities.</p>	<p><b>STRATEGIC OBJECTIVE II:</b> Prevent employment discrimination and promote inclusive workplaces through education and outreach.</p>	<p><b>MANAGEMENT OBJECTIVE:</b> Achieve organizational excellence.</p>
<p><b>Performance Measure 1 for Outcome Goal I.A.:</b> By FY 2022, a significant proportion of EEOC and FEPA's resolutions contain targeted, equitable relief.</p> <p><b>Sub-Measure 1a.:</b> By FY 2022, TBD% of EEOC's resolutions contain targeted, equitable relief.</p> <p><b>Sub-Measure 1b.:</b> By FY 2022, TBD% of FEPA's resolutions contain targeted, equitable relief.</p> <p><b>Performance Measure 2 for Outcome Goal I.A.:</b> In each year through 2022, EEOC continues to favorably resolve at least 90% of enforcement lawsuits.</p> <p><b>Performance Measure 3 for Outcome Goal I.A.:</b> Each year through 2022, EEOC reports on its efforts to identify and resolve systemic discrimination.</p> <p><b>Performance Measure 4 for Outcome Goal I.A.:</b> By FY 2022, TBD% of federal agencies subject to oversight activities or compliance reviews change their employment practices based on EEOC's recommendations.</p>	<p><b>Performance Measure 6 for Outcome Goal II.A. and II.B.:</b> By FY 2022, EEOC modernizes and expands utilization of technology to ensure the public has greater access to information about their rights and responsibilities.</p> <p><b>Performance Measure 7 for Outcome Goal II.A. and II.B.:</b> By FY 2022, EEOC leverages collaborations with significant partner organizations to assist in breaking employment barriers.</p> <p><b>Performance Measure 8 for Outcome Goal II.A.:</b> By FY 2022, EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</p>	<p><b>Performance Measure 9 for Outcome Goal III.A:</b> EEOC performance improves with respect to employee engagement and inclusiveness.</p> <p><b>Performance Measure 10 for Outcome Goal III.A:</b> Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom EEOC interacts.</p> <p><b>Performance Measure 11 for Outcome Goal III.B:</b> Yearly progress on modernization of charge/case management systems for program offices until completed in 2021.</p> <p><b>Performance Measure 12 for Outcome Goal III.B:</b> The budget process prioritizes funding for EEOC's strategic goals.</p>

<p><b>Performance Measure 5 for Outcome Goal I.B.:</b> By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.</p> <p><b>Sub-Measure 1a.:</b> By FY 2022, TBD% of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.</p> <p><b>Sub-Measure 1b.:</b> By FY 2022, TBD% of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.</p>		
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## **VI. STRATEGIC OBJECTIVE I - Combat Employment Discrimination Through the Strategic Application of the EEOC's Law Enforcement Authorities**

### **A. Introduction**

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

There are two outcome goals for Strategic Objective I:

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

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

In December 2012, the Commission issued a Strategic Enforcement Plan (SEP) for FYs 2013 - 2016 as a successor to the 1996 NEP. The Commission revised its Strategic Enforcement Plan in 2017. Both SEPs established substantive area priorities and set forth strategies to integrate all components of the EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace. The first SEP resulted in increased focus by staff on the substantive area priorities and enhanced collaboration among staff. EEOC has seen real progress in the coordination of its enforcement and guidance efforts and in the development of the law on several priority issues such as background screens that adversely affect racial and ethnic communities and leave policies that discriminate against workers with disabilities. As part of its integrated approach under the SEP, EEOC has taken proactive steps to ensure consistent policies and positions in the private and federal sectors.

The SEP for FYs 2017 - 2021 again focuses efforts on those activities likely to advance equal opportunity and freedom from discrimination in the workplace. The SEP recognizes that to be effective as a national law enforcement agency, the Commission must focus on those activities that have strategic impact. The Commission defines strategic impact as a significant effect on the development of the law or on promoting compliance across a large organization, community, or industry. The significance of an issue and the potential outcome determine strategic impact, in addition to the number of individuals affected. This focus requires the EEOC to shift attention in certain areas and to reduce resources spent on activities that may not have strategic impact. This includes asking our managers and investigators to more rigorously apply our Priority Charge Handling Procedures in cases that are not identified as one of the SEP focus areas or that has strategic impact.

As underscored in the report, *Advancing Opportunity - A Review of the Systemic Program of the U.S. Equal Employment Opportunity Commission*, systemic investigations and lawsuits typically have strategic impact because they address significant legal issues or policies, or have a wide influence on an industry, occupation, or geographic area. The SEP reaffirmed the Commission's commitment to a nationwide, strategic, and coordinated systemic program as one of the EEOC's top priorities.

The SEP also recognizes that an individual charge or case can have strategic impact, as defined above. Effective strategic enforcement includes a balance of individual and systemic cases, and of national and local issues, recognizing that each may have strategic impact in varied ways.

The new SEP continues the same substantive area priorities identified by the Commission in the first SEP, with some changes to sharpen the agency's focus and update emerging issues of concern. In the updated SEP, the ADA emerging issue area was revised from a more expansive definition, which included all Reasonable Accommodation matters, to one which narrowed the focus to include only qualification standards and inflexible leave policies that discriminate against individuals with disabilities.

The plan clarifies the way the SEP substantive area priorities will be integrated into the EEOC's charge management system, the PCHP. It also reaffirms the importance of strengthening the integration of staff efforts across programs and offices and ensuring accountability to operate as "One EEOC." These efforts are essential to ensure that the agency's resources are leveraged most effectively.

The Commission has developed four performance measures, two of which have corresponding sub-measures, to track its progress achieving its outcome goals. One of the performance measures tracks the performance of its state and local partners.

Table 4, shown on the next page, outlines our budget information for the agency's enforcement programs under Strategic Objective I.

**Table 4: Budget Request Summary for  
Strategic Application of Law Enforcement Authorities**

FY 2017 to FY 2019 (Dollars in thousands*)			
	FY 2017 (Actual)	FY 2018 CR	FY 2019 (Request)
<b>Private Sector Enforcement</b>	<b>\$286,894</b>	<b>\$284,965</b>	<b>\$286,302</b>
Administrative Charge Resolution	191,385	193,989	194,703
Mediation	23,582	22,203	22,613
Litigation	71,927	68,773	68,986
State and Local	28,913	29,444	29,444
<b>Federal Sector Enforcement</b>	<b>\$42,693</b>	<b>\$41,615</b>	<b>\$42,061</b>
Hearings	23,301	22,470	22,670
Appeals	13,295	13,213	13,459
Mediation	925	885	885
Oversight	5,172	5,047	5,047
<b>Total</b>	<b>\$358,500</b>	<b>\$356,024</b>	<b>\$357,807</b>

\*May not add due to rounding.

**B. Performance Measures and Results**

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

**Sub-Measure 1a.:** By FY 2022, at least TBD percent of the EEOC’s resolutions contain targeted, equitable relief.

<b>FY 2018</b>	80-82% (preliminary figure, may need refinement).
<b>FY 2019</b>	Increase targets to TBD %.
<b>FY 2020</b>	Increase targets to TBD %.
<b>FY 2021</b>	Increase targets to TBD %.
<b>FY 2022</b>	Increase targets to TBD %.

**Sub-Measure 1b.:** By FY 2022, at least TBD percent of FEPA resolutions contain targeted, equitable relief.

<b>FY 2018</b>	15-17%.
<b>FY 2019</b>	Increase targets to TBD %.
<b>FY 2020</b>	Increase targets to TBD %.
<b>FY 2021</b>	Increase targets to TBD %.
<b>FY 2022</b>	Increase targets to TBD %.

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

Both sub-measures under Performance Measure 1 are designed to encourage the EEOC and the FEPAs to seek relief in these cases that goes beyond monetary damages for individual victims of discrimination. The measure for FEPAs also recognizes that with differences in their administrative procedures, other types of resolutions where targeted, equitable relief is secured should be included. While it is important that the EEOC and FEPAs seek meaningful relief for individuals, the ultimate interest of the Commission must be to protect all employees and job-seekers from unlawful discriminatory practices.

Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate.

**Performance Measure 2 for Outcome Goal I.A.:** In each year through 2022, the EEOC favorably resolves at least 90 percent of the agency’s enforcement lawsuits.

<b>FY 2018</b>	90%.
<b>FY 2019</b>	90%.
<b>FY 2020</b>	90%.
<b>FY 2021</b>	90%.
<b>FY 2022</b>	90%.

Performance Measure 2 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success on this measure will ensure that we continue to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As stated in the SEP, effective strategic enforcement includes a balance of individual and systemic cases, and those involving national and local priority issues, recognizing that each may have strategic impact in varied ways. This measure is significant because the achievement of success in cases raising priority issues under the SEP is often challenging and resource-intensive, especially in cases involving emerging or developing issues and systemic cases. Our goal for this measure is to reach and when possible exceed our ambitious targets through FY 2022.

**Performance Measure 3 for Outcome Goal I.A.:** Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.

<b>FY 2018</b>	Report issued.
<b>FY 2019</b>	Report issued.
<b>FY 2020</b>	Report issued.
<b>FY 2021</b>	Report issued.
<b>FY 2022</b>	Report issued.

This performance measure recognizes that systemic investigations and lawsuits typically have strategic impact because they address instances where the alleged discrimination has a broad impact on an industry, occupation, business, or geographic area. Performance Measure 3 focuses on the use and reporting of data to ensure the EEOC has a coordinated, strategic, and effective approach to systemic enforcement. To track our progress in identifying and resolving systemic discrimination, this performance measure will require that the EEOC maintain data and report annually on the overall number of systemic cases filed in the fiscal year; the percentage of cases filed in the fiscal year that are systemic cases; the percentage of systemic cases on the agency's overall docket; and, the number of ongoing systemic investigations by bases and issues and the percentage of all pending investigations that are systemic investigations.

**Performance Measure 4 for Outcome Goal I.A.:** By FY 2022, TBD percent of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.

<b>FY 2018</b>	Establish a baseline and project future targets.
<b>FY 2019</b>	Increase targets to TBD%.
<b>FY 2020</b>	Increase targets to TBD%.
<b>FY 2021</b>	Increase targets to TBD%.
<b>FY 2022</b>	Increase targets to TBD%.

Performance Measure 4 recognizes that because the federal government is the largest employer in the United States, reducing unlawful employment discrimination in the federal sector is an integral part of combatting employment discrimination. Moreover, as the largest employer in the United States, the federal government has tremendous influence over the employment practices of private and public employers in the United States and around the world. Thus, the promotion of equal employment opportunity in the federal government can positively impact all employees and job-seekers.

In FY 2018, the EEOC will conduct several on-site program evaluations of federal agencies in priority areas that have been identified through the integrated data system and will issue compliance plans that recommend changes in their employment practices. These plan recommendations will include steps that federal agencies can take to correct any discriminatory practices. The EEOC will review the compliance plans issued in FY 2018 to determine if they have been implemented successfully, and if not, what corrective action should be taken. Based on the EEOC's assessment of compliance, a baseline for the

number or percent of agencies successfully changing practices will be established for the out years.

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

**Sub-Measure 1a.:** By FY 2022, TBD percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.

<b>FY 2018</b>	86%.
<b>FY 2019</b>	Increase targets to TBD%.
<b>FY 2020</b>	Increase targets to TBD%.
<b>FY 2021</b>	Increase targets to TBD%.
<b>FY 2022</b>	Increase targets to TBD%.

**Sub-Measure 1b.:** By FY 2022, TBD percent of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.

<b>FY 2018</b>	Establish a baseline and project future targets based on the Federal Sector Quality Practices Plan.
<b>FY 2019</b>	Increase targets to TBD%.
<b>FY 2020</b>	Increase targets to TBD%.
<b>FY 2021</b>	Increase targets to TBD%.
<b>FY 2022</b>	Increase targets to TBD%.

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

Performance Measure 5 also provides targets for quality work in the federal sector. The Federal Sector Quality Practices (FSQP) (formerly the Federal Sector Quality Control Plan) was approved by the Commission on January 10, 2017, and includes quality components for hearings and appeals. The FSQP also includes quality criteria for the Commission’s oversight of federal agencies when reviewing affirmative employment and barrier analysis plans, evaluating federal agency complaint processes, and offering technical assistance to federal agencies. During FY 2018, the agency will collect baseline data on the quality criteria set forth in the FSQP, in a manner similar to what was done to implement the QEP. Following the collection of baseline data based on hearings and appeals file reviews and federal agency compliance reviews, the agency will establish benchmarks for FY 2019 and out years.

The EEOC's further development and rigorous implementation of a case management system in the federal sector, pursuant to Strategy I.B.3, is an important element in ensuring quality results in hearings and appeals. The Commission will explore the possibility of refining case management systems to provide, under current regulations, for the categorization of federal sector cases based on strength of the evidence. Through this performance measure, the agency will ensure that hearings and appeals are appropriately categorized and prioritized so that resources are allocated efficiently to address the matter based on the type of case and its merits.

## **C. Program Areas**

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

#### *Management of the Charge Workload*

The public's demand for the EEOC's services to resolve charges of discrimination continues to challenge the agency, even as we invest in staff and systems to strengthen our enforcement, deliver excellent service to the public, and promote compliance with federal civil rights laws. In FY 2017, the EEOC resolved 99,109 charges, as 84,254 new charges were filed with the agency. With focused attention on reducing our pending inventory, the results for FY 2017 reflect a dramatic decline of 16.2 percent, to 61,612 charges. In FY 2018 and FY 2019, we anticipate maintaining the trend of resolving more charges than our receipt levels. As a result, we project a continued decline in inventory to 56,626 charges in FY 2018, with a further reduction to 51,667 charges in FY 2019. Additionally, this inventory level will be achieved with the additional hiring in our front-line positions of investigators and mediators. The budget levels requested will allow the EEOC to hire 30 investigators in FY 2018 and 52 investigators and 9 mediators in FY 2019. While there will be an overall net loss due to greater attrition of positions than those hired, this hiring authority will allow us to continue to make some inroads into further reducing inventory. As a result, we are projecting a continuing decrease in the inventory in the out years of FY 2020 and FY 2021, with an achievement of 46,824 and 43,772, respectively, which will yield a more sustainable and manageable inventory of 85 charges on average per investigator by the end of FY 2021.

Beyond the contributions that the additional hiring will bring, our projected reductions to the pending inventory will be achieved through other management initiatives. Beginning in mid-2017, there has been a renewed focus on achieving and maintaining a balanced and sustainable inventory. A variety of strategies have been discussed and shared with Field senior leadership to be incorporated into their local management "tool kit" as they seek solutions to meet their current workload and to maximize efficiencies to charge investigation and resolution. This includes reemphasizing intake interviews with Potential Charging Parties to help sharpen issues and give us more information by which categorize the charge and using office stand downs to review charges in the inventory and identify the next steps needed to resolve the charge.

This emphasis recognizes that in periods of limited resources, we must continually focus on alternatives that will enable us to reduce the inventory to a sustainable level.

Throughout FY 2018 and FY 2019, we will continue to utilize this approach as part of a multi-pronged effort to ensure that we are managing our inventory efficiently while providing quality customer service to charging parties and respondents. Additionally, we will continue to focus on innovative approaches and to invest in training and systems to better manage the charge workload and better serve the public. The EEOC is committed to fully utilizing Priority Charge Handling Procedures (PCHP), which focus agency resources on charges where the government can have the greatest impact on workplace discrimination. Training of staff in effective case management through the rigorous use of PCHP is critical to efficient resolution of charges. The agency trained 34 new investigators in FY 2016, 52 investigators in FY 2017 and plans to conduct similar training for all newly hired investigators in FYs 2018 and 2019. Significant resources have been devoted to transforming the EEOC's paper system to a digital charge system with additional features to provide the parties with online capabilities to interact with agency staff, submit relevant documents, and review their charge status. In early FY 2018, we fully migrated our Online Intake System to all of our field offices after concluding our pilot launched in FY 2017. This, coupled with the advances in technology, commitments to incorporate PCHP throughout the charge lifecycle, strategies for achieving a balanced inventory, and effective staff training, will ensure that the EEOC will be positioned to assure sound workload management and provide enhanced customer service in FY 2019 and beyond.

Chart 2 on the next page shows pending inventory decreases from FY 2015 through FY 2021 even though hiring will slow and the replacement of staff will be limited. The gradual decline results from the downward trend in receipts and from a focus on inventory reduction strategies and inventory management approaches, both of which offset the drop in overall staffing since FY 2016.

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

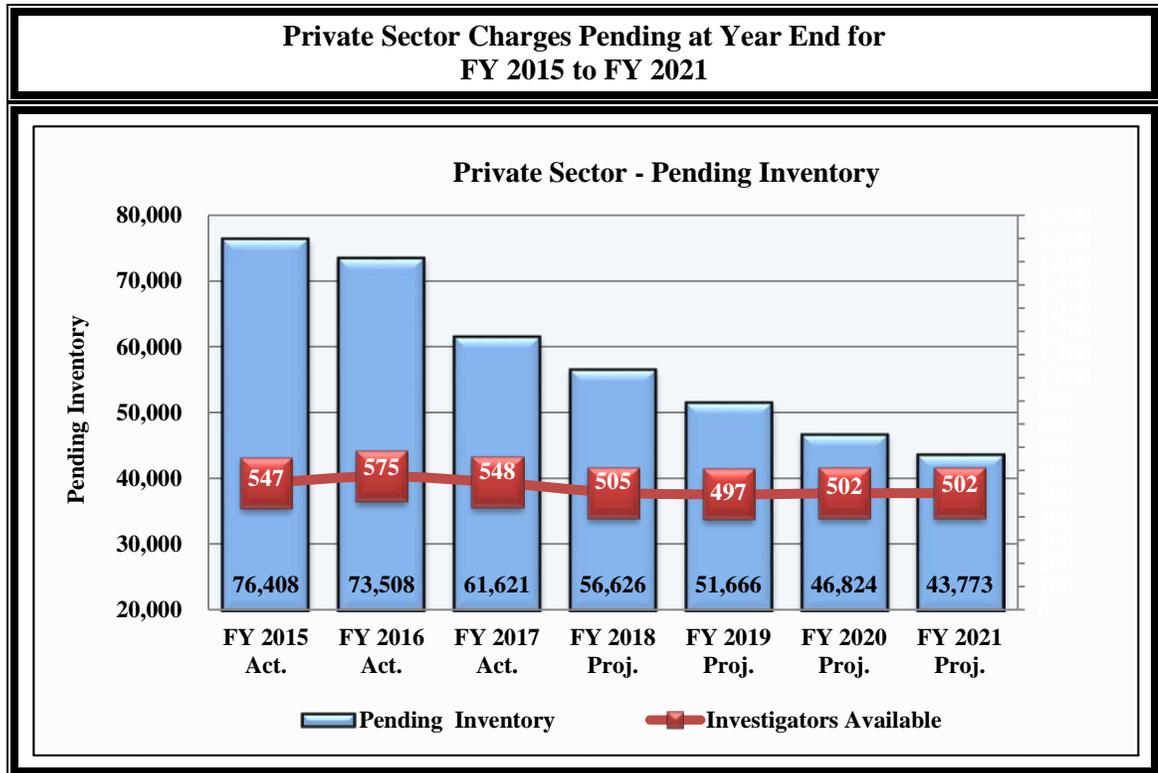
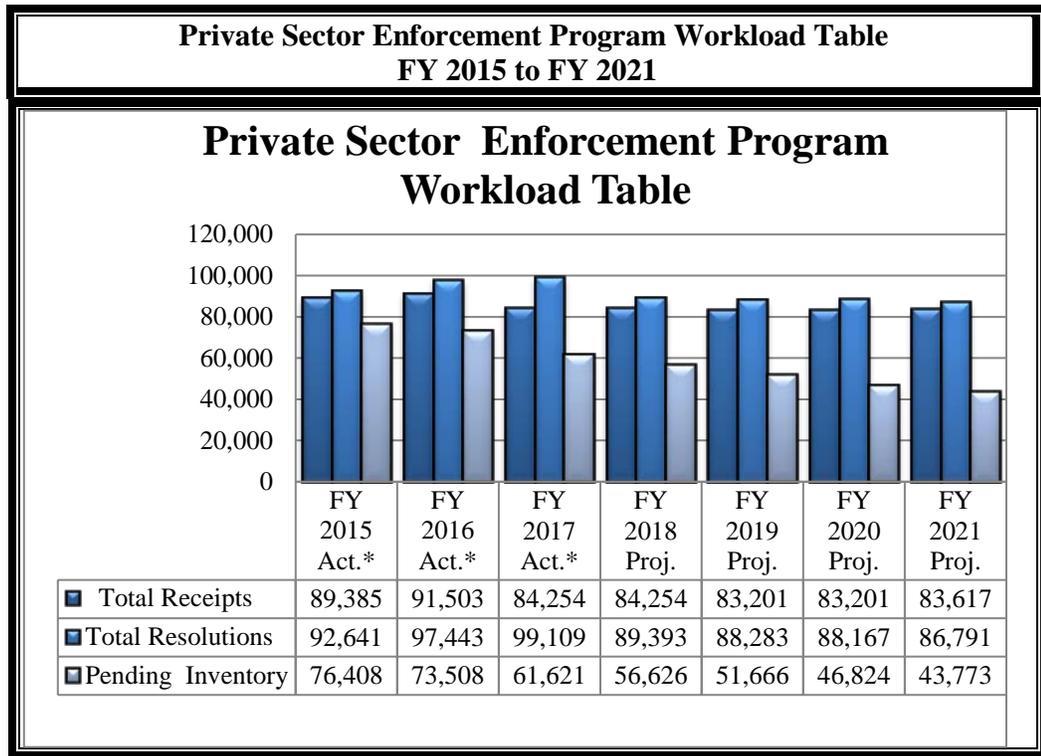


Chart 3 on the next page depicts the actual Workload for Private Sector Enforcement for FYs 2015 through 2017 and projected Workload through FY 2021. As Chart 3 demonstrates, we experienced an increase in receipts in FY 2015 and FY 2016, followed by a decline in FY 2017, and a further slight decline by FY 2021.

The chart also reflects the steady decline in inventory which will be achieved in spite of projected declining resolutions, as a result of renewed management focus on maintaining a sustainable inventory as well as the limited hiring activity in FY 2018 followed by the projected hiring of 52 new investigators and 9 mediators in FY 2019. This hiring will forestall a more dramatic decline in resolutions and will ensure that the agency is able to maintain a productivity of resolving more charges than are received. Additionally, the pending inventory figures continue to reflect a favorable decline with each successive year as a result of dropping receipts and enhanced investigator productivity resulting from the EEOC’s focus on vigorously using its priority charge handling procedures (PCHP) as well as incorporating other strategies to manage its inventory to achieve a sustainable inventory of charges filed during the year.

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



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

Table 5 on the next page details the actual private sector charges received by statute for FY 2015 - FY 2017 and the projected charges through FY 2021. As can be seen by Table 5 the largest portion of the charges received by the agency involves those with allegations covered by Title VII.

**Table 5: Charges Filed by Statute**

<b>Charges Filed by Statute FY 2015 to FY 2021</b>							
	FY 2015 (Act.)	FY 2016 (Act.)	FY 2017 (Act.)	FY 2018 (Est.)	FY 2019 (Est.)	FY 2020 (Est.)	FY 2021 (Est.)
<b>Title VII Only</b>							
Charges filed	46,675	46,833	42,937	43,030	42,492	42,492	42,704
Charges resolved	48,446	49,834	50,406	42,970	42,433	42,433	42,645
<b>Title VII with Concurrents*</b>							
Charges filed	63,900	65,090	59,466	59,700	58,953	58,953	59,248
Charges resolved	66,046	69,673	70,405	60,048	59,297	59,297	59,593
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	7,558	7,648	6,782	6,912	6,826	6,826	6,860
Charges resolved	7,985	8,206	8,178	7,024	6,936	6,936	6,971
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	20,144	20,857	18,376	18,790	18,555	18,555	18,648
Charges resolved	21,273	22,594	22,430	19,302	19,061	19,061	19,156
<b>Equal Pay Act Only</b>							
Charges filed	41	48	24	34	34	34	34
Charges resolved	43	57	41	42	42	42	42
<b>Equal Pay Act with Concurrents</b>							
Charges filed	973	1,075	996	993	981	981	985
Charges resolved	1,018	1,201	1,225	1,040	1,027	1,027	1,032
<b>Americans with Disabilities Act Only</b>							
Charges filed	15,301	15,997	15,322	15,026	14,838	14,838	14,912
Charges resolved	15,447	16,479	17,253	14,458	14,277	14,277	14,348
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	26,968	28,073	26,838	26,344	26,014	26,014	26,144
Charges resolved	27,429	29,575	30,946	25,940	25,616	25,616	25,744
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed	23	30	23	25	25	25	25
Charges resolved	29	24	27	22	22	22	22
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed	257	238	206	213	210	210	229
Charges resolved	257	248	267	221	218	218	219
<b>Total*</b>							
Charges filed	89,385	91,503	84,254	84,254	83,201	83,201	83,617
Charges resolved	92,641	97,443	99,109	89,393	88,283	88,167	86,791

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

### Mediation Program

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

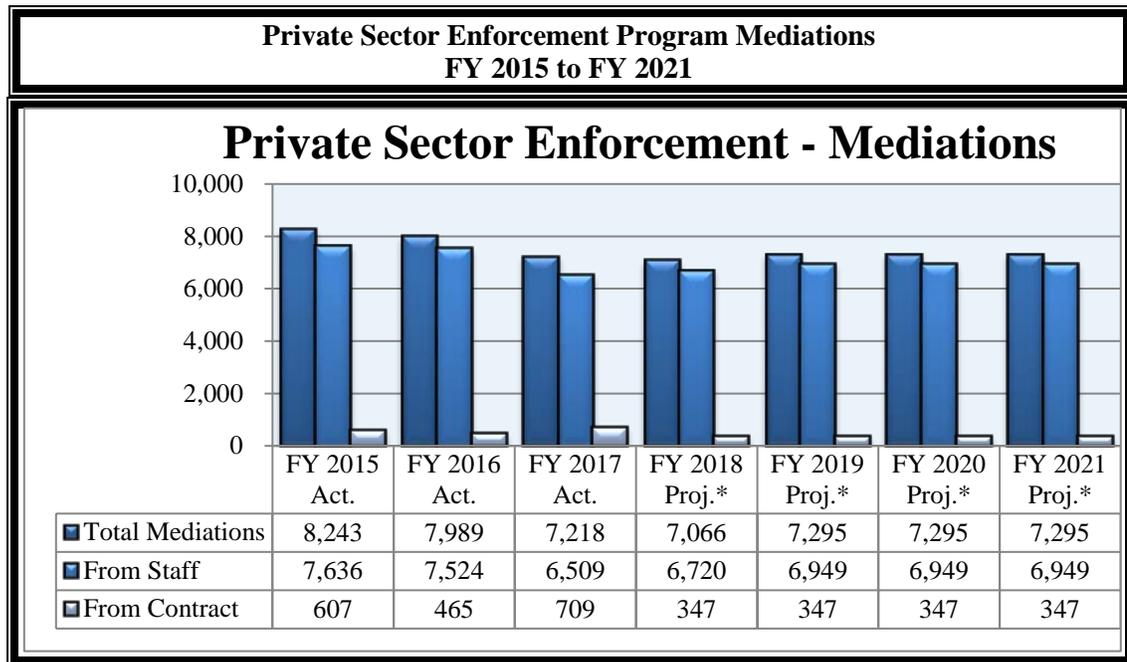
Additionally, the program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, charging parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In FY 2017, 96.5 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC, and we anticipate similar results from our FY 2018 survey. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program result in fewer charges that remain in our inventory for investigation, thus alleviating the growth of the overall charge inventory.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. At the conclusion of FY 2017, the agency achieved 7,218 successful resolutions out of 9,476 conducted compared to the 7,989 successful resolutions out of 10,461 conducted in FY 2016. During FY 2017, mediations were completed in an average of 105 days with over \$163.6 million in benefits secured compared to 97 days and over \$163.6 million in benefits obtained in FY 2016. The Commission anticipates hiring no new mediators in FY 2018 and nine new mediators in FY 2019, but this hiring will not fully offset the projected loss of 12 mediators over the course of the two years. We do project that this hiring activity will contribute to increased resolutions through our mediation process. This request also retains the FY 2018 contract mediation budget level of \$440,000 for FY 2019 - FY 2021. These funds allow us to continue to provide a fair, efficient and timely forum to resolve charges where staff mediators may not be available. We will continue to monitor our ability to replace separating mediators throughout the fiscal year in order to increase our mediation resolutions. Additionally, we will be conducting a ADR Coordinator training program.

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program builds a persuasive case to help convince employers to participate in our mediation program. To that end, the Commission plans to initiate a media marketing plan in FY 2018 that targets the benefits ADR provides. In addition to these efforts, the agency continues to promote the program through Universal Agreements to Mediate (UAMs) with employers. By the conclusion of FY 2017, the agency secured a cumulative total of 2,799 agreements to mediate (UAMs), a 5 percent increase over the prior year.

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

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



\*May not add due to rounding

**a. State and Local**

The President’s request for FY 2019 is to maintain the FY 2018 funding for State and Local activities of \$29,443,921. The FY 2019 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in supporting the EEOC’s mission to stop and remedy unlawful employment discrimination. The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with the EEOC field staff, to explain the provisions of Federal, state and local laws regarding employment discrimination to various groups and other members of the public.

During FY 2017, we strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its TERO and FEPA partners. The EEOC offices continued to use the model MOU, approved by the Commission just before FY 2013, as a template for agreements with individual Indian tribes. Under the MOU, each tribe wishing to enter into an MOU with the EEOC must first adopt a non-discrimination ordinance covering employment on the tribe’s reservation or land.

We have also continued to engage in more focused dialogue with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to the EEOC's Strategic Plan including previously redeveloping mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. Moreover, during FY 2016 and FY 2017, we continued to provide training and guidance to the staff of our FEPA partners either in person or via webinars on a range of topics including charge processing and technical discussions.

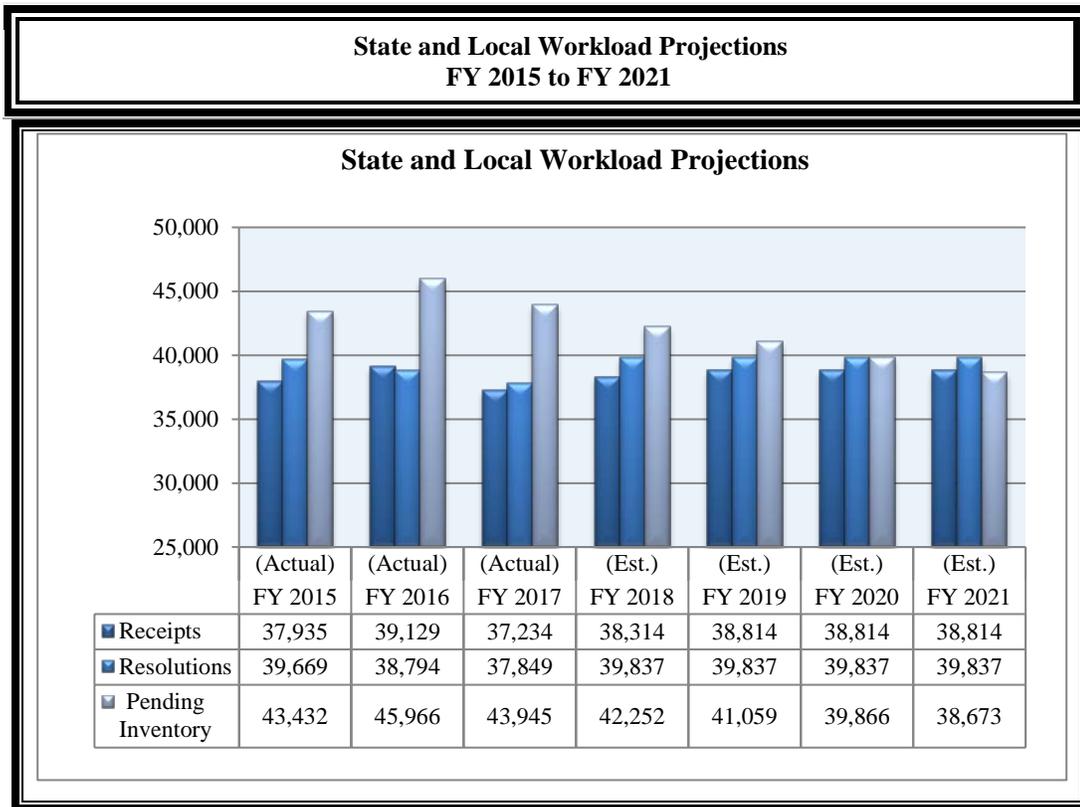
Throughout FY 2017, and into FY 2018, the EEOC has worked to enhance our Digital Charge System (DCS) to provide electronic notifications and document exchange between the EEOC and FEPAs. This enables the FEPAs to receive electronic notification of Charges of Discrimination (Form 5) that are dual-filed with the EEOC, as well as have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212). In FYs 2018 and FY 2019 we will continue to provide technology enhancements to our State and Local Programs.

During FY 2017, State and Local Programs received \$29.5 million as part of the agency's overall appropriation. The reimbursement rate remained at \$700 per charge.

The EEOC field offices will continue to invite FEPAs in their jurisdiction to participate in training offered to the EEOC staff. In addition, the EEOC continues to explore new technologies that would even more effectively enhance communication. The EEOC continued to gather and monitor targeted equitable relief (TER) data reported by FEPAs. As of the end of FY 2017, the proportion of FEPA-reported resolutions containing TER was within the range of the FY 2017 target of 15 to 17 percent. This will remain a focal point in FYs 2018 and 2019, as we continue to identify opportunities to link technology advances with improved interactions with our partners.

Table 6 below depicts the actual State and Local receipts, total resolutions and pending inventory for FYs 2015 - 2017, and projections for FYs 2018- 2021.

**Table 6: State and Local Workload Projections**



Systemic Program

Tackling systemic discrimination -- where a discriminatory pattern or practice or policy has a broad impact on an industry, company or geographic area -- is part and parcel of the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits effectively use government resources because they address significant legal issues, broad policies, or have a broad impact on an industry, profession, company or geographic area. Without systemic enforcement, many discriminatory systems and structures would persist - leading to more harm to individuals of 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.

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the EEOC's systemic investigations and lawsuits over the past decade, more than 70,000 workers have received jobs, wages, and benefits and many more have benefited from positive changes in workplace practices. Notably, the EEOC tripled the success rate

for conciliation of systemic matters from 21 percent to between 45 - 64 percent over the past decade and the EEOC's litigation program has achieved a remarkable 92 percent success rate in its systemic cases over the past 10 years (through FY 2017). In FY 2017, the EEOC field offices resolved 340 systemic investigations and obtained over \$38 million (as of end of third quarter) in remedies during the administrative process. These resolutions included voluntary conciliation agreements in 77 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 22 systemic suits in FY 2017 for a total of \$33.8 million in remedies.

Coordination of systemic investigations and cases has significantly increased, with staff regularly sharing information and strategies on systemic cases and partnering across offices on lawsuits. The EEOC is also 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, employer, and the EEOC align to result in lasting improvements to workplace practices and policies.

#### **b. Litigation**

Since 1972, the Commission's litigation program has served a vital role in fulfilling our mandate to enforce the federal civil rights employment laws. Recognizing its resource limitations, the Commission has long emphasized that the litigation program should focus on cases that have the potential to impact multiple workplaces or large groups of applicants or employees, emerging issues where the agency's expertise may be especially critical to achieving a successful outcome, and individual cases where broader law enforcement goals can be advanced with the successful resolution of the case. In addition, the litigation program focuses on population groups and geographic locations where private enforcement of anti-discrimination laws is rare, and individuals have minimal access to the legal system to protect their rights.

Consistent with the Commission's SEP, the agency has been successful in ensuring that the great majority of the cases selected for litigation raise priority issues, including discriminatory barriers to employment (chiefly recruitment and hiring practices), patterns of harassment, emerging legal issues, protecting the rights of immigrants and other vulnerable populations, and discriminatory pay practices. In all of our litigation, the EEOC seeks to secure substantial injunctive and equitable relief as well as appropriate monetary relief for all aggrieved individuals.

In FY 2017, the agency filed 184 enforcement suits, more than double the amount filed in the previous fiscal year (86). The agency expects to file a similar quantity of enforcement suits in FY 2018 and again in FY 2019. Given the rise in litigation filings and the expectation that many of the current docket of active cases will remain on our docket well into FY 2019, resources will be needed to responsibly and effectively conduct litigation of these cases. In addition, we expect that Commission attorneys will continue to spend a significant portion of

their time working closely with investigators to develop investigation plans, interview witnesses, analyze evidence, and assist in charge resolutions.

The Commission's resource investments in its litigation program have paid dividends. Since at least FY 2010, the EEOC has averaged a favorable outcome in over 90 percent of its suits. Even in its systemic litigation, which is more complex, the EEOC has averaged a favorable outcome in approximately 92 percent of its systemic suits over the past ten years.

## **2. Federal Sector Programs**

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

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

As a result of the 2012 revisions to Commission regulations at 29 C.F.R. § 1614.102(e), the Commission's Strategic Plan, Strategic Enforcement Plan, and the Federal Sector Complement Plan, the Commission's federal sector program is working with agencies' EEO Programs to ensure they are compliant with all of the Commission's regulations, decisions, policies and directives. This makes collaboration and coordination by all of the Commission's federal sector components especially critical.

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

Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 provide the Commission with its mandate that all federal personnel decisions be made free of discrimination, and require federal agencies to establish affirmative programs of equal employment opportunity (EEO) for all federal employees and job applicants (42 U.S.C. §2000e-16 and 29 U.S.C. §791). Under these laws, and through subsequent statutes and amendments, Congress gave the EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million men and women across the country and around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides agencies in identifying and removing barriers to equality of

employment opportunity so that the American people have a model federal work force that fully reflects everyone's contributions.

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

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

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

In FY 2017, the EEOC secured \$72.6 million dollars in relief for parties who requested hearings. At the end of FY 2017, there were a total of 8,012 hearings requests received, which reflects a decrease of 2.2 percent over the number received in FY 2016 (8,193). Additionally, in FY 2017 the Commission's hearings program resolved a total of 6,661 complaints, which is 1.9 percent above the level in FY 2016 (6,792). As our workload table below projects, with the full productivity of our new hires made in FY 2016 as well as other enhancements made to our hearings process, resolutions are anticipated to climb 35 percent over the FY 2017 level to 8,960 in FY 2018 and a further 9 percent increase in FY 2019, to 9,768 resolutions. We project, as shown in Table 7, that with the slight decrease of resolutions in FY 2018 coupled with the processing enhancements implemented during the fiscal year, this will produce the first drop in inventory in many years of 3.3 percent, to 13,821 and the pending inventory will significantly decline further in FYs 2019 through 2020.

**Table 7: Hearings Workload Projections**

<b>Hearings Workload Projections FY 2015 to FY 2021</b>							
<b>Workload</b>	<b>FY 2015* (Actual)</b>	<b>FY 2016* (Actual)</b>	<b>FY 2017 (Actual)</b>	<b>FY 2018 (Estimate)</b>	<b>FY 2019 (Estimate)</b>	<b>FY 2020 (Estimate)</b>	<b>FY 2021 (Estimate)</b>
Hearings Beginning	10,689	12,161	13,624	14,885	13,821	11,899	9,977
Receipts	7,752	8,193	8,012	7,985	7,935	7,935	7,935
Consolidations	(46)	(50)	(89)	(89)	(89)	(89)	(89)
<b>Total Workload</b>	<b>18,395</b>	<b>20,304</b>	21,547	22,781	21,667	19,745	17,823
Resolutions	6,360	6,792	6,661	8,960	9,768	9,768	9,768
Pending	12,035	13,512	14,885	13,821	11,899	9,977	8,055

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

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with the prior Strategic Plan, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite and tailor case processing commensurate with agency resources. The system which was piloted in four of our field offices in FY 2014, was expanded nationwide by the end of FY 2015, and was fully operational and producing positive results during FY 2016.

The key feature of the hearings Case Management Plan is the requirement that EEOC Administrative Judges (AJ) hold an initial conference at the start of the hearings process, consistent with the principle that early proactive intervention by the AJ, especially prior to the start of discovery by the parties, will lead to more efficient adjudication of cases and an overall reduction in the time and resources spent on a case. The benefits of the initial conference since the case management plan was implemented nationally are: reduction in discovery disputes; discovery tailored to the needs of a particular case; improved allocation of resources; earlier settlements; earlier resolution of procedural issues; better control of the case; assurance of the adequacy of the record; and an increase in quality of the ultimate adjudication. The results from the hearings Case Management System are positive. The initial pilot offices reported that the pre-hearing conferences facilitate settlement; set the parties' expectations and provide an opportunity to discuss how much discovery is needed. Identified benefits include: 1) early education; 2) early mediation; 3) early identification of issues/partial dismissals/amendments; 4) fewer motions; and 5) greater time to dedicate to the more substantial and complicated cases, and to conduct research on novel issues.

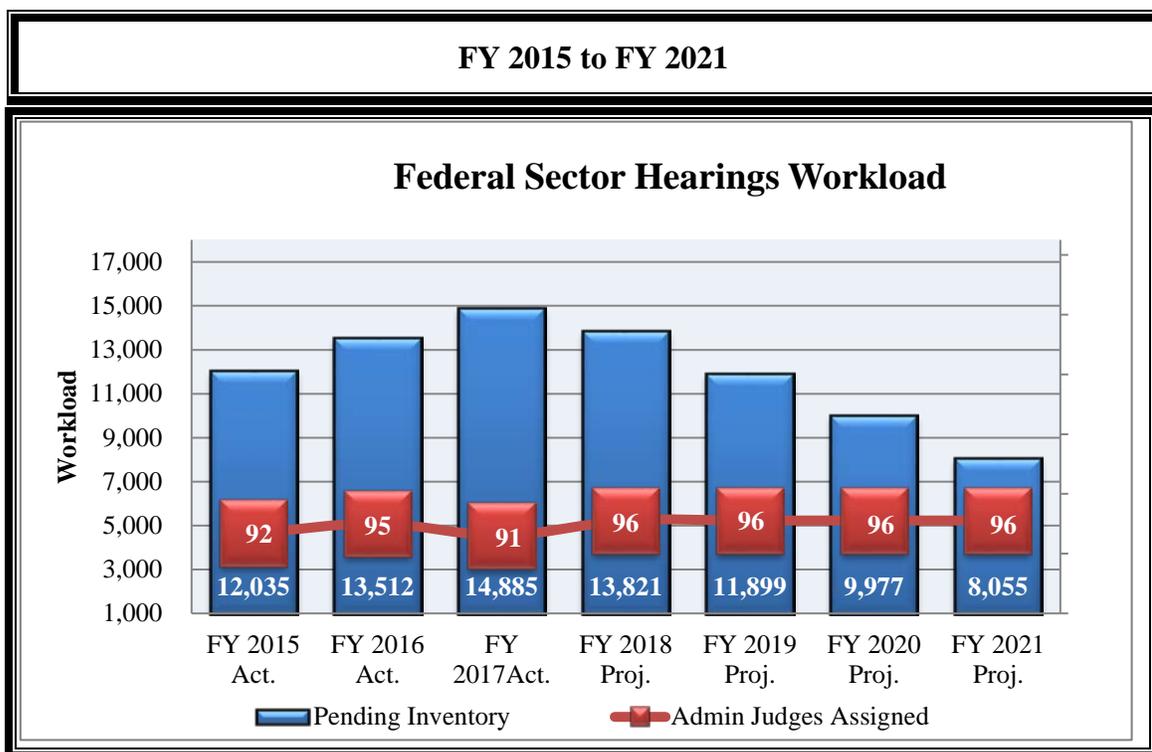
We will continue to evaluate and quantify the efficiencies gained through this Case Management System while also working to identify the most effective practices to increase efficiencies across the agency. With the implementation of the initial conference step for all offices, this has resulted in 70 percent of all hearing requests received in FY 2017 having an initial conference. We expect this to yield the benefits noted above nationwide.

The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than three years, the EEOC has provided agencies with a digital method for submitting complaint-related documents. During FY 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). Beginning in 2017, administrative judges have been able to upload their orders and decisions for access by the agencies in cases before them. Using the FedSEP portal, agencies can now easily upload all documents for both hearings and appeals. This laid the groundwork for plans to expand FedSEP access in FY 2018 to complainants which will give all parties easy transmission and receipt of documents; allowing complainants to request a hearing or appeal online; and allowing parties to review the status of the hearing or appeal online. In addition to the gains in efficiency and cost savings, these technological innovations will make the hearings and appeals process more transparent for all parties and will reduce the agency's reliance on support staff to prepare and scan paper documents received by the parties.

Priorities for the federal sector hearings program in FY 2018 and FY 2019 include exploring additional tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its AJs, thereby helping to manage the growing hearings inventory. In 2016, the hearings program began developing new templates to standardize orders and decisions by administrative judges as well as expanding efforts to encourage informal resolution of claims at the hearings stage. Such investments will further improve customer service and increase efficiencies for individuals and federal agencies utilizing the federal sector hearings process.

Chart 5 on the next page demonstrates the actual workload and number of administrative judges assigned to handle hearing complaints for FYs 2015 through 2017 and projections for FYs 2018 through 2021. Based on recent data and as outlined in Table 7 above, hearings receipts are projected to decline in FY 2018 and remain steady through FY 2021. Resolutions will increase beginning in FY 2018 due to the hiring that will occur during the fiscal year along with other enhancements to our process that are aimed at streamlining the assessment and actions taken on hearing complaints. FY 2019 will reflect a further increase in resolutions as the decline in inventory allows for more timely processing of newly filed charges using the enhanced procedures. The ability to increase the resolutions over the coming years will also be due to the greater efficiencies achieved with technology enhancements for the hearings process and expanded use of case management techniques, which will prompt a steady decline in the pending inventory through 2021.

**Chart 5: Federal Sector Hearings Workload**



**c. Federal Sector Appeals Programs**

The Commission has the responsibility for serving as the neutral arbiter in the federal sector for appeals from agency decisions on EEO complaints, collective bargaining agreement grievances alleging discrimination against federal agencies, and reviewing decisions by the Merit Systems Protection Board containing allegations of discrimination in appealable actions under 29 C.F.R. Part 1614.

The appellate decisions issued by the Commission serve as a vehicle for the development and promulgation of the Commission's EEO policy in the federal sector. Moreover, these appellate decisions express policy and legal interpretation on emerging and evolving EEO law that impact workers and employers throughout the nation. Finally, they serve to educate federal sector complainants, agencies, and the public sector about the law, guide agencies in their efforts to become model workplaces, and vindicate the public interest in eradicating discrimination in federal employment.

The Commission ensures that its federal appellate adjudicatory functions are fair and efficient, and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. The EEOC's federal sector appellate attorneys exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that justice delayed is not justice denied. The table below details the EEOC's appellate adjudication results and projections.

**Table 8: Appeals Workload Projections**

FY 2015 to FY 2021							
Workload	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (Estimate)	FY 2019 (Estimate)	FY 2020 (Estimate)	FY 2021 (Estimate)
Appeals Beginning	4,541	4,340	4,111	3,658	3,482	3,621	3,962
Receipts	3,649	3,523	3,831	4,000	4,000	4,000	4,000
Total Workload	8,190	7,863	7,942	7,658	7,482	7,621	7,962
Resolutions	3,850	3,751	4,284	4,176	3,861	3,659	3,456
Pending	4,340	4,111	3,658	3,482	3,621	3,962	4,506

The Commission is exploring work method improvements through revising work processes and delegating greater authority to adjudicators in identified categories of cases with the goal of more expeditiously resolving cases identified as not having significant impact or based on established precedent to speed up adjudications. Additional collaboration with agencies to maximize the use of technological improvements in record submissions, perfection of defective records and reducing wasted efforts spent on records not ripe for adjudication will be undertaken through collaboration, training and educational outreach.

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

In FY 2016, there were 111 findings of discrimination issued by the EEOC's federal sector appellate attorneys. During this same period, the EEOC's appellate program secured \$5.1 million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC's federal appellate program also issued 116 decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP). In FY 2017, EEOC's appellate program issued 68 findings of discrimination, secured \$13.3 million in monetary relief, and issued 67 decisions that addressed one or more SEP priorities. The agency has been successful in managing its appellate inventory through the use of targeted management techniques and improvements in technology. With

regard to technological innovations, the EEOC has recognized the efficiency and cost savings that could be achieved by creating a digital infrastructure for the exchange of hearings and appeals related documentation. In FY 2015, the EEOC designed, developed, and deployed the adjudicatory components of the Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can upload documentation for hearings and appeals. The EEOC has continued to provide technical assistance to agencies, and made numerous refinements to FedSEP based on federal agency stakeholder feedback.

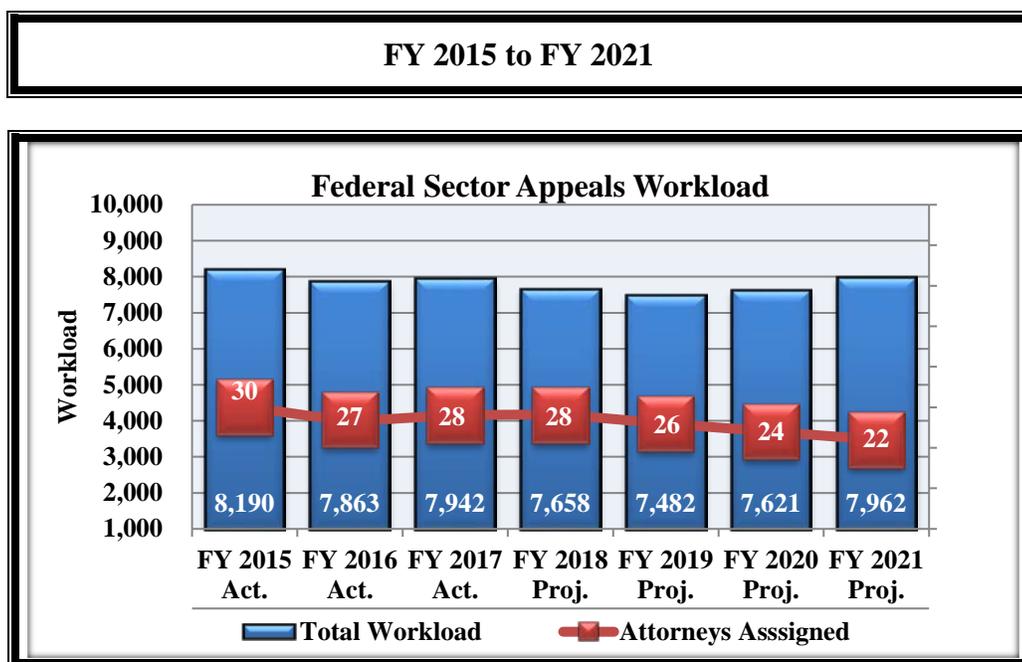
In FY 2017, the EEOC initiated the design of a complementary Complainant Portal. Once the Complainant Portal is fully operational, complainants will be able to request a hearing or appeal online, and the parties will be able to review the status of the hearing or appeal online. In addition to the gains in efficiency and cost savings, these technological innovations will make the appellate process more transparent for all parties and will reduce the agency's reliance on appellate support staff to prepare and scan paper documentation received by the parties.

In addition to leveraging technology to improve the processing of appeals, the EEOC is also using its Case Management System to bring consistency and greater efficiencies to the processing of federal sector complaints through the early categorization of incoming hearings and appeals. Performance Measure 3 of the Commission's Strategic Enforcement Plan calls for all federal sector appeals to be categorized pursuant to the priorities identified by the Commission's Strategic Enforcement and Federal Complement plans. As part of this effort, staff identified "broad impact" cases, as well as those that implicate topics of interest identified by the Commission.

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

Chart 6 on the next page identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2015 through 2017, and projections for FYs 2018 through 2021.

**Chart 6: Federal Sector Appeals Workload**



The EEOC will continue to explore ways and techniques to slow the rate of growth of its inventory by using sound case management principles and process improvement techniques without compromising quality. The EEOC will control the appellate inventory by focusing on resolving its oldest cases; prioritizing cases with the broadest impact; and quickly addressing those appeals which seek to preserve access to the EEO process. Cases in this category represent about 40 percent of the incoming appeals. The office will continue to fulfill its responsibilities under the Strategic Enforcement Plan and the Federal Complement Plan and the Commission's Strategic Plan.

Concurrent with these efforts, while the EEOC will conduct a rigorous assessment of its appeals process and improve its work methods to slow the rate of inventory growth, additional staff will be needed to address the growing workload.

The EEOC will continue its assessment and categorization process to identify impactful issues, Commission priority cases, and agencies in need of federal sector technical assistance, guidance and outreach, and program evaluations. Appeals will be assigned in a manner consistent with the Commission's strategic goals and customer service. The office will issue decisions which place improperly dismissed complaints back into the EEO process while evidence is readily available, and assure that inappropriate cases are quickly flushed from the process. At the same time the office will systematically address its inventory control efforts by identifying methods to improve the quality of agency submissions.

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

#### **d. Oversight of Federal Agencies EEO Programs**

To implement the federal government's policy prohibiting employment discrimination, agencies are required to maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation by all federal employees. The EEOC, serving in its oversight capacity for these efforts, implemented EEO MD-715, which details strategies for identifying and removing barriers to free and open workplace competition, requires agencies to incorporate EEO principles into their missions, and report their progress to the EEOC. If an agency identifies barriers to equal employment opportunity, the Commission assists the agency in eliminating those barriers. The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by reviewing their annual MD-715 submissions, providing in-person and telephonic technical assistance, and issuing written feedback. In FY 2017, EEOC staff conducted 166 technical assistance sessions that 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.

Performance Measure 5, Strategy I.B.3 of the Commission's Strategic Plan mandates the design and implementation of an integrated data system intended to identify pervasive discriminatory practices and policies in federal agencies. The Commission's development of an integrated data system under this measure will be the culmination of recent efforts to collect, analyze, and respond to information about agencies' efforts to create model EEO programs. The Commission has developed the Federal Sector EEO Portal (FedSEP) to capture statistical data contained in agencies' MD-715 reports, and allow for the upload and analysis of EEO complaint data (EEOC Form 462), as well as supporting narrative documentation. Information available to the hearings and appellate units will be combined with agency complaint data, workforce data, and barrier analyses to build a more complete picture of how agencies are progressing in their development of model EEO programs. Funding for this data consolidation initiative is requested in this budget. The EEOC is also developing a root cause analysis tool to assist agencies in identifying policies, procedures and practices that may adversely affect a particular EEO group's opportunities. The Commission expects to complete designing the tool and post in Fed SEP in FY 2019.

In an effort to improve the timeliness and efficiency of the federal sector EEO process, the Commission's regulations provide federal agencies an opportunity to request variances from the current administrative process. The Commission

received and reviewed a number of these "pilot projects". Two pilots have been approved, one for the U.S. Department of the Air Force and the other for the U.S. Department of Interior; both are designed to streamline the administrative process. The Commission will monitor the approved pilots and review any new pilot requests.

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

In FY 2017, the EEOC offered 40 open-national enrollment courses including new courses on special emphasis program management and anti-harassment. Customized classes - created in response to agency requests - were provided to more than 43 different federal agencies and reached 4,730 federal employees with over 844 hours of customized course content. To assess the effectiveness of these efforts, the EEOC has created several evaluative tools, including an agency-participant satisfaction survey and a tool to measure participant knowledge, understanding and ability to respond to unlawful workplace harassment. In addition - in accordance with the Federal Complement Plan (FCP) and in response to increasing stakeholder demand for no-cost education and training on EEO laws - the EEOC has developed toolkits on retaliation, harassment prevention, reasonable accommodation, and LGBT issues in the workplace. Finally, through the EEOC's YouTube channel, the agency continues to provide educational videos, and introduced a "NewsFlash" series to disseminate via email articles on current EEO topics such as religious accommodation and Youth@Work. With these and other initiatives, the EEOC plans to increase outreach to its federal sector stakeholders by 10 percent in FY 2018.

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

### **A. Introduction**

In Title VII, Congress expressly required the agency to engage in education and outreach activities, including providing training and technical assistance, for those with rights and responsibilities under employment antidiscrimination laws. Strategic Objective II, to prevent employment discrimination through education and outreach, reflects the EEOC's obligation to deter employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means that the EEOC uses to fulfill its mission and vision. Educational and outreach programs, projects, and events are also cost effective law enforcement tools because they promote understanding of the law and voluntary compliance with the law. All parties benefit when the workplace is free of discrimination and everyone has access to equal employment opportunity.

There are two outcome goals for Strategic Objective II:

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

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

The EEOC targets its education and outreach program to individuals who historically have been victims of employment discrimination. The Commission also provides outreach and education to particularly vulnerable communities that may be unfamiliar with our laws, such as those who are new to the workforce or low-skilled workers and new immigrants. Moreover, it is important for the agency to provide technical assistance to underserved segments of the employer community, including small and new businesses. Given their size and limited resources, such businesses are often less able to take advantage of the EEOC's training programs and are less likely to have in-house human resources professionals to assist them with compliance. In FY 2017, the agency's Small Business Task Force launched a comprehensive website and published numerous resource documents for the use of small employers. It is clear, however, that additional efforts are needed to reach small and new businesses.

The EEOC has a robust education and outreach program that focuses on both free and fee-based opportunities. In FY 2016, the EEOC provided free training on rights and responsibilities under its statutes to more than 315,000 workers, employers, and their representatives and advocates. In the same year, the EEOC Training Institute trained over 14,000 fee-paying individuals at more than 200 events, including 30 Technical Assistance Program Seminars (TAPS). The one- and two-day TAPS, attended by over 5,100 participants, are responsive to employers' information and training needs. Through the TAPS, the EEOC educated employers and employees about their respective rights and obligations, and provided detailed information about identifying and preventing workplace discrimination. In FY 2018, the EEOC began offering training on Respectful Workplaces

that takes a fresh look at the persistent and pervasive problem of workplace harassment and identifies new ways to prevent it.

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

The EEOC’s efforts to strengthen and target its education and outreach activities also includes digital technology advances and social media presence. The EEOC’s current website provides critical educational materials, including information on the laws that the agency enforces, the private sector charge and federal sector complaint processes, and various research publications. Moreover, the agency is engaged in an ongoing effort to make its website more user-friendly and accessible. This Plan emphasizes the need to leverage digital technology to directly reach the agency’s varied and wide-ranging audiences - employees, job-seekers, employers, unions, employment agencies, attorneys, judges, issue advocates, and policymakers. In addition, the EEOC will seek to enhance its use of social media to promote its education and outreach activities and to encourage greater use of the contents of its website.

With a continued focus on providing clear, easy-to-understand materials for our diverse array of audiences, this Plan also provides that the EEOC will conduct a full review of its sub-regulatory documents and update or augment them as needed with plain language materials.

The Commission has developed three performance measures to track its progress in achieving these outcomes.

**B. Performance Measures and Results**

**Performance Measure 6 for Outcome Goal II.A. and II.B.:** By FY 2022, EEOC modernizes and expands utilization of technology to ensure that members of the public have greater access to information about their rights and responsibilities.

<b>FY 2018</b>	<p>Design and implement a technology plan for increased public access to information including needs assessment and baseline measures of public access.</p> <p>Utilize government best practices to collect metrics from its digital services to establish baseline measurement(s) of the public’s use of technology to access information from the Agency.</p> <p>The Agency annually will set goals for increasing the information accessed in general, and specifically on priority topics and to specific communities.</p>
<b>FY 2019</b>	<p>Explore the use of surveys to measure the customer experience and usefulness of its digital services, and to solicit ideas for improvements. Identify processes and implements a pilot project to increase access to information in at least two priority areas. Report on progress.</p>
<b>FY 2020</b>	<p>Implement customer experience surveys. Identify and increase access to information in at least two additional priority areas.</p>

<b>FY 2021</b>	Report on customer experience surveys. Identify and increase access to information in at least two additional priority areas.
<b>FY 2022</b>	Report on customer experience surveys. Identify and increase access to information in at least two additional priority areas.

Performance Measure 6 focuses on strengthening and expanding the impact of the EEOC’s education and outreach activities by expanding use of technology. The implementation of a technology plan created in FY 2018 will better facilitate the dedication of resources to the most critical needs. The EEOC also will focus its technological advances on priority areas and specific communities to increase public access to information about rights and responsibilities under the laws the EEOC enforces.

**Performance Measure 7 for Outcome Goal II.A. and II.B:** By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.

<b>FY 2018</b>	Establish baseline statistics and measures for assessing the success of collaborations.
<b>FY 2019</b>	Increase baseline measures by TBD %.
<b>FY 2020</b>	Conduct program evaluation to assess impact of these partnerships on employment in targeted communities. Reset baseline if needed.
<b>FY 2021</b>	Maintain or increase baseline measures by TBD %.
<b>FY 2022</b>	Maintain or increase baseline measures by TBD %.

Under the prior Strategic Plan, the Commission’s outreach and education efforts were in part measured by the number of sustained partnerships established and maintained with organizations that represented (1) vulnerable or underserved communities and (2) small and new businesses. Performance Measure 7 focuses on leveraging these interactive and sustained partnerships and forges a collaboration with community organizations and businesses that are in the communities we are trying to reach. Moving forward, the Commission does not believe that a focus solely on the number of events held, number of attendees, or number of significant partnerships is the best way to measure its public education impact in an era of constrained resources. Performance Measure 7 therefore leverages our long-term significant partnerships with advocacy groups (particularly those that represent vulnerable or underserved workers) and associations or organizations that represent employers to achieve sustained benefits for the communities we serve.

The EEOC is in a unique position to serve as a conduit to promote effective partnerships and to strengthen relationships among diverse groups with common goals. As a result, we believe we can facilitate effective interactions that can lead to reducing or eliminating employment barriers. For example, connecting an employer association with an advocacy group seeking to eliminate recruitment and hiring barriers may help to prevent discrimination and create job opportunities for qualified job seekers.

In FY 2018, the agency will assess each office’s needs and capabilities as part of setting overall targets for the agency. Thereafter, the agency will set a baseline for measuring the

success of leveraging the collaborations with significant partnerships, followed by a to-be-determined (TBD) increase in the targets for each subsequent year of the Plan.

In FY 2020, the agency will conduct a program evaluation to determine the impact of these partnerships on vulnerable or underserved communities. The evaluation will require the design and creation of relevant databases and measures that can be used to evaluate the effectiveness of the partnerships.

**Performance Measure 8 for Outcome Goal II.A:** By FY 2022, EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.

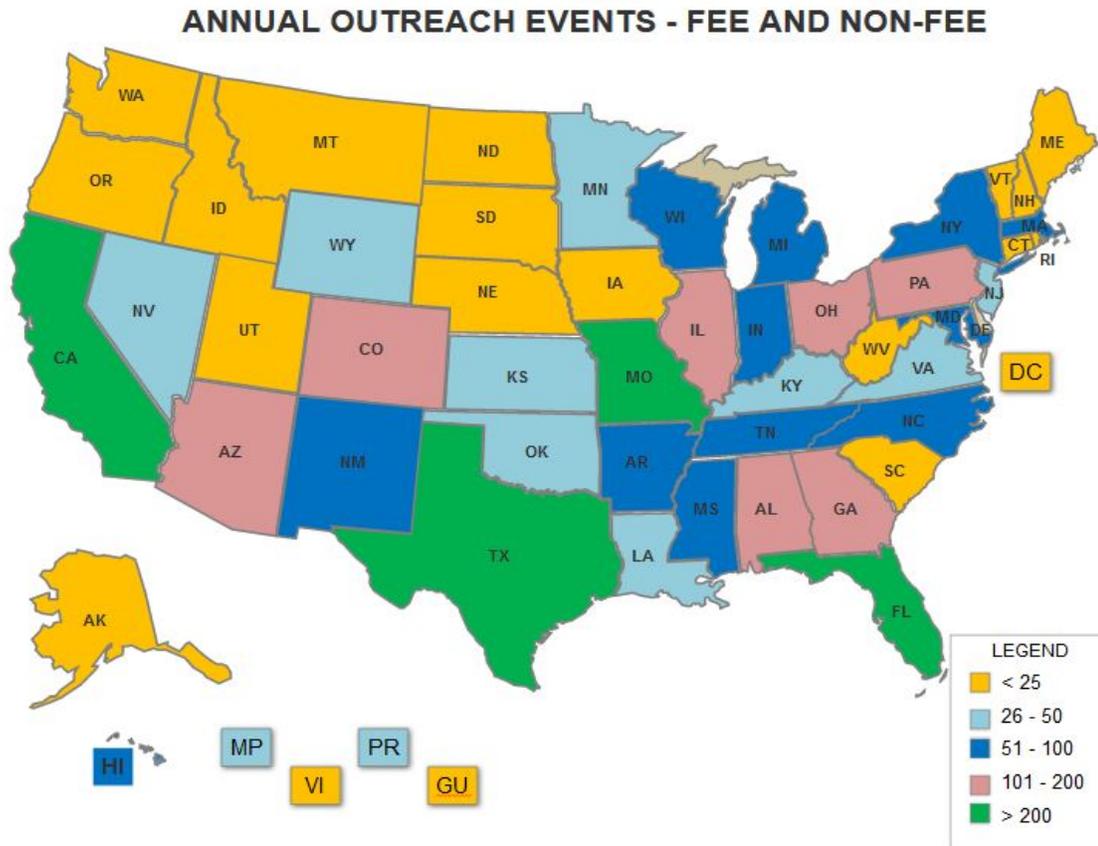
<b>FY 2018</b>	Conduct a review of currently available EEOC guidance and resource materials to determine which documents or materials require updates or creation. Establish a priority list.
<b>FY 2019</b>	Produce or update at least two resource or guidance documents on priority list.
<b>FY 2020</b>	Produce or update at least two additional resource or guidance documents on priority list. Reconfirm or reorder priorities.
<b>FY 2021</b>	Produce or update at least two resource or guidance documents on updated priority list.
<b>FY 2022</b>	Produce or update at least two additional resource or guidance documents on updated priority list.

Performance Measure 8 will ensure that the EEOC’s sub-regulatory guidance documents and resource materials are reviewed and that, where necessary, they are updated and use plain language. The target for FY 2018 is to assess the status of current resources, identify necessary updates, and establish a schedule that prioritizes those most critical for action. The agency’s enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with them. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC’s Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws. These materials may or may not require a vote of the Commission and may include a range of guidance material, best practices, Q&A’s, and fact sheets.

### **C. Outreach**

As the map below shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Possessions of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. With the FY 2019 Budget for outreach activities, we will maintain our outreach to individuals across the United States, including underserved areas across the country. We will continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2017, the EEOC conducted over 4,000 outreach events reaching 317,239 individuals nationwide.

Additionally, in FY 2017, the Commission’s fee-based programs trained 17,000 individuals at more than 430 events. With our funding, the EEOC will continue to provide service to vulnerable communities and underserved areas and to assist the small or new employer community as well as provide outreach and education on other important topics that arise throughout the year in an overall effort to fulfill the goals and objectives of the agency. In FY 2017, we began surveying attendees at our Technical Assistance Program Seminars to gauge impact of training on improvements in the workplace to advance equal employment opportunity and we will continue this collection of information to help guide us in our training plans in the future and to measure the impact of our training.



Through public relations, training and education, the EEOC enhances public awareness of emerging issues of employment discrimination in America’s workplaces. Our outreach is meant to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce. Approximately 38 percent of our outreach is conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and fair employment practice agencies. Employers’ knowledge of our laws contributes to their ability to independently identify, prevent and eliminate workplace discrimination. Employees’ and job applicants’ knowledge of our laws also contributes to their ability to understand their rights and responsibilities in the workplace.

The EEOC has focused on outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Approximately 14 percent of outreach conducted is to small employers. Agency offices conducted 471 no-cost outreach events directed toward small businesses in FY 2017, reaching 44,408 small business representatives. The most popular topics for small business audiences were an overview of the laws enforced by the EEOC, retaliation and sexual harassment. Also, working with the Small Business Administration's Office of the National Ombudsman, the 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. Under the leadership of a former EEOC Commissioner, the Small Business Task Force launched the small business website at the end of FY 2016 as part of its activities to continue to reach out to small employers and make online access to information from us easier, more comprehensible and more directly responsive to the real-life issues that they face in the workplace. During FY 2017, the EEOC continued to build on its outreach to the small business community by conducting 557 events, reaching 48,263 small business representatives.

The EEOC is strongly committed to providing outreach and technical assistance to stakeholders in underserved communities across the nation. Approximately 32 percent of the outreach conducted is to these vulnerable communities. Immigrant and farm worker communities are included as a priority for outreach. Consistent with the Strategic Enforcement Plan, the issue of human trafficking of those from vulnerable communities is a focus for the EEOC. We are working with several organizations, governmental and non-governmental, to raise awareness and address trafficking that occurs in various industries. Staff members traveled to states and communities where no EEOC office is located or where certain communities are reluctant to come forward to complain of employment discrimination, and partnered with local community organizations, consulates, and other entities to reach these workers. For example, 1,281 events, reaching 149,040 individuals, were targeted for vulnerable and underserved communities. In FY 2017, there were 199 events focused on human trafficking issues; working with community-based organizations devoted to trafficking issues, and reaching 10,409 people.

As part of the efforts to further strengthen collaborative efforts to provide immigrant, migrant, and otherwise vulnerable workers and their employers with guidance and information about their rights and responsibilities under anti-discrimination laws, the EEOC maintains partnerships through Memoranda of Understanding (MOU) with various embassies and consulates. In FY 2017, the 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. One field office signed a new MOU with the consulate of Honduras.

The EEOC has upgraded and developed initiatives for targeted outreach, training and education. During FY 2016, the Youth@Work initiative was updated to include new materials, fact sheets and presentations pertaining to topics such as, arrest and conviction, LGBT, immigrant, migrant/vulnerable workers, harassment and bullying, disabilities and the responsible use of social media issues. In FY 2017, 423 events were conducted involving the Youth@Work initiative, reaching 46,935 individuals.

Harassment continues to be an issue in which EEOC conducts a significant number of outreach events. In FY 2017, there were 1,273 outreach events involving harassment, reaching 141,044 attendees. Additionally, there were 589 events covering the topic of sexual harassment that were attended by 58,923 attendees. In FY 2016, the Select Task Force on the Study of Harassment in the Workplace issued a report which recommended, among other things, that employers conduct anti-harassment training for employees, provide additional training for managers and supervisors on how to respond to harassing conduct, and consider different approaches to training. In FY 2017, fee based anti-harassment training programs for employees, as well as managers, were developed. The training programs go above and beyond traditional anti-harassment training by providing context that is built around the universal desire for a respectful workplace. These training modules are customizable, with industry-specific and workplace-specific hypotheticals and strategies. At the beginning of FY 2018, the EEOC began to offer this new and dynamic anti-harassment training for employers.

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

**1. Non-fee-based Outreach**

Table 9 below shows funding for Outreach (non-fee-based). Our budget request for FY 2018 for Strategic Objective II was \$6.0 million. The proposed request for FY 2019 will support the maintenance of our existing outreach activities across the United States.

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

<b>FY 2017 to FY 2019</b> (Dollars in thousands)			
	<b>FY 2017 (Actual)</b>	<b>FY 2018 CR</b>	<b>FY 2019 (Request)</b>
<b>Outreach (Non-fee-based)</b>	\$6,000	\$6,000	\$6,000
<b>Total</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$6,000</b>

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

The EEOC Training Institute provides fee-based training and technical assistance to stakeholders from both the private and public sector. The operations of the institute are funded through the EEOC’s Revolving Fund, which is an instrument established by Congress in 1992 to enable the EEOC to charge “reasonable fees” for specialized products and services developed and delivered as part of the Commission’s training and technical assistance efforts. The Revolving Fund serves as the mechanism through which the EEOC is able to collect payments, thus offsetting some of the costs devoted to training and technical assistance to external entities and allowing the

agency to offer more non-fee-based outreach events to those populations less able to pay for training.

In FY 2017, the Institute trained over 17,000 individuals at more than 430 events, which included 30 one and two-day Technical Assistance Program Seminars (TAPS), 16 half-day workshops, 43 federal courses, and over 300 on-site trainings (customer specific training delivered at the workplace for private sector employers and federal agencies).

The half-day, one and two-day TAPS seminars are responsive to employers' information and training needs and address their respective rights and obligations in the workplace, and provide detailed information about identifying and preventing workplace discrimination. A total of 4,643 employers and employees were educated at TAPS seminars and half-day workshops held throughout the country. Federal courses are designed to meet the training requirements for EEO practitioners working throughout the federal government and over 1,000 individuals received training for this period.

In FY 2017, the Commission voted to approve and release the following sub-regulatory guidance documents and supporting 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 voted to issue for public input the: *Proposed Enforcement Guidance on Harassment that Creates a Hostile Work Environment*. On January 3, 2017, the EEOC published plain language *Questions and Answers: The EEOC's Final Rule on Affirmative Action for People with Disabilities in Federal Employment*. On December 12, 2016, the EEOC published plain language material titled, *Depression, PTSD, and Other Mental Health Conditions in the Workplace*. On November 21, 2016, the Commission issued final guidance titled: *Enforcement Guidance on National Origin Discrimination, Questions and Answers on National Origin Discrimination*, and the *Small Business Fact Sheet on National Origin Discrimination*.

In early FY 2018, the Commission issued *Questions and Answers on Providing Personal Assistance Services for Individuals with Targeted Disabilities*, a document that will assist federal agencies in complying with the requirements of the EEOC's Final Rule on Affirmative Action for People with Disabilities in Federal Employment.

Table 10 on the next page shows the financial summary of the Revolving Fund.

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

<b>FY 2015 to FY 2021</b> (Dollars in thousands*)							
	<b>FY 2015 Actual</b>	<b>FY 2016 Actual</b>	<b>FY 2017 Actual</b>	<b>FY 2018 CR Est.</b>	<b>FY 2019 Est.</b>	<b>FY 2020 Est.</b>	<b>FY 2021 Est.</b>
<b>Total Obligations</b>	2,644	5,253	4,246	3,743	3,743	3,743	3,743
<b>Offsetting collections from:</b>							
Federal Funds	1,216	1,492	1,787	1,705	1,200	1,200	1,200
Non-Federal Sources	2,887	2,522	2,586	2,000	2,554	1,900	1,900
Unobligated balance, start of year	1,407	2,866	1,680	1,806	1,763	2,279	1,636
Unobligated balance, end of year	2,866	1,627	1,806	1,763	2,279	1,636	993
<b>Net Budget Authority</b>	<b>5,510**</b>	<b>6,880**</b>	<b>6,053</b>	<b>5,506</b>	<b>6,022</b>	<b>5,379</b>	<b>4,736</b>

\*May not add due to rounding

\*\*Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2015 \$146,000 and FY 2016 \$136,000(included in the Net Budget Authority line above.)

### **EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE**

In FY 2018 and FY 2019, EEOC will build on the success of its annual Examining Conflicts in Employment Laws (EXCEL) Conference, which has been held for more than 20 years. EXCEL is directed at both federal sector and private sector EEO practitioners. In FY 2018, the conference will be held in Washington, DC on July 10 – 11, 2018. (FY 2019 planning is currently in procurement with location and dates to be determined.) As with prior years, FY 2018 and FY 2019 conferences will offer separate tracks for federal sector attendees and for private sector attendees (the latter group includes state and local governments). We anticipate similar attendance levels to that of our FY 2017 training, of approximately 770 attendees. The conference will offer plenary sessions with presentations by the EEOC Chair and Commissioners and other high ranking agency officials, as well as leaders of other federal agencies and nationally renowned civil rights leaders and speakers. In addition, there will be many federal sector workshops that cover a wide array of subjects that are of interest to EEO practitioners. These sessions will be presented by experts who are responsible for enforcing EEO laws as well as other federal officials who can discuss their agencies' priorities and regulatory agenda.

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## VIII. MANAGEMENT OBJECTIVE

### A. Introduction

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

Much of this objective's focus is on operational aspects and may be addressed in greater detail in plans external to the Strategic Plan; this does not, however, diminish the objective's importance. The EEOC cannot accomplish Strategic Objectives I and II without ensuring excellence in its staff and infrastructure. In recognition of this, and to ensure the agency is held accountable for improving its operations where necessary, the Commission is including Organizational Excellence as a management objective in its Strategic Plan.

The Commission has developed two outcome goals for its Management Objective:

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

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

There are four performance measures to support these strategies.

### B. Performance Measures and Results

**Performance Measure 9 for Outcome Goal III.A:** The EEOC performance improves with respect to employee engagement and inclusiveness.

<b>FY 2018</b>	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. Establish baseline EEOC FEVS scores for employee engagement and inclusiveness quotient against comparable government agency averages based on 3-5-year trend analysis. Establish and implement plans to maintain or increase FEVS scores in relation to comparable government agency averages.
<b>FY 2019</b>	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages. Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.
<b>FY 2020</b>	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages. Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.

<b>FY 2021</b>	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages. Develop and adjust action plans, as necessary, in response to prior year FEVS results.
<b>FY 2022</b>	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages. Develop and adjust action plans, as necessary, in response to prior year FEVS results.

Performance Measure 9 takes a holistic approach to assessing and strengthening the agency’s efforts to improve employee engagement and inclusiveness. We do not focus solely on improving FEVS scores because that is only one snapshot of agency performance. Annual focus groups and climate assessments will enable an ongoing feedback mechanism to engage with staff and seek their input on solutions to agency challenges.

In the government-wide 2017 FEVS results, employees eligible to take the survey did so with a record-breaking 70.8 percent response rate which was our highest since 2004 when EEOC began participating in the FEVS. The EEOC’s Employee Engagement Index (EEI) score of 71 percent leads the Government-wide average of 67 percent. In addition, 74 percent of EEI scores for EEOC offices are 65 percent or higher which reflects the high priority the Commission places on engaging its workforce. The EEOC added four new items to the survey in 2017. These items measure whether employees witnessed harassment in the workplace, satisfaction with how the EEOC addressed harassment and its prevention in the workplace. Based on scores for these agency-specific items, 86 percent of employees rarely or never experienced harassment in the workplace. More than 84 percent of employees never or rarely witnessed a co-worker experiencing harassment. The “new inclusion quotient (IQ),” which measures whether federal employees believe their workplaces are fair, open, cooperative, supportive and empowering also increased in 2017 to 64 percent which leads the Government-wide average of 60 percent. Some familiar trends continued. Employees like the kind of work they do, they think it is important, and know how their work relates to the agency’s goals and priorities. When needed, employees are willing to put in the extra effort to get a job done, and are constantly looking for ways to do their job better.

**Performance Measure 10 for Outcome Goal III.A:** Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.

<b>FY 2018</b>	Develop and implement feedback surveys and other mechanisms to obtain data and set baselines for various services, such as Online Charge Status, the EEOC Public Portals, and the Digital Charge System. Review the results at the end of the fiscal year to set targets for next year.
<b>FY 2019</b>	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.

<b>FY 2020</b>	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
<b>FY 2021</b>	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
<b>FY 2022</b>	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.

Performance Measure 10 focuses on obtaining feedback on services provided to the public. It also supports the goal of obtaining and evaluating feedback from the targeted audiences the Commission serves to allow better measurement of the agency’s service delivery and increased accessibility. As identified in the agency’s Research and Data Plan, the EEOC recognizes the importance of examining the effectiveness of the Commission’s work, particularly the efficacy of outreach, education, guidance, and technical assistance documents. ([https://www.eeoc.gov/eeoc/plan/research\\_data\\_plan.cfm](https://www.eeoc.gov/eeoc/plan/research_data_plan.cfm), Section III. 6.)

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

<b>FY 2018</b>	The agency completes a shared vision and develops high-level plans with resource requirements for modernizing the charge/case management systems for agency. Collect data and establish a baseline for the number of charges (private) and cases (federal) for which no paper records are required, i.e., fully digital. Report on progress at year’s end and adjust the plan, as necessary.
<b>FY 2019</b>	Set goals for increasing the number/percentage of fully digital charge and case files from FY 2019-2022. Report on progress quarterly and adjust the plan, as necessary.
<b>FY 2020</b>	Report on progress quarterly and adjust the plan, as necessary.
<b>FY 2021</b>	Report on progress quarterly and adjust the plan, as necessary.
<b>FY 2022</b>	Report on progress quarterly and adjust the plan, as necessary.

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

Completing the modernization of the EEOC’s charge/case management system also will help the agency in mitigating risks identified in its Enterprise Risk Management protocols. The agency concluded the possible inadvertent release of Sensitive Personally Identifiable Information (SPII) data is its highest risk. Managing this risk requires the agency to maintain the security of confidential information and SPII contained in private sector investigative files with the most modern and effective digital systems.

**Performance Measure 12 for Outcome Goal III.B:** The budget process prioritizes funding for the EEOC’s strategic goals.

<b>FY 2018</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.
<b>FY 2019</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.
<b>FY 2020</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.
<b>FY 2021</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.
<b>FY 2022</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.

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

## C. Program Areas

### 1. Highlighted Resource Area

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

**Table 11: Highlighted Resource Area**

<b>Excellent &amp; Consistent Services Through a Skilled and Diverse Workforce and Effective Systems</b>				
	<b>FY 2017 (Actual)</b>	<b>FY 2018 (CR)</b>	<b>FY 2019 (Request)</b>	<b>Change From FY 2018</b>
Information Technology	\$18,948	\$17,204	\$17,124	\$80
Total	\$18,948	\$17,204	\$19,730	\$2,526

### 2. Human Resources Function

#### a. Workforce Planning

Per the *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce* (M-17-22), the agency will continue reviewing the classification of positions to make sure they reflect the actual skills and abilities needed to carry out its mission and meet OPM classifications standards. As part of the ongoing reform effort, in FY 2018, EEOC will develop: a workforce planning training module that is data-driven and results-oriented; determine what the current workforce resources are and how they will evolve over time through turnover; develop specifications for the kinds, numbers, and location of employees and managers needed to accomplish the agency's strategic requirements; and, determine what gaps exist between the current and projected workforce needs. Through these efforts, the agency will develop a workforce plan that will identify strategies to close gaps, plans to implement the strategies, and measures for assessing strategic progress. These strategies could include such things as recruiting, training/retraining, restructuring organizations, contracting out, succession planning, and technological enhancements. In addition, EEOC will update its Leadership Succession Plan and monitor progress against milestones, assess for continuous improvement, and adjust the plan as needed to address new workforce issues.

Also, in FY 2018, the EEOC will continue to implement workforce planning activities that focus on position management and classification. We are aggressively reviewing our staffing patterns and making recommendations to realign resources to ensure we

are efficiently carrying out our mission. To this end, the Agency initiated a comprehensive review of classified positions in the second quarter of 2017 with a goal to complete the review of mission critical occupations by the end of the FY 2018. The agency will continue to review staffing needs and workforce deployment to ensure we are able to effectively and efficiently carry out the EEOC mission. P

#### **b. Training**

The agency provides its employees with a comprehensive training program through three primary approaches: 1) training activities responsive to their individual development plans (IDPs), 2) national training programs addressing position-related competency need, and, 3) online courses available through the EEOC Employee Development Center (EDC) Skillsoft training portal.

We have also maintained a focus on providing our staff with on-going training and sharing of case management techniques that prepare them to investigate and resolve the charges that come through our doors. A nationwide training program on the investigation of Systemic Charges, which was completed in FY 2016, allowed us to provide staff with on-going training to ensure that they are prepared to effectively meet the public demand for our services. Similarly, a national training program on the litigation of systemic cases was completed in FY 2016. During FY 2017, we increased the use of web-based training in order to provide more training opportunities across the agency. Web-based and virtual training will continue to expand in FY 2018 and 2019 as the Agency makes significant investments in IT resources to increase bandwidth and modernize computer systems to handle increased traffic. Increasing virtual training opportunities will allow the Agency to convey relevant information and timely updates to our staff in all of our 15 districts.

In FY 2017, we offered this two-week New Investigator Training to 52 staff hired since the prior year's training. We also expanded the delivery of the Intermediate Skills training that had been provided to EEOC staff by offering the course to FEPA investigators in FY 2017, and we will continue this into FY 2018 based on FEPA interest. Prospectively, for FY 2018 we will develop and deliver training to address the needs of staff as they perform their investigative duties in an evolving environment of technological advances, Commission priorities, and legal developments. This training will equip them with the skills and knowledge to continue to capably respond to the dynamic changes to our processes and the resultant impact on their duties and responsibilities. In addition, we will offer an advanced systemic litigation training program in FY 2018.

In FY 2018 and 2019 the Agency will expand training opportunities for Senior Executives in order to comply with OPM's *Framework for the Continuing Development of Federal Senior Executives* issued July 27, 2017. Training will focus on continuous development for existing Executives in order to prepare them for higher levels of responsibility and better equip them to adapt to dynamic conditions. We will also invest in more succession planning activities, such as

identifying managers with Executive potential, and increase the number of training opportunities available to emerging leaders.

In FY 2019, the agency will continue to provide systemic training with a renewed focus on conciliation training. Employees will also continue to be encouraged to complete individual development plans (IDPs) that focus on a blend of technical and professional development training in order to increase current skills. Senior Executives were required to complete executive development plans (EDPs) in 2017 and this requirement will continue in 2018. As the Commission's information technology infrastructure improves we are able to save money and conduct more training using virtual platforms such as AT&T Connect and Skype. This is a critical need given a majority of EEOC employees are based in field offices.

During FY 2017, the EEOC issued a Statement of Work proposal to solicit bids for a Learning Management System (LMS), and in FY 2018, the LMS will be implemented throughout the EEOC. This will continue to help the agency to strategically plan and administer the learning activities of its staff. The agency used the results of the requirements study conducted in 2016 to procure a system that will track employee course completions, conduct pre, and post, testing to measure results and gather the data needed to submit required reports on agency training activities to the Office of Personnel Management. The LMS should be operational by the 3<sup>rd</sup> quarter of FY 2018.

We will strive to make continuous improvements to our training programs to ensure our workforce has the knowledge and skills to effectively perform their jobs.

### **c. Mentoring Program**

The mentoring program continues to provide a formal mentoring experience to facilitate knowledge transfer; increase retention of valuable employees; increase representation of women and underrepresented groups in management positions; and develop and broaden the core competencies and leadership skills of participants. The mentoring program is part of the agency's commitment to develop and sustain a high-performance, diverse workforce that is continually learning and expanding its capacity to support the mission of the agency. The EEOC committed funds to extend this program through FY 2017 and will continue to make this an ongoing opportunity for career development and an important element in succession planning into FY 2018 and beyond. The program has grown in visibility and credibility amongst agency employees as a means of employee development and knowledge transference, resulting in demand that exceeds present capacity. In the second quarter of 2017 the agency matched forty mentoring pairs, representing a 50 percent increase over 2016 participation. This increase signals the strength and effectiveness of the program.

### **d. Performance Management**

Per the *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce* (M-17-22), the agency, in consultation with OMB,

has developed a plan to maximize employee performance. The agency is continuing its focus on increasing efforts to deal with poor performers. A management directed study in FY 2016 revealed that managers often refuse to address poor performance because they believe they will not be supported by senior management and also have not been afforded many training opportunities in this area. The Office of the Chief Human Capital Officer is redoubling efforts to train supervisors through formal training, individual consultations with Employee Relations and performance management experts and sustained communication efforts to underscore that managing performance is an inherent requirement of management. In 2017 OCHCO conducted over nine trainings for employees and supervisors to discuss performance management, the importance of clear performance standards, and how to document employee accomplishments. The 2017 Federal Employee Viewpoint Survey (FEVS) results were also useful for employee feedback on performance management. The scores reflect that employees are anxious about their performance appraisals fairly reflecting their performance (68% vs 75% in 2016), about supervisors communicating with them about their performance (79% vs 85% in 2016), and understanding what they need to do to be rated at the different performance levels (70% vs 73% in 2016). Although employees expressed these apprehensions via declining scores, generally, scores for these items reflect high positive ratings and are still listed as agency strengths. We will continue these efforts in 2018 and 2019.

### **3. Addressing Internal Workplace Issues**

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

### **4. Customer Service**

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

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone and e-mail. The IIG consists of in-house staff that serves as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail. The IIG received over 540,000 calls in FY 2017, and are on

track with a similar call volume in FY 2018. An average of 52 percent of callers utilized the Interactive Voice Response system and needed no further assistance. Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. Each month our Information Intake Representatives (IIRs) answered more than 8,800 calls and more than 2,300 emails from individuals wanting more information or wishing to discuss their situation with an IIR. In FY 2017, approximately 81 percent of calls and emails answered by the IIRs were fully resolved by the IIR without being referred to other staff in the EEOC field offices.

The EEOC has also increased the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Two new staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FYs 2018 and 2019, we will continue to assess the public demand for ASL services to determine if additional staffing resources are needed to support this aspect of our customer service program.

The IIG continues to lead the way in advancing full-time telework, thus helping to reduce our physical footprint and reduce costs. What began as a partnership with the National Telecommuting Institute (NTI), a non-profit organization whose mission is to identify and develop work-at-home jobs for individuals who have physical disabilities, has now expanded. In addition to the seven individuals hired through NTI, the option for 100 percent telework has been expanded to all IIR's. Currently, more than 80 percent of the IIR's telework full-time.

Additionally, the EEOC has had a continual focus on implementing methods to enhance its charge intake services, including through the expansion of walk-in hours, and issuance of a plain language brochure to assist potential charging parties in understanding their rights and the EEOC's intake, investigation and resolution of charges. Individuals may now contact the agency by phone, by mail, by e-mail, by going to EEOC's website, or by visiting the EEOC field offices. With the completion of a pilot project in FY 2017, in October 2018 the Agency expanded the Online Inquiry and Scheduling System Intake. This system allows potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews (see below for further details).

## **5. Information Technology - *Building a Digital Workplace***

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.

Operating its legacy case management applications while transitioning to new, more effective, digital systems is complex, and its success is essential to the agency's mission. This program is directed by agency's Action Council for the Transformation to Digital Services (ACT-Digital), and their recent efforts include:

- Launching an Online Charge Status System in March 2016. In FY 2017, individuals viewed information on the charge status, possible next steps and staff contact information of private party charges more than 570,000 times.
- Launching a pilot of Online Inquiry and Scheduling, the initial component of the EEOC's Public Portal, in March 2017. Online Inquiry allows a potential charging party to complete an assessment and questionnaire, submit an inquiry, schedule an interview, and upload and receive documents from the EEOC online Inquiry portal. The Public Portal was rolled out to all the EEOC offices in early FY 2018.
- Updating the Agency's Integrated Mission System (IMS) application to a "Next Generation" (IMS NXG) Digital Charge System. Major components of the legacy IMS system are based on outdated technology that must be updated to provide content management, workflow-based activity processing, and accessibility. Phase II of this effort, with which the private-sector component of the agency will process cases in a majority-digital platform, was rolled out in early FY 2018 and until full deployment of a fully digital platform, the digital process is "day forward", meaning that charges received and in process prior to rollout will have mixed paper and digital records. Additionally, where the Charging Parties or Respondents are unable to use the digital platform, the agency will still allow for paper-based submissions. Performance Measure 11 of the Strategic Plan requires the Agency to collect data, establish a baseline, and report on the number of charges (private) and cases (federal) for which no paper records are required, i.e., fully digital. The Agency plans to complete the modernization of charge/case management systems for all Agency offices by the end of FY 2021.
- Continuing the digital build-out of the Federal sector operations, including digitizing its hearings and appellate processes within the agency's Federal Sector EEO Portal (FedSEP). FedSEP now includes over 880,000 documents in its digital repository.

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

- In FYs 2016/2017, the EEOC migrated our Field Offices and Headquarters to an Ethernet-based MPLS network – more than quadrupled the effective bandwidth to agency offices and provides considerably more flexibility in meeting bandwidth requirements going forward. In FY 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: delivered significant efficiencies and saved resources; improved secure access to agency systems; improved record management and discovery capabilities; increased internal collaboration; and will support email integration with digital case files. During FY 2017, the EEOC migrated all users to Active Directory and Outlook. In early FY 2018, the EEOC completed the migration of archived emails from GroupWise to Outlook.
- Supported the use of cloud services, with scanning, business intelligence and advanced analytics solutions migrating to Microsoft Azure in FY 2017. The use of FedRAMP-certified cloud services will afford better protection to data sets containing sensitive Personally Identifiable Information (PII).
- Invested in new equipment to replace the EEOC’s laptops that are over eight years old, and do not have the capacity or speed to deliver the efficiencies that digital systems offer. Making this a funding priority resulted in the award of a multi-year acquisition vehicle to upgrade the Agency’s laptops. Over 2,000 new laptops will be deployed to agency staff in early FY 2018.
- Consolidated three contracts into one new lease, equipping all offices with dedicated scanning and new multi-function device services to support digital workplace requirements.
- Developed and began incorporating an enterprise wireless solution into new office leases.
- Invested in the replacement of outdated network switches in one-half of EEOC’s Field Offices, in order to provide highly available, secure, data communication capabilities that are critical to our development of digital workplace.

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 FY 2016, the Agency focused on providing additional security controls for its public-facing digital services and implementing automated controls on its desktop applications. These steps resulted in a significant reduction in successful malware attacks, while reducing costs associated with remediation by \$300K. The FY 2017 implementation of Microsoft Exchange Online Protection provided additional malware prevention and protection.

The Agency plans to follow the directory service migration and these security enhancements with the implementation of two-factor authentication. In FY 2017, the EEOC implemented multi-factor PIV authentication in a test environment. In early

FY 2018, the EEOC will implement PIV-based authentication for privileged users, with roll-out to all users to be initiated in late FY 2018. Additionally, in FY 2018, the EEOC will modernize the Agency's aging VPN 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 FY 2016, deployed DNS sink-holding in late FY 2017, and will implement email filtering in FY 2018. The EEOC is part of CDM Task Order 2F, which will provide the Agency with new CDM tools and services during late FY 2018.

On the privacy front, the agency was active within the new Federal Privacy Council, continues to review its privacy program per the A-130 July update, and published its revised *Policy on the Protection of Sensitive Information* in September 2016. With the implementation of Office 365, the EEOC will utilize data-at-rest encryption and data loss prevention technologies within SharePoint to better protect and secure sensitive data.

Another key IT focus is Enterprise Analytics and Reporting. The EEOC needs to move towards better utilizing its data for analytics, such as to support decision making, and operational reporting, to support mission results. Currently, the EEOC uses four separate toolsets for analytics and operational reporting. During FY 2018, the EEOC will implement a common, state-of-the-art reporting platform for use with private, Federal sector, and outreach analysis; allowing a cross-sharing of resources, consistent training, and enhanced analytical functionality.

The EEOC will continue to use its newly acquired technologies to their fullest potential - modernizing aging network infrastructure, improving digital services, enhancing information security and privacy, and migrating out-of-support legacy systems to modern cloud-based or open-source solutions. The FY 2019 Budget will support the following initiatives:

- *\$337,500 to Upgrade Field Network Switches*

Highly available, secure, data-communications are a critical success factor in building a digital workplace. The EEOC's current network switches are past their end of life and require upgrade. New network switches are needed in the EEOC field offices to provide Power over Ethernet transmission circuitry, which is required for migration to Voice over IP (VoIP) / unified communications. This migration must be completed by March 2020, to meet the mandated migration from the GSA NetworX to the GSA Enterprise Infrastructure Solutions (EIS) communications contract. Funds are required in 2019 to ensure completion of these critical infrastructure upgrades in time to complete the mandated migration.

The upgraded switches will also allow the EEOC to block unauthorized devices from accessing the Agency's network infrastructure. Our current switches are not able to provide this security control capability; therefore, this upgrade will mitigate

a high-risk vulnerability that has been identified within Agency Plan of Actions and Milestones and FISMA reporting.

The cost to replace all field switches is \$675,000. The EEOC has been able to incrementally fund replacement of switches in half of our Field Offices. This replacement will continue through FY 2018. The balance of \$337,500 in FY 2019 is needed to complete the replacement cycle.

- *\$1,863,500 for Act-Digital/Federal Data Consolidation Priorities and Update Major Mission Systems*

A top priority and need is to replace our 20-year old legacy application infrastructure for our Integrated Mission System (IMS) charge database. For the past several years, EEOC has invested resources into maintaining its legacy charge tracking applications to support ACT-Digital priorities for electronic case processing and developing secure public-facing portals to support digital services. We now have reached a point with digital services wherein it is critical for the Agency to migrate off of its legacy charge tracking applications onto a modern, digital charge management framework. An investment of \$1.864 million would allow us to make this change and eliminate the costly operations and maintenance that a twenty-year-old system demands. The EEOC's legacy application infrastructure utilizes end-of-life platforms and out-of-support software. Use of outdated platforms negatively impacts availability, performance, and functionality, and is much more expensive than current cloud and/or open source solutions. It also significantly increases security risks related to patch management and the related risk of unauthorized access or malware. In addition to the increased security risks, the legacy infrastructure results in increased development and maintenance costs, and decreased business functionality.

This investment of \$1.864 million in FY 2019 will allow the EEOC to procure consulting services and contractor services to replace our legacy applications with new cloud-based mission solutions. An additional \$865,300 will be required in FY 2020 to complete the development effort. The new mission system will mitigate the above referenced security risks and provide the EEOC with a cost-effective platform in which meet expanding business requirements, including efficiencies to be achieved through digitized processes and automated workflows. As an example, EEOC staff currently enter action codes to manually record activities related to charge processing, including the generation of related documents for approval processing outside of the system. Digitized processes and automated workflows will automatically track activities as they occur within the system, such as creation/transmittal of documents, supervisory reviews, and charge closure processing.

The initiative will also consolidate and integrate siloed systems, removing redundancies and improving data quality and consistency. The removal of action code data entry will improve data quality, as activities will no longer be manually recorded separate from and after the activities. Federal sector hearings and appeals data, currently maintained in separate systems, will be integrated with the Federal

Form 462 and MD-715 data maintained in FedSEP. Similarly, litigation processing will be seamless with charge investigation processing. After the migration to a new system is complete, the EEOC estimates that the Agency will achieve a 40% reduction in development costs and a 25% reduction in on-going maintenance expenses.

- *\$300,000 to fund the GSA mandated transition from NetworX to EIS*

The GSA NetworX contract, which currently provides data and voice communication services to all government agencies, is expiring and all agencies must transition services to the new GSA Enterprise Infrastructure Solutions (EIS) contract. Planning for this complex transition has already begun. The EEOC is scheduled to conduct our Fair Opportunity competition in late FY 2018, with transition during FY 2019 - early FY 2020. Funds requested are for one-time transition costs, and include the costs for having two services operating in parallel during the transition. This transition involves migrating all voice and data infrastructure services for Headquarters and Field Offices to a new contract and, potentially, a new provider. During discussions with GSA, it was estimated that the EEOC will require approximately three-months of redundant data service costs to cover both contracts concurrently during the transition period.

The EEOC plans to split the \$600,000 transition service costs (\$200,000/month for three months) over two years, FY 2019 and FY 2020 at \$300,000 each. This is a mandated transition since the NetworX contract expires in FY 2020.

Many of the accomplishments to date were funded through cost-savings achieved in other areas and shifting resources to investments with improved returns. As examples,

- The EEOC re-competed its Help Desk services contract, improving service-level agreements and increasing skill competency requirements, at a cost savings of approximately \$2 million over the expected term of the contract.
- The Agency transitioned its Microsoft services from device-based licensing to user-based licenses, adding significant collaboration and security services without an increase in license costs.
- The migration to Office 365 is achieving savings by decreasing legacy maintenance expenses associated with our prior directory/email services, content management system licensing, web-meeting services, and other redundant technologies.

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

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

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## **X. PROGRAM EVALUATIONS**

Program evaluation is an important component of the EEOC's effort to assure that its programs are operating as intended and achieving results. Program evaluation is a thorough examination of program design and/or operational effectiveness that uses rigorous methodologies and statistical and analytical tools. These evaluations also 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 FYs 2018 - 2022 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, 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.

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## XI. ADMINISTRATION AND SUPPORT

### A. Introduction

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

### B. File Disclosure Workload

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) and Section 83 of the EEOC's Compliance Manual (Section 83) will stabilize at slightly over 23,000 through FY 2021.

Table 12 below depicts the actual FOIA workload for FYs 2015, 2016, and 2017, projections for the number of requests received, processed, and pending for FYs 2018 through 2021.

Based on FY 2017 actual workload data, the number of FOIA requests received each year for FYs 2018 through 2021 is projected to be approximately 19,003, and the number processed each year is projected to be approximately 17,662.

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

FY 2015 to FY 2021*							
	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (CR)	FY 2019 (Request)	FY 2020 (Est.)	FY 2021 (Est.)
Carryover Previous Year	1,160	1,562	2,174	3,515	4,856	6,197	7,538
Receipts	17,883	17,680	19,003	19,003	19,003	19,003	19,003
Total Workload	19,043	19,242	21,177	22,518	23,859	25,200	26,541
Processed	17,481	17,068	17,662	17,662	17,662	17,662	17,662
Pending FOIA	1,562	2,175	3,515	4,856	6,197	7,538	8,879

\*May not add due to rounding

Table 13 on the following page depicts the Section 83 actual workload for FYs 2015, 2016, and 2017, and projections for FYs 2018 through 2021 for Section 83 requests received, processed, and pending at the end of the FY.

Based on FY 2017 actual workload data, the number of requests for Section 83 charge file disclosures for FYs 2018 through 2021 will be approximately 4,287 annually, and the number of Section 83 requests processed will be slightly less than 3,800 annually.

**Table 13: Section 83 Disclosures**

FY 2015 to FY 2021*							
	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (Estimate)	FY 2019 (Estimate)	FY 2020 (Estimate)	FY 2021 (Estimate)
Carryover Previous Year	8,651	9,506	10,361	10,898	11,435	11,972	12,509
Receipts	5,215	5,215	4,287	4,287	4,287	4,287	4,287
Total Workload	13,866	14,721	14,648	15,185	15,722	16,259	16,796
Processed	4,360	4,360	3,750	3,750	3,750	3,750	3,750
Pending Section 83	9,506	10,361	10,898	11,435	11,972	12,509	13,046

\*May not add due to rounding

**C. Finance and Administration**

Office Expansions, Rehabilitations, and Relocations\*

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

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

The EEOC has continued, since FY 2013, to incorporate space reduction or sustainment measures to comply with OMB memorandum “Promoting Efficient Spending to Support Agency Operations,” Executive Orders (EO) 13514 and EO 13589 requirements to reduce operating costs and “Freeze the FY 2012 Footprint.” Measures we employ include, but are not limited to the following:

- The EEOC will not increase our total square footage from the FY 2012 “footprint.” The agency will return to GSA or lessor unneeded or underutilized space (rightsizing); and identify “off-setting” office space to reduce when we must exceed the 2012 “footprint” for one or more of the EEOC’s offices.
- Adherence to Agency Space Allocation Guidelines, with updates in July 2015, for universal application of personnel and office space requirements that include a designated number of two-person private offices dependent upon the total square feet of the office.

- For maximum economic efficiency, we will continue to plan space requirements for both the short and long terms and “right-size” offices in conjunction with lease expiration operations. We will also take advantage of re-programmed funds for independent space actions such as safety improvements and furniture replacement in offices that habitually renew leases in federal spaces.

Based on the above, the following is a summary of 2017 completed space actions and 2018-2020 planned space actions:

- 2017: Completed expiring lease, relocation and office-wide re-configuration Commission projects: Boston (succeeding lease completed), El Paso, Fresno, Honolulu, Jackson, Las Vegas, Memphis (lease extended for 5-years), Mobile (lease extended for 5-years), and San Juan (lease extended for 5-years).
- 2018: Funded expiring lease, relocation and office wide re-configuration Commission projects: Atlanta, Dallas, Denver, Houston, Indianapolis, Memphis, Minneapolis, and Headquarters/Washington, D.C. (lease expiration October 2018), San Juan; and deferred FY 2017 actions for Baltimore, Buffalo, Chicago, Detroit, Kansas City (Information Intake Group) and; deferred FY 2016 actions for Cleveland, Greensboro, Phoenix, and Seattle (Information Intake Group).
- 2019: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Albuquerque, Birmingham, Charlotte, New York, San Diego, San Francisco, San Jose, and Headquarters/Washington, D.C. (lease expiration October 2018); deferred FY 2017 action for Philadelphia, and deferred FY 2014 action for St. Louis.
- 2020: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Los Angeles, Pittsburgh, and San Antonio.

*\*Some expiring lease, relocation, and re-configuration space projects may have been funded in the previous FY prior to the lease expiration, occupancy, or scheduled project completion date. Projects include those implemented for improved office environmental and safety conditions, right-sizing (increase or decrease), and reducing space.*

#### **D. GINA Study Commission**

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

To be known as the Genetic Nondiscrimination Study Commission, this commission would be located in a facility maintained by the EEOC. Although members will not

receive compensation for the performance of services for the commission, the statute requires that members receive travel expenses, including per diem, while away from their homes or regular places of business in the course of performing services for the commission. The statute authorizes sums to be appropriated to the EEOC as shall be necessary to carry out the requirements of Section 8.

## APPENDIX A: GENERAL STATEMENT OF LAWS

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

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

### Statutes Enforced

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

In addition to Title VII; the EEOC enforces the Age Discrimination in Employment Act of 1967 (ADEA); the Equal Pay Act of 1963 (EPA); Sections 501 and 505 of the Rehabilitation Act of 1973; Titles I and V of the Americans with Disabilities Act of 1990 (ADA); and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). The Civil Rights Act of 1991 codified methods of proof and expanded the damages available to prevailing complainants. In 2009, President Obama signed the Lilly Ledbetter Fair Pay Act, to supersede the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007). This act restores the EEOC's longstanding position that each paycheck delivering discriminatory compensation is a wrong actionable under the federal EEO statutes, regardless of when the discrimination began. The Lilly Ledbetter Act Amends Title VII, the ADEA, the Rehabilitation Act, and the ADA.

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

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

Titles I and V of the ADA prohibit employment discrimination against qualified individuals on the basis of an employee's or applicant's disability. The act covers both private sector and state or local government employers with 15 or more employees, employment agencies, and labor organizations with 15 or more members, and joint labor-management training and apprenticeship programs. Sections 501 and 505 of the Rehabilitation Act protect qualified individuals from employment discrimination on the basis of disability by the federal government.

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

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

GINA includes a requirement that a Genetic Nondiscrimination Study Commission be established to review the developing science of genetics. The Study Commission would make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA.

All of EEOC-enforced laws prohibit retaliation. Title VII, ADEA, ADA, the Rehabilitation Act, and GINA prohibit retaliation against individuals who have reasonably opposed discrimination, or who have filed a charge, served as a witness, or otherwise participated in an EEO proceeding. The EPA prohibits retaliation against an individual who has "filed a claim."

### Enforcement Methods

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

Members of the public may file charges alleging employment discrimination in violation of EEOC-enforced laws with an EEOC field office. Charges also may be initiated by EEOC Commissioners or, alternatively, by an individual or organization, such as a union or civil rights group, "on behalf of" another person. After charges are filed, EEOC staff members investigate and the EEOC may issue a determination of "reasonable cause" or

dismiss the charge for a variety of reasons. If the agency finds cause, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation, in lieu of an investigation. Under Title VII, the ADEA, ADA and GINA, filing a charge generally is a prerequisite to filing a lawsuit.

EEOC-enforced laws authorize the EEOC to file suit in federal District Court in order to remedy employment discrimination if it is unable to achieve conciliation. If, however, the case involves allegations under Title VII, the ADA or GINA against a state or local government, the EEOC refers it to the attorney general, who may file suit in federal court. The EEOC may bring its own suits alleging violations of the ADEA or EPA against state or local governments.

### Federal Agency Respondents

The EEOC also oversees a separate administrative process for employment discrimination claims against the federal government. The federal government; as an employer; is subject to these anti-discrimination requirements through Section 717 of Title VII; Section 15 of the Age Discrimination in Employment Act; Section 501 of the Rehabilitation Act of 1973; the Equal Pay Act; and Section 201 of GINA. These laws provide the EEOC with oversight responsibility, including the authority to maintain procedures used by federal departments and agencies in processing internal complaints of employment discrimination. In addition, the EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints.

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

### Data Reporting and Record Keeping

Under section 709(c) of Title VII, the EEOC may require covered entities to keep records that are relevant to determining whether the law has been violated, and may require reporting from this information. Pursuant to this authority, the EEOC requires covered private employers, state or local governments, and labor organizations to file periodic reports providing data on the makeup of their workforces or membership by gender and racial/ethnic categories. The EEOC uses this data in charge investigation and other enforcement activities. It also uses this data to produce reports about the status of workers by ethnicity or gender in selected industries. Further, the data are shared with other federal, state and local agencies charged with enforcement of equal employment opportunity laws, and in aggregate form with non-government organizations and researchers concerned with equal employment opportunity. Under special arrangements to protect data confidentiality, the data is shared with academic researchers that results in

numerous articles in academic journals as well as research products that assist EEOC programs.

#### Leadership and Coordination of Federal EEO Efforts

Under Executive Order 12067, the EEOC provides leadership and coordination to all federal departments' and agencies' programs enforcing federal statutes, executive orders, regulations and policies that require equal employment opportunity without regard to race; color; religion; sex; national origin; age; or disability. The executive order instructs the EEOC to eliminate conflict, competition, duplication and inconsistency when coordinating these programs and to promote efficiency and effectiveness. All federal departments and agencies are required to cooperate with and assist the EEOC in performing these functions and are required to furnish the EEOC with such reports and information as it may require, including any proposed rules, regulations, policies, procedures or orders concerning equal employment opportunity during their development and in final at least 15 working days before issuance.

## APPENDIX B: EVALUATION AND EVIDENCE

### 1. Agency Context

#### a. Current Efforts and Future Plans

The EEOC is committed to building our capacity to provide viable evidence and better integrate our information and data policy into budget, performance and management decision making. As a basis for this emphasis, we are guided by the agency's Strategic Plan and its prioritization across the EEOC's long-term strategic goals and objectives. Those efforts are further reinforced by the administrative focus on the six priority areas detailed in the agency's Strategic Enforcement Plan (SEP), which was adopted by the agency in December 2012 in response to the Strategic Plan's first objective of "Combating employment discrimination through strategic law enforcement." The combined strategies will further develop the EEOC's capacity to use evidence, evaluation, and data tools to improve program outcomes.

#### b. Recent Major Progress

The study, "*Effectiveness of Practices Adopted to Remedy Discrimination as Injunctive Relief*" was initiated as ORIP tested a process for coding conciliation agreements to build a data base of remedies that can be used to measure impact.

#### c. Current Barriers

The critical barriers to expanding the integration of the EEOC's information and data policy into budget, performance, and management decision making continues to be a lack of resources to focus on enterprise-wide analytics. The focus in the upcoming year will be to begin to build the organizational foundation for conducting more sophisticated and streamlined analyses. It will also enhance the delivery of reports through user-friendly applications.

### 2. Evaluation proposals

The EEOC is considering the following evaluation proposals.

**Study the Effectiveness of Practices Adopted to Remedy Discrimination as Injunctive Relief.** Effective injunctive relief is a key element in resolving discrimination investigations and litigation. A number of scholars have examined personnel practices that are often required as injunctive relief to remedy discrimination and have attempted to measure the impact or outcomes of those practices. The proposed research would identify common personnel practices associated with injunctive relief in order to measure the impact of change brought about by the relief. A literature review will examine empirical methods for identifying and isolating the relevant injunctive relief and practices, as well as methods to measure the efficacy of the injunctive relief. Based on the literature review, we will design a research plan to further investigate the use of practices identified and their effectiveness in reducing discrimination. We will analyze the efficacy of these forms of

injunctive relief (as obtained in EEOC litigation and conciliation, as well as other settlements). Examples of potential study topics might include policy change, the use of tests and screens that are considered less discriminatory under the Uniform Guidelines on Employee Selection Procedures (UGESP) of 1978, and agreement to track previously undocumented personnel moves in the company's human resource information system. There are a number of benefits to studying these types of injunctive relief, including the identification of effective practices to assist employers, and to measure the Commission's impact in addressing and remedying discrimination.

**EEOC leverages collaborations with significant partner organizations to assist in breaking employment barriers.** A program evaluation will be conducted to examine this strategic goal from the agency's draft FY 2018-2022 Strategic Plan. The evaluation will determine the impact of these partnerships on targeted communities. It will require the design and creation of relevant databases and measures that can be used to evaluate the effectiveness of these significant partnerships.

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

### **BACKGROUND**

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

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

- Chief Risk Officer (CRO) and Committee Chair
- Director, Office of Field Programs
- Director, Office of Federal Operations
- District Director Representative
- Regional Attorney Representative
- Field/Area/Local Office Director Representative
- Chief Information Officer (CIO)
- Chief Information Security Officer (CISO)
- Director, ORIP
- Deputy General Counsel
- Director, Legal Counsel
- Chief Financial Officer (CFO)
- Chief Human Capital Officer (OCHCO)

The ERSC met on May 24, 2017 and June 5, 2017 to develop the Agency's Risk Profile.

### **METHODOLOGY**

On April 20, 2017, Directors were asked to conduct a risk assessment and develop an initial risk profile by May 19, 2017. Initial risk profiles were submitted by each office to the Office of Research, Information, and Planning (ORIP). ORIP compiled the initial risk profiles and distributed them to ERSC members along with a risk scoring sheet. During the May 24, 2017 and June 5, 2017 meetings, offices briefed ERSC members on their initial risk profiles. ERSC members asked questions and addressed specific items related to office risk profiles.

ERSC members completed a risk scoring sheet for each risk. To identify the priority risks, ORIP employed a methodology that considered the likelihood and impacts of each identified risk. Likelihood considers history of occurrences and internal and external changes that may cause a risk to occur such as the risk occurred in the past or a newly implemented policy. Impact of risk considers the level of damage such as a violation of law or negative budget effect.

The ERSC assessed all risks using a score sheet with likelihood and impact criteria. Likelihood criteria were multipliers whereas each impact criterion carried a weight. Thus, the more likelihood criterion selected on the score sheet the multiple chances of the risk occurring. Each impact criterion was assigned a weighted value based on its weight of damage. For example, a violation of law or the safety of people was determined to likely have greater damage to the agency than a change in policy. The weighted impact criterion was multiplied by the number of likelihood criteria checked to determine the final score of each risk.

The predetermined priority risk criteria were developed using the EEOC's lowest risk appetite which relates to safety and compliance objectives, including health and safety; protection of personally identifiable information (SPII); and compliance with EEO legal requirements; and input from Office Directors. The weighted predetermined risk criteria were also based on the probability of the risks occurring and the impact of the risk if it occurred. ERSC members completed the ERM risk scoring sheet to generate risk scores. The risk scores were used to rank the risk's priority relative to the other identified risks. The risks with the highest risk score is ranked first in priority, the risk with the next highest risk score is ranked second, and so forth.

## **RESULTS**

The results of the risk scoring sheets are reflected in the chart below. The mean scores were calculated by adding the risk scores together and dividing the sum by the total number of submitted scores. The total scores were calculated by adding the risk scores together. Based on the results of the ERM risk scoring model, the top risks, ranked as follows with a parenthetical reference to the scoring sheets:

1. Sensitive Personally Identifiable Information (SPII) Datasets (OIT-RP12): If SPII datasets are not properly secured, then there is increased risk of data breach and potential significant damage to EEOC's reputation. This risk also includes the security of Confidential-Information and SPII (OFP-RP3) contained in private sector investigative files.
2. Physical Security of National Security Information (OCFO-RP16): If classified national security information is not properly safeguarded in accordance with EO 13256, then it could result in a compromise and/or loss of classified national security information.

3. Centralized Personnel Processing (OCHCO-RP23): If all Human Resources (HR) operations are not centralized within the Office of the Chief Human Capital Officer (OCHCO) to ensure the consistent application of HR policies and practices, then we risk our delegated authority.
4. EEOC FOIA Program statutory processing time limits (OLC-RP24): If FOIA statutory timelines are not met, then a backlog will occur resulting in delayed issuance of determination, acknowledgment and extension letters and disclosure of responsive documents.

We adopted the Office of Information Technology’s recommendation to consolidate OIT-SPII Dataset Security and Security of Confidential Information; The risks of Physical Security of Field Offices, and Conduct assessment of all office locations due to the similarities of the risks. ORIP will maintain oversight of Enterprise Risk Management and will be contacting Offices to assist in their monitoring efforts.

<b>TABLE 1: RANKING OF RISKS</b>	
<b>RANK</b>	<b>AGENCY IDENTIFIED RISK</b>
1	Sensitive Personally Identifiable Information (SPII) Datasets: If SPII datasets are not properly secured, then there is increased risk of data breach and potential significant damage to EEOC's reputation. This risk also includes the security of Confidential-Information and SPII contained in private sector investigative files.
2	Physical Security of National Security Information: If classified national security information is not properly safeguarded in accordance with EO 13256, then it could result in a compromise and/or loss of classified national security information.
3	Centralized Personnel Processing: If all Human Resources (HR) operations are not centralized within the Office of the Chief Human Capital Officer (OCHCO) to ensure the consistent application of HR policies and practices, then we risk our delegated authority.
4	EEOC FOIA Program statutory processing time limits: If FOIA statutory timelines are not met, then a backlog will occur resulting in delayed issuance of determination, acknowledgment and extension letters and disclosure of responsive documents.
5	Restrictive Language on EEOC appropriation: If Congress approves restrictive language on EEOC appropriations, then that could restrict the agency from carrying out part of our enforcement responsibilities.
6	Consent Decree compliance: If the Office of General Counsel does not have a mechanism in place to ensure compliance, then there is a risk that defendants will not honor their obligations under the decrees and future violations could occur.
7	Staff Attrition Impact on Growth of Aged Federal Appeals Inventory: If the Office of Federal Operations (OFO) Appellate Review Program loses too many attorneys by attrition without replacement, then achievement of the strategic/programmatic goal of reducing the aged case inventory will be compromised.
8	Unsupported software: If software applications exceed end-of-life maintenance support, then there is increased security and business risk.

9	Effective Management of Compliance Inventory: If OFO's Compliance Officers have too large of inventory of compliance cases assigned to them, then relief ordered in appellate decisions will not be implemented and stakeholders will be denied the timely equitable relief that they are entitled to receive.
10	Electronic Personnel Forms: If personnel files are not properly scanned and uploaded into EOPF, then an adverse impact on EOPF and delays in transferring information to gaining agencies and calculating proper annuity estimates could occur.
11	Physical Security of Field Offices: If building and office safety protocols and equipment are not established and maintained, then staff members may be put in danger. This risk also includes the Risk Management Process Tool (RMPT): Conduct Interagency Security Committee (ISC) Risk Management Process Tool assessment for all office locations/facilities.
12	ACT Digital System incorrect information: If respondent's contact information is incorrect in the ACT Digital System, then EEOC may fail to achieve proper service of charges and other program targets such as ADR offers.
13	Affirmative employment program staffing and resources: If the Agency fails to provide sufficient staffing and budget to Office of Equal Opportunity (OEO), then OEO will fail to comply with Agency guidance and regulations for EEO offices, and will fail to address its proactive and pre-emptive responsibilities of outreach and training.
14	OEO non-compliance: If the EEO Director does not report directly to the Agency Chair, then Agency fails to comply with MD-110, Chap. 1, Section III, B. If the Agency fails to acknowledge and adhere to the responsibilities of the EEO Director, then the Agency cannot become a model employer and will not be in compliance with 29 CRR 1614.102.
15	Investment in Business Intelligence Analytics: If EEOC does not invest in business intelligence services, then it will fail to effectively leverage the wealth of federal sector employment data for general oversight and analysis of EEO issues and trends at the agencies and government-wide.
16	Training Data: If EEOC does not have a centralized Learning Management System (LMS), then we may not be in full compliance with OPM standards and reporting requirements.
17	Two-Factor Authentication: If two-factor access to Agency systems is not implemented, then there is an increased risk of unauthorized access.
18	EEOC FOIA Program: If FOIA Xpress crashes or is slow, then this could result in the delay or inability to issue reliable and timely FOIA reports.
19	Revolving Fund Management Operations: If the revolving fund continues to operate without an OCFO/Chair vetted business plan, then the Agency runs the risk of under/over apportioning funds as well as the very tangible possibility of an Anti-Deficiency Act violation.
20	Release of Confidential Data: If personnel with access to charge data, survey data and employer's human resource data (including contractors) are not properly trained, then confidential information may be released.
21	EEO Survey database: If unauthorized access to EEO Survey databases is not prevented, then the confidentiality of stakeholder confidential information is compromised.
22	Contracts approval: If we fail to obtain approval of contracts for expert services in time, then we may not meet court ordered deadlines.
23	Human Resources Operations: If the Office of the Chief Human Capital Officer is not sufficiently resourced, then there are significant risks to internal operations and compliance with OPM and OMB requirements.
24	Library resources: If the Library is not adequately resourced, then the Library may not have adequate staffing & resources to assist EEOC staff.



# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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