

# FY 2021 CONGRESSIONAL BUDGET JUSTIFICATION



SUBMITTED TO THE CONGRESS OF THE UNITED STATES OF AMERICA  
FEBRUARY 2020

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

*Fiscal Year 2021  
Congressional Budget Justification*

*U.S. Equal Employment  
Opportunity Commission*

*February 2020*

*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) 2021 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 FY 2021 Budget requests \$362,481,000 for the EEOC, which includes \$27,525,000 for State and Local programs. This request represents a decrease of \$27.019 million below the FY 2020 enacted level of \$389,500,000 million.

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 present the U.S. Equal Employment Opportunity Commission's (EEOC's) FY 2021 Congressional Budget Justification. The FY 2021 Budget request of \$362,481,000 includes \$27,525,000 for state and local fair employment practice agencies (FEPAs) and tribal employment rights organizations (TEROs).

Throughout its history, the EEOC has had a positive impact on workforces across the country. As Chair, I want to build upon the agency's legacy and continue to take on workplace discrimination, while striking a careful balance between enforcement and assistance in compliance through outreach and effective communication.

### **Fiscal Year 2021 Priorities**

The EEOC will continue to *provide excellent customer service* and be responsive to employees who raise claims of discrimination in the workplace. Too often, justice delayed is justice denied. The agency has made significant strides toward fulfilling this pledge by handling claims of discrimination promptly and fairly. This includes a continuation of the focus on Priority Charge Handling Procedures ("PCHP"), Quality Enforcement Practices ("QEP"), and Federal Sector Quality Practices to effectively manage active workloads and reduce inventory levels in private and public sector charges and federal sector hearings and appeals. The EEOC, through expansion of digital services, continues to embrace technology and leverage its power to improve our service to all stakeholders. Finally, the agency continues to upgrade the Commission's data collection, analysis, and reporting capabilities, which enable the agency to use modern data analytics to facilitate data-driven decision-making.

The first word in the EEOC's mission statement is "prevent," and everyone at the Commission contributes to the goal of *providing robust compliance assistance* and preventing discrimination in the workplace. To fulfill this priority, the Commission provided high-quality, easy to understand education and outreach in the private, public, and federal sectors, prioritizing outreach to the small business community. As part of this effort the agency continues to successfully build strong partnerships with employer and advocacy groups. The Commission also has begun a significant effort to update our guidance and technical assistance documents to ensure that they represent a clear explanation of the law, and rescind those documents that are out-of-date, raise the potential for confusion among our stakeholders, or exceed the Commission's statutory authority.

The EEOC serves a unique and significant role in the enforcement of civil rights laws in the workplace. During 2019 we began to *enhance our efforts to reach vulnerable* in our society. I established an agency-wide task force and charged its members with examining our current efforts and making adjustments to ensure that we are identifying, reaching, and effectively serving – through outreach, enforcement, and litigation – vulnerable workers throughout the nation's workforce.

The EEOC continues to *strategically allocate Commission resources* to tasks that have the maximum impact on fulfilling our mission. In fiscal year 2019 the Commission continued to build on the success of our popular mediation program in the private and federal sectors. Agency staff conducted over 6,000 successful mediations that garnered over \$159.6 million in benefits to charging parties, and earned a satisfaction rate of 96.8 percent for the EEOC's private sector mediation program.

The EEOC can best accomplish our mission if we are *continuing our efforts to be a model workplace*, with a productive, inclusive, and diverse workforce. In fiscal year 2019 the Commission continued to embrace the principles of equal employment in our *own* workplace, recognizing that doing so creates an environment that enhances the EEOC's overall effectiveness. The EEOC also supported our employees by providing them with the tools and resources they need to be successful in their jobs.

Historically, the EEOC has been a small agency with a huge mission. It is an honor to lead an agency of employees devoted to the mission to advance equal opportunity for all in the workplace and prevent and remedy unlawful employment discrimination. Accordingly, I respectfully seek sufficient funding to allow the EEOC to fulfill our service to the nation and its workforce.

Janet Dhillon  
Chair

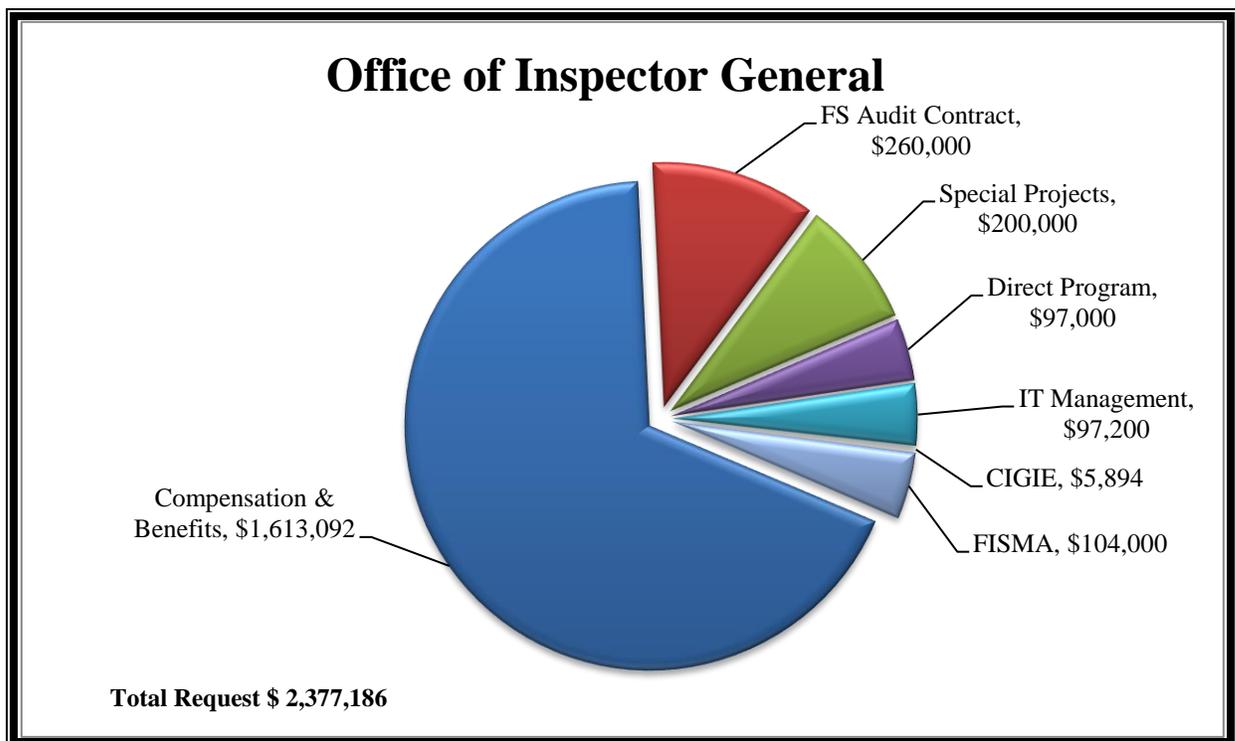
## II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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	\$2,377,186
Aggregate amount of funds	\$2,377,186 <sup>1</sup>
Amount requested in OIG budget for training	\$62,000 <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 the Inspector General.

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for FY 2021.

<sup>3</sup> .2479 percent of \$2,377,186 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 [\$30,500,000]\$27,525,000 for payments to State and Local enforcement agencies for authorized services to the Commission, [\$389,500,000]\$362,481,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: [Provided further, That the 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.

## 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 2019 through 2021.

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

<b>FY 2019 to FY 2021</b> <i>(Dollars in thousands*)</i>				
	<b>FY 2019 (Actual)</b>	<b>FY 2020 (Enacted)</b>	<b>FY 2021 (Request)</b>	<b>Change From FY 2020</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	\$296,646	\$303,354	\$281,620	\$(21,734)
State, Local and Tribal	\$29,500	\$30,500	\$27,525	\$(2,975)
2. Federal Sector Enforcement	\$47,354	\$49,646	\$47,336	\$(2,310)
<b>Total Strategic Objective I</b>	<b>\$373,500</b>	<b>\$383,500</b>	<b>\$356,481</b>	<b>\$(27,019)</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>\$379,500</b>	<b>\$389,500</b>	<b>\$362,481</b>	<b>\$(27,019)</b>
<b>Total Full-Time Equivalents**</b>	2,060	1,917	1,731	(186)
<b>Management Objective: Achieve organizational excellence</b>				
<b>Highlighted Resource Areas</b> [Information Technology]	\$18,293	\$18,319	\$17,727	\$(592)

\*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 2020 to FY 2021.

**Table 2: Analysis of Change**

<b>FY 2021</b> (Dollars in thousands)			
	<b>FY 2020 (Enacted)</b>	<b>FY 2021 (Request)</b>	<b>Net Change (+/-)</b>
<b>Spending Authority (Includes State, Local and Tribal)</b>	<b>\$389,500</b>	<b>\$362,481</b>	<b>\$(27,019)</b>
<b>Explanation of Changes:</b>			<b>Amount</b>
Compensation and Benefits	275,591	273,014	(2,577)
<b>Total Compensation and Benefits*</b>	275,591	273,014	(2,577)
<b>Subtotal Compensation Changes</b>			<b>\$(2,577)</b>
<b>Program Support Changes</b>			
1. State, Local and Tribal Programs	30,500	27,525	(2,975)
2. Information Technology Enterprise Systems	18,319	17,727	(592)
3. Chief Human Capital Officer (OCHCO)	4,808	1,996	(2,812)
4. Additional program decreases**		(18,063)	(18,063)
<b>Program Support Changes</b>			<b>\$(24,442)</b>
<b>Total Net Change</b>			<b>\$(27,019)</b>

\* FY 2021 Compensation and Benefits (C&B) reflects agency estimates as of December 2019. The estimate includes a 1 percent pay increase - \$1,545; annualization of the FY 2020 pay increase of 3.1 percent effective January 2020 - \$1,559; employee performance awards – increase of \$3,931.

\*\* Reflects program decreases to include office construction and relocation.

**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 2019 to FY 2021 (Dollars in thousands*)</b>			
<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2019 (Actual)</b>	<b>FY 2020 (Enacted)</b>	<b>FY 2021 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$197,897	\$199,737	\$197,830
11.3 Other than FTP	2,030	2,200	2,200
11.5 Other personnel compensation	3,120	2,000	2,000
<b>Total Personnel Compensation</b>	<b>203,047</b>	<b>203,937</b>	<b>202,030</b>
12.1 Civilian personnel benefits	66,860	71,654	70,984
<b>Total Compensation and Benefits</b>	<b>269,907</b>	<b>275,591</b>	<b>273,014</b>
21.1 Travel of persons	1,885	2,800	1,000
22.0 Transportation of things	0	25	25
23.1 Rental payment to GSA	27,877	32,600	32,600
23.2 Other rent/communications	5,125	4,500	3,500
24.0 Printing and reproduction	100	250	100
25.1 State, local and tribal contracts	29,500	30,500	27,525
25.2 Security services (including DHS)	1,355	3,412	3,412
25.2 Other services from non-federal sources	29,958	26,042	15,105
25.2 Litigation support	3,436	3,450	1,000
25.3 Other goods & services from federal sources	5,831	5,200	3,200
26.0 Supplies and materials	3,981	3,850	1,000
31.0 Equipment	545	1,280	1,000
<b>Total Other Object Classes</b>	<b>109,593</b>	<b>113,909</b>	<b>89,467</b>
<b>Agency Total</b>	<b>\$379,500</b>	<b>\$389,500</b>	<b>\$362,481</b>

\*May not add due to rounding

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

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

<b>OBLIGATIONS BY OBJECT CLASS</b>	<b>FY 2020 (Transferred)</b>	<b>FY 2021 (Pending)</b>
25.2 Other services from non-federal sources	2,000	2,000
<b>Total Object Classes</b>	<b>2,000</b>	<b>2,000</b>
<b>Technology Modernization Fund Total</b>	<b>\$2,000</b>	<b>\$2,000</b>

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

In March 2017, the EEOC implemented a formal risk management plan, and completed its first enterprise risk reviews and finalized the agency risk profile in June 2017. During FY 2018, we continued to improve our enterprise risk management framework, which identifies, prioritizes, and manages institutional risk at all levels of the agency. The Enterprise Risk Steering Committee (ERSC) met on August 15, 2018 to prioritize the agency's FY 2018 risk profile submissions. The agency will continue to incorporate enterprise risk management (ERM) into decision-making and focus on the integration of risk management and internal controls.

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

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

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

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## V. STRATEGIC PLAN AND PERFORMANCE MEASURES

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

#### 1. Introduction

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

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

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

Strategic Objective I – **Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities.** The corresponding outcome goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint. The five performance measures and FY 2019 results for these measures are more fully described in Section VI.B., starting on Page 21.

Strategic Objective II – **Prevent employment discrimination and promote inclusive workplaces through education and outreach.** The corresponding outcome goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces. The three performance measures and FY 2019 results for these measures are more fully described in Section VII.B., starting on Page 47.

Strategic Objective III (Management Objective) – **Achieve Organizational Excellence.** The corresponding outcome goals are: 1) Staff exemplify a culture of excellence, respect and accountability; and 2) Resource allocations align with priorities to strengthen outreach, education, enforcement and service to the public.

The four performance measures and FY 2019 results for these measures are more fully described in Section VIII.B., starting on Page 56.

The Plan presents clear and realistic strategies for achieving each outcome goal and identifies 12 performance measures with annual targets to track the EEOC's progress as it approaches FY 2022. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the following Strategic Plan Diagram.

<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 the EEOC's priorities and to integrate agency responsibilities and activities.</p> <p>Strategy I.A.2: Use administrative and litigation mechanisms to identify and attack discriminatory policies and practices, including systemic practices.</p> <p>Strategy I.A.3: Use the EEOC's decisions and oversight activities to target discriminatory policies and practices in federal agencies.</p> <p>Strategy I.A.4: Seek remedies to end discriminatory practices and deter future discrimination.</p> <p>Strategy I.A.5: Seek remedies that provide meaningful relief to individual victims of discrimination.</p> <p><b>Outcome Goal I.B:</b> Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.</p>	<p><b>Outcome Goal II.A:</b> Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws.</p> <p>Strategy II.A.1: Broaden the use of technology to expand our reach to diverse populations.</p> <p>Strategy II.A.2: Target outreach to vulnerable workers and underserved communities.</p> <p><b>Outcome Goal II.B:</b> Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.</p> <p>Strategy II.B.1: Utilize modern technology and media to expand our reach to employers and other covered entities.</p> <p>Strategy II.B.2: Promote promising practices that employers can adopt to prevent discrimination in the workplace.</p> <p>Strategy II.B.3: Target outreach to small and new employers.</p>	<p><b>Outcome Goal III.A:</b> Staff exemplify a culture of excellence, respect, and accountability.</p> <p>Strategy III.A.1: Recruit, develop, and retain skilled and committed employees.</p> <p>Strategy III.A.2: Advance performance management to maximize organizational improvement.</p> <p>Strategy III.A.3: Advance diversity and inclusion in the workplace.</p> <p>Strategy III.A.4: Develop and support innovation and collaboration to foster employee engagement and morale.</p> <p>Strategy III.A.5: Continuously implement quality practices in all programs.</p> <p>Strategy III.A.6: Foster constructive employee and labor management relations.</p> <p>Strategy III.A.7: Strive to model the workplace</p>

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

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

PERFORMANCE MEASURES		
<p><b>STRATEGIC OBJECTIVE I:</b> Combat and prevent employment discrimination through the strategic application of the 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 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, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.</p> <p><b>Sub-Measure 1b.:</b> By FY 2022, 90 percent of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.</p>		

## **VI. STRATEGIC OBJECTIVE I – Combat and Prevent Employment Discrimination Through the Strategic Application of the EEOC’s Law Enforcement Authorities**

### **A. Introduction**

Strategic Objective I, to combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities, reflects the EEOC’s primary mission of preventing unlawful employment discrimination through: 1) the administrative (investigation and conciliation) and litigation enforcement mechanisms 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.

The EEOC currently conducts its enforcement activities under the guidance of the Strategic Enforcement Plan (SEP) for FYs 2017-2021. The SEP for FYs 2017-2021 was approved by vote of the Commission in December 2016. It was designed to allow the Commission to be transparent about its enforcement activity and priorities. The previous SEP for FYs 2013-2016, issued in December 2012, was the successor to the 1996 National Enforcement Plan (NEP). The 1996 NEP, among other things, delegated authority to the General Counsel to initiate litigation without the express vote of the Commission, except in certain defined circumstances. Both SEPs established substantive area priorities and set forth strategies to integrate all components of the EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace.

The current SEP focuses efforts on 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. Strategic impact is defined as a significant effect on the development of the law or on promoting compliance across a large organization, community, or industry. The significance of an issue and the potential outcome determine strategic impact, in addition to the number of individuals affected.

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

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

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

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

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

FY 2019 to FY 2021 (Dollars in thousands*)			
	FY 2019 (Actual)	FY 2020 (Enacted)	FY 2021 (Request)
<b>Private Sector Enforcement</b>	<b>\$296,646</b>	<b>\$303,353</b>	<b>281,620</b>
Administrative Charge Resolution	201,551	206,108	191,342
Mediation	23,054	23,575	21,886
Litigation	72,041	73,670	68,392
State, Local and Tribal	29,500	30,500	27,525
<b>Federal Sector Enforcement</b>	<b>\$47,354</b>	<b>\$49,647</b>	<b>47,336</b>
Hearings	25,931	27,186	25,921
Appeals	15,109	15,840	15,103
Mediation	902	947	902
Oversight	5,412	5,674	5,410
<b>Total</b>	<b>\$373,500</b>	<b>\$383,500</b>	<b>356,481</b>

\*May not add due to rounding.

## B. Performance Measures and Results

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

<b>Sub-Measure 1a: By FY 2022, 86-88 percent of the EEOC's resolutions contain targeted, equitable relief.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	80-82 percent	82-84 percent	84-86 percent
Results	91 percent	89.4 percent	
			<b>Target Exceeded</b>

An important activity undertaken by both the EEOC and state and local FEPAs is negotiating resolutions of charges after an investigation has determined that there is reasonable cause to believe that unlawful employment discrimination has occurred. 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.

The FY 2019 target for Performance Sub-Measure 1a is for at least 82-84 percent of the EEOC's resolutions to contain targeted, equitable relief. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate. At fiscal year-end 2019, the agency had far exceeded the targeted range; reporting 1,003 administrative resolutions and legal resolutions with TER out of a total of 1,122 resolutions, or 89.4 percent.

<b>Sub-Measure 1b: By FY 2022, 17-19 percent of FEPA resolutions contain targeted, equitable relief.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	15-17 percent	15.5-17.5 percent	16-18 percent
Results	17 percent	19.4 percent	
			<b>Target Exceeded</b>

The FY 2019 target for Performance Sub-Measure 1b was for at least 15.5-17.5 percent of Fair Employment Practices Agencies (FEPA) resolutions contain targeted, equitable relief. At fiscal year-end 2019, the FEPAs had exceeded well beyond the targeted range of 15.5-

17.5 percent; reporting 1,109 FEPA merit resolutions with TER out of 5,712 merit resolutions, or 19.4 percent.

Both Sub-Measures 1a and 1b under Performance Measure 1 were designed to encourage the EEOC and the FEPAs to seek relief that goes beyond monetary damages for individual victims of discrimination. Performance Measure 1b measures all FEPA resolutions, which acknowledges the differences in their administrative procedures. Unlike the EEOC, not all FEPAs engage in conciliation. This measure ensures that the protection of equitable relief that the FEPAs obtained is captured, without regard to where in their processes it happened.

<b>Performance Measure 2: By FY 2022, the EEOC favorably resolves at least 90 percent of the agency's enforcement lawsuits.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	90 percent	90 percent	90 percent
Results	96 percent	94.8 percent	
			<b>Target Exceeded</b>

Performance Measure 2 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success for this measure 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 for FYs 2017-2021, effective strategic enforcement includes a balance of individual and systemic cases, and those involving national and local priority issues, recognizing that each may have strategic impact in varied ways. This measure is significant because cases that involve priority issues under the SEP are often challenging and resource-intensive.

The FY 2019 target for Performance Measure 2 was for 90 percent of the agency's enforcement lawsuits to be favorably resolved. As of September 30, 2019, the agency had exceeded the target; reporting that 164 out of 173, or 94.8 percent of its enforcement lawsuits were favorably resolved.

<b>Performance Measure 3: Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	Report issued.	Report issued.	Report issued.
Results	The report was issued November 1, 2018.	The report was issued on October 29, 2019	
			<b>Target Met</b>

Performance Measure 3 focuses on the use and reporting of data to ensure the EEOC has a coordinated, strategic, and effective approach to systemic enforcement. To track the agency’s progress in identifying and resolving systemic discrimination, the FY 2019 target for this performance measure required the EEOC to maintain data and release a report annually detailing the agency’s efforts to identify and resolve systemic discrimination.

The Systemic Annual Report was issued in advance of the deadline on October 29, 2019. It includes information on the number of ongoing systemic investigations, the number of systemic resolutions, the systemic conciliation rate, monetary relief recovered, and examples of systemic investigative resolutions. In addition, systemic activity necessary to generate the annual report was collected, tabulated, and reported to the Commission in SEP briefings throughout the fiscal year.

<b>Performance Measure 4: By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	Establish a baseline and project future targets.	45 percent of federal agencies have compliant reasonable accommodation procedures.  55 percent of federal agencies have a compliant anti-harassment policy.  55 percent of recommendations made in agency program evaluations completed in FY 2017 are substantially implemented.	60 percent of federal agencies have compliant reasonable accommodation procedures.  60 percent of federal agencies have a compliant anti-harassment policy.  60 percent of recommendations made in agency program evaluations completed in FY 2017 are substantially implemented.
Results	The agency established a baseline and projected future targets.	53 percent federal agencies have compliant reasonable accommodation procedures.  63 percent of federal agencies have a compliant anti-harassment policy.  65 percent of recommendations made in agency program evaluations completed in FY 2017 were substantially implemented as of September 30,2019.	
			<b>Target Exceeded</b>

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

The FY 2019 targets for Performance Measure 4 were designed to capture the percentage of reasonable accommodations procedures, anti-harassment procedures, and program evaluation recommendations from EEOC that were implemented by agencies during the fiscal year.

By fiscal year-end, of the 102 out of 193 agencies that received feedback from the EEOC on reasonable accommodation procedures, or 53 percent reported their reasonable accommodation procedures complied with EEOC guidance. Also, as of September 30, 2019, 63 percent, or 121 agencies out of 193 that received EEOC feedback had compliant anti-harassment policies. During the fiscal year, to ensure that 55 percent of federal agencies substantially implemented agency recommendations in program evaluation reports, the EEOC reviewed compliance and recorded successful completion of targets based on prior recommendations. As a result, the agency exceeded its goal and 65 percent

of recommendations made in program evaluations completed in FY 2017 were substantially implemented by the end of FY 2019.

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

<b>Performance Measure 5 Sub-Measure 1a: By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices (QEP) Plan.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	84 percent	85 percent	86 percent
Results	88 percent	88.6 percent	
			<b>Target Exceeded</b>

Performance Measure 5 builds on the EEOC’s previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. For the private sector, the Commission approved a plan for Quality Enforcement Practices for Effective Investigations and Conciliations (QEP) in September 2015. The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In FY 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in FY 2017. In FY 2018, the benchmarks were used to project future targets. The agency exceeded its FY 2019 target of 85 percent of investigations meeting established standards, with 88.6 percent of charge files meeting the criteria established in the QEP.

<b>Performance Measure 5 Sub-Measure 1b: By FY 2022, 90 percent of federal sector hearings and appeals meet criteria in the Federal Sector Quality Practices Plan.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	Establish a baseline and project future targets.	85 percent	87 percent
Results	The agency established a baseline and projected future targets.	86 percent	
			<b>Target Exceeded</b>

For the federal sector, Sub-Measure 5.1.b builds on the Federal Sector Quality Practices (FSQP) approved by the Commission on January 10, 2017, which includes quality components for hearings and appeals. In FY 2018 the agency established a baseline and projected future targets for federal sector hearings and appeals to meet criteria established in the FSQP. The agency implemented a checklist for assessing quality practices and applied it to a sampling of draft decisions to create a baseline from which to set FSQP

quality improvement goals in the outlying years. The baseline established was 80 percent of the files to meet the quality standards. The FY 2019 target for this measure was for the EEOC to increase the percentage of federal sector hearings and appeals that meet criteria established in the FSQP to 85 percent. After identifying the metrics to evaluate the quality of decisions and selected cases in the first part of FY 2019, the application of the criteria to the reviews of hearings and appeals cases resulted in the achievement of 86 percent of the reviewed cases meeting the FSQP criteria.

## **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, while 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 61,621 charges. In FY 2018, we maintained the trend of resolving more charges than received, resulting in a 19.5 percent drop in our pending inventory, to 49,607. In FY 2019, we reduced our pending inventory further, by 12.1 percent, achieving a level of 43,580. Through the leadership of Acting Chair Victoria Lipnic and continuing with Chair Janet Dhillon, the EEOC has prioritized reductions in its inventory in order to build a more effective enforcement program. The focused priority of the Acting Chair led to the reductions realized in FY 2017 and FY 2018. Strategic hiring was approved for FY 2019, which combined with other inventory management strategies, allowed us to reduce the inventory and project a further reduction to 40,524 in FY 2020, followed by a gradual increase to 42,896 in FY 2021. The budget level for FY 2021 will result in a loss of 55 investigators on average per year, and mediator staffing will remain level after four years of net losses of a totaling 12 positions.

Management initiatives will help maintain the projected pending inventory through FY 2020 before it increases in FY 2021. Beginning in mid-2017 and throughout FY 2018 and 2019, there was 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 maximizing efficiencies to charge investigation and resolution. This included reemphasizing intake interviews with potential charging parties to help sharpen issues and give us more information by which to categorize the charge and using office stand downs to review charges in the inventory and identify the next steps needed to resolve the charges.

This emphasis acknowledges that we must continually focus on alternatives that will enable us to reduce the inventory to a sustainable level. Throughout FYs 2020 and 2021, 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 52 investigators in FY 2017, 41 new investigators in FY 2018 and 70 new investigators in FY 2019. The EEOC has devoted significant resources have been devoted to transforming our paper system to a digital charge system with additional features to provide the parties with online capabilities to interact with agency staff, submit relevant documents, and review 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 planned automation of charge processing in FY 2020 and 2021, commitments to incorporate PCHP throughout the charge lifecycle, strategies for maintaining inventory levels below 50,000 charges, and effective staff training, will ensure that the EEOC will be positioned to assure sound workload management and provide enhanced customer service in FY 2020 and beyond.

Chart 2 shows pending inventory decreases from FY 2017 through FY 2020. Thereafter, we expect inventory levels to grow as the number of investigators declines.

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

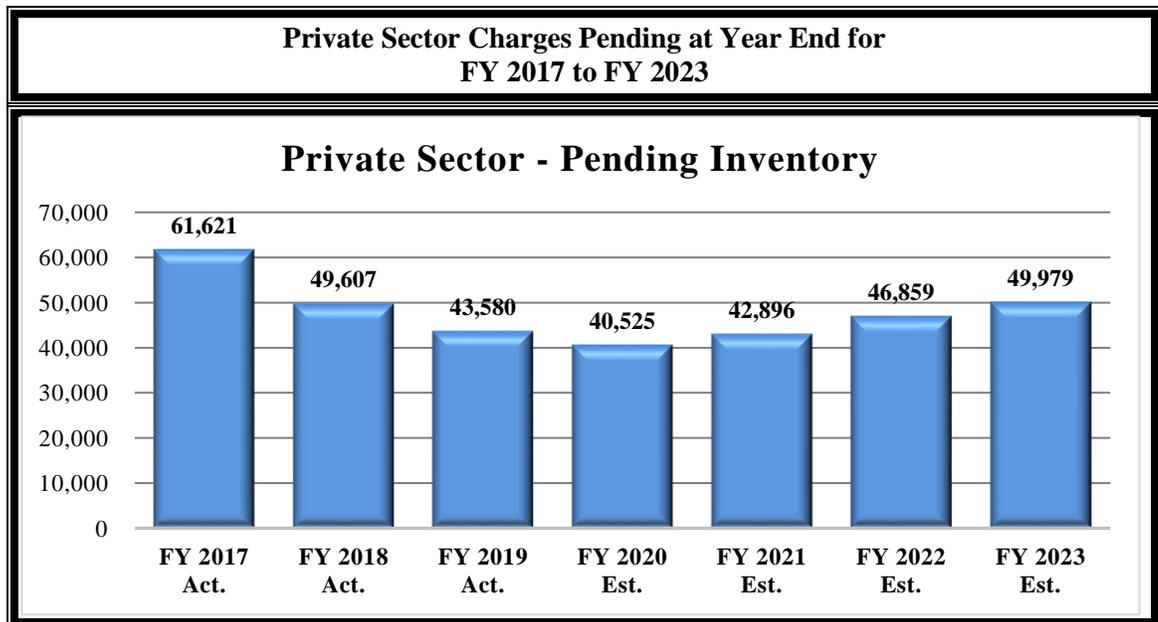
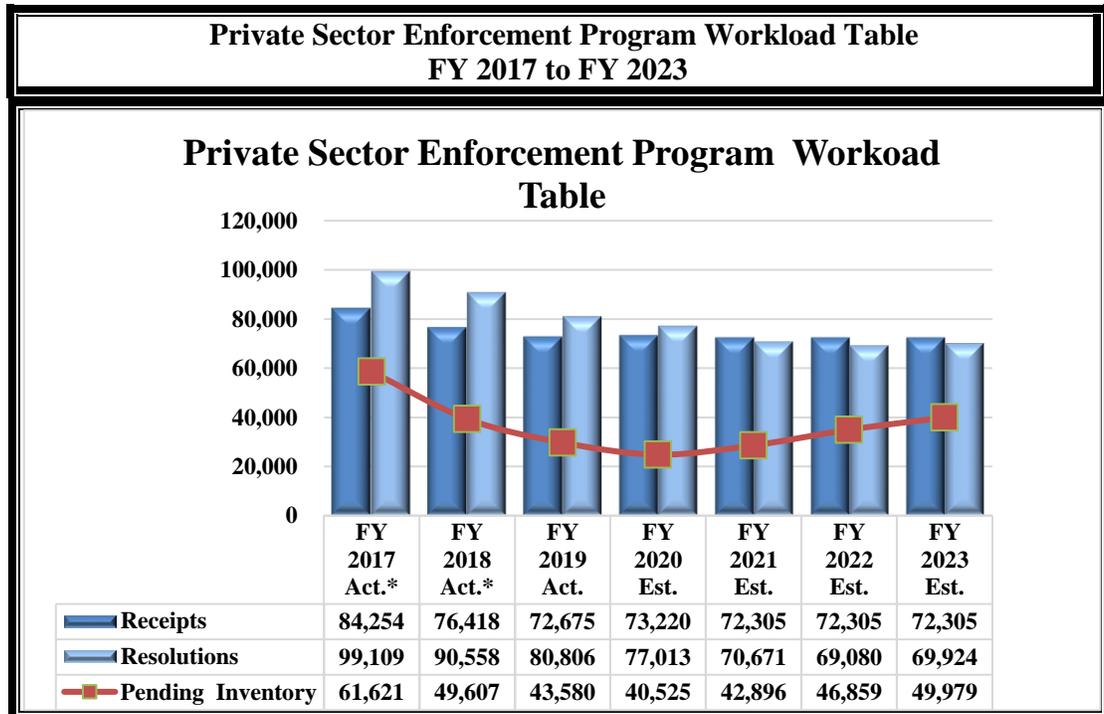


Chart 3 below depicts the actual Workload for Private Sector Enforcement for FYs 2017 through 2019 and projected Workload through FY 2023. As Chart 3 demonstrates, we experienced an increase in receipts in FY 2016, followed by a steady decline in FY 2017 through 2019, with projected small increases in FYs 2020-2023, while resolutions are projected to decline over the same period. In spite of these conditions, we remain committed to directing efforts to manage the inventory levels by vigorously using priority charge handling procedures (PCHP) as well as incorporating other strategies.

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



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

Table 6 on the next page details private sector charges received by statute for FY 2017 - FY 2019 and the projected charges through FY 2023, organized by statute.

**Table 6: Charges Filed by Statute**

<b>Charges Filed by Statute FY 2017 to FY 2023</b>							
	FY 2017 (Act.)	FY 2018 (Act.)	FY 2019 (Act.)	FY 2020 (Est.)	FY 2021 (Est.)	FY 2022 (Est.)	FY 2023 (Est.)
<b>Title VII Only</b>							
Charges filed	42,937	38,427	36,154	36,622	36,164	36,164	36,164
Charges resolved	50,406	45,392	40,926	38,804	35,608	34,806	35,232
<b>Title VII with Concurrents*</b>							
Charges filed	59,466	53,694	51,109	51,470	50,826	50,826	50,826
Charges resolved	70,405	63,948	57,285	54,490	50,003	48,876	49,474
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	6,782	6,066	5,551	5,702	5,631	5,631	5,631
Charges resolved	8,178	6,953	6,009	5,820	5,341	5,220	5,284
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	18,376	16,911	15,573	15,947	15,747	15,747	15,747
Charges resolved	22,430	19,943	17,147	16,651	15,280	14,936	15,118
<b>Equal Pay Act Only</b>							
Charges filed	24	43	42	42	41	41	41
Charges resolved	41	39	53	42	38	38	38
<b>Equal Pay Act with Concurrents</b>							
Charges filed	996	1,066	1,117	1,073	1,060	1,060	1,060
Charges resolved	1,225	1,214	1,310	1,140	1,047	1,023	1,035
<b>Americans with Disabilities Act Only</b>							
Charges filed	15,350	14,207	13,860	13,788	13,616	13,616	13,616
Charges resolved	17,253	16,627	14,892	14,167	13,000	12,707	12,862
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	26,838	24,605	24,324	24,041	23,740	23,740	23,740
Charges resolved	30,946	29,511	26,270	25,067	23,003	22,485	22,759
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed	23	16	14	15	15	15	15
Charges resolved	27	18	13	14	13	12	13
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed	206	220	209	211	208	208	208
Charges resolved	267	288	284	258	237	231	234
<b>Total*</b>							
Charges filed	84,254	76,418	72,675	73,220	72,305	72,305	72,305
Charges resolved	99,109	90,558	80,806	77,013	70,671	69,080	69,924

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

### Mediation Program

A key component of the Commission's enforcement strategy is the continued emphasis on the use of alternate dispute resolution (ADR) as an effective tool to resolve charges of discrimination 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.

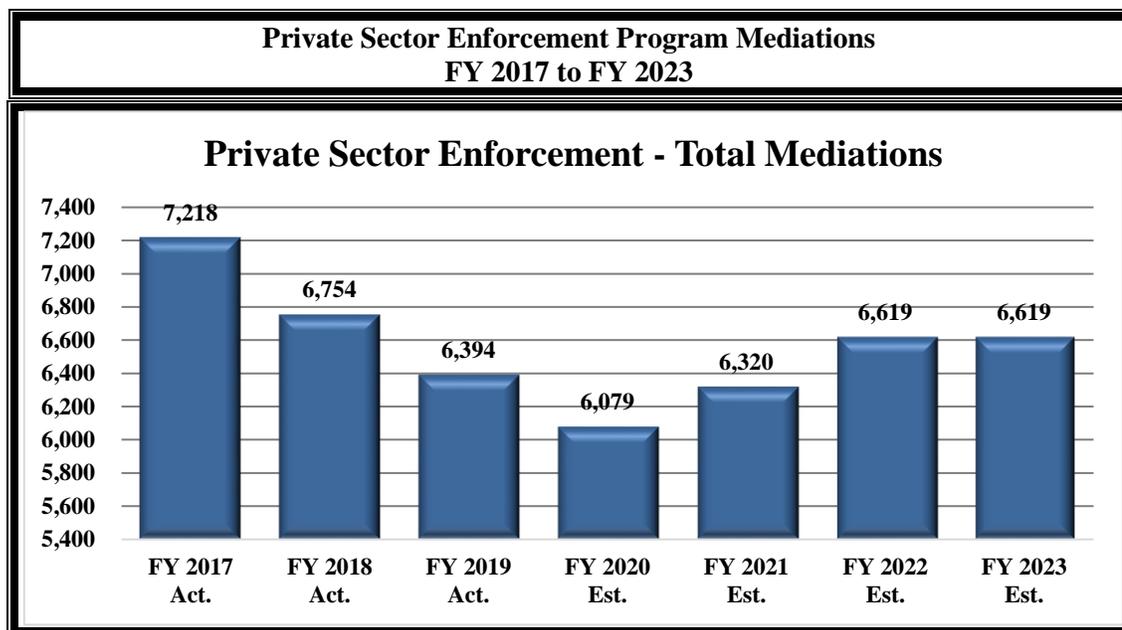
The program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, charging parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In FY 2019, 96.8 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program have a positive impact on our pending charge inventory levels.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. In FY 2019, the agency achieved 6,394 successful resolutions out of 8,899 charges that were mediated. During FY 2019, mediations were completed in an average of 113 days with over \$159.6 million in benefits secured compared to 99 days and over, \$165.8 million in benefits obtained in FY 2018. Federal sector mediations increased in FY 2019 with 1,145 sessions conducted. The Commission had minimal hiring activity for new mediators in FY 2019, and beginning in FY 2020 through FY 2023, no hiring of mediators is planned.

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program encourages other employers to participate in our mediation program. To that end, the Commission hopes to maintain the progress achieved in FY 2019 where the Respondent participation rate increased to 30.7 percent from 27.6 percent in FY 2018, focusing on providing information to smaller employers that, in the past, have declined to participate in the program. In addition to these efforts, the agency continues to promote the program through Universal Agreements to Mediate (UAMs) with employers. At the end of FY 2019, the agency had 2,943 agreements in place, a 1 percent increase over the prior year.

Chart 4 on the next page reflects the level of mediations projected for FYs 2020-FY 2023, with a small but gradual increase due to estimated productivity and availability levels for mediators supplemented with additional contract mediation funds in FY 2022 and FY 2023.

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



\*May not add due to rounding

**a. State, Local and Tribal Programs**

The FY 2020 appropriation increased funding for State, Local and Tribal Programs activities to \$30,500,000 compared to FY 2019’s \$29,500,000. The FY 2021 request, at \$27,525,000, will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with the EEOC field staff to provide training on Federal, state and local employment discrimination laws. Similarly, TEROs help the EEOC in addressing issues of employment discrimination on or near Indian reservations.

We have strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its TERO and FEPA partners. The EEOC offices continued to use the model MOU, approved by the Commission in FY 2012, as a template for agreements with individual Indian tribes. Under the MOU, each tribe that seeks 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 with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to the EEOC’s Strategic Plan including mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. During FYs 2018-2019, we

continued to provide training and guidance to the staff of our FEPA partners on a range of topics including charge processing and technical discussions. We will continue this work in FY 2020 and 2021.

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

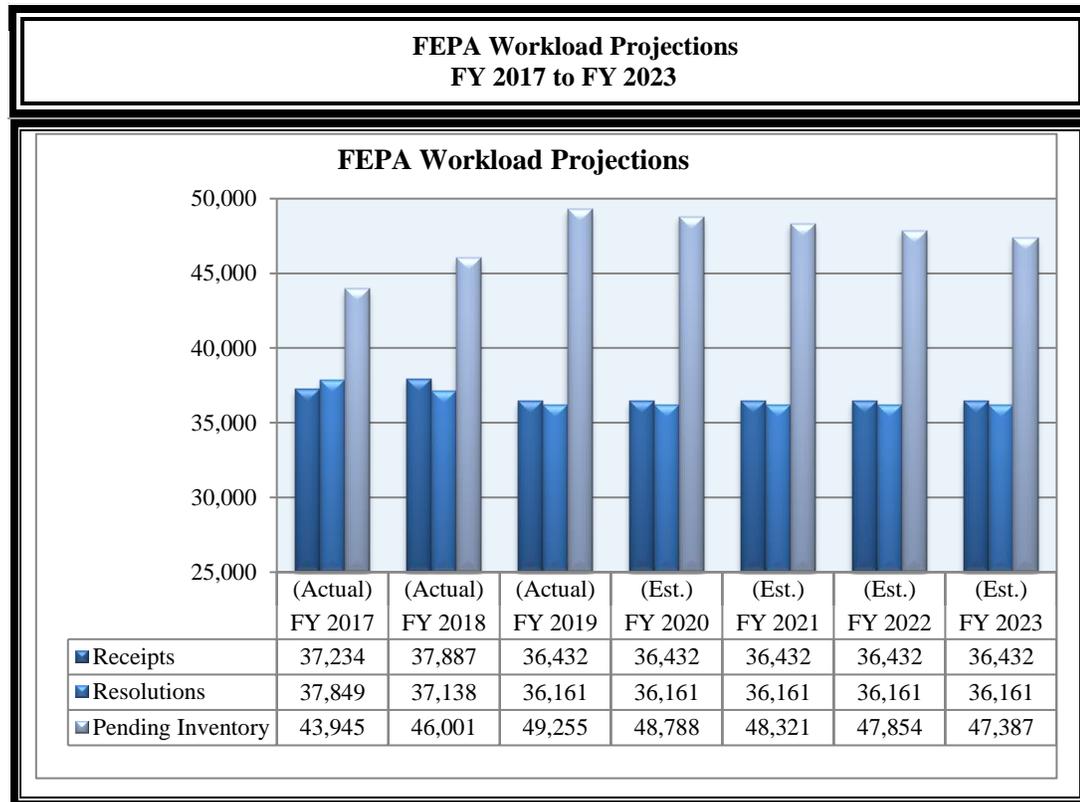
Modernization of the FEPA component of our IMS application was included in the EEOC's Technology Modernization Fund proposal, which was approved at the end of FY 2019. With TMF resources and EEOC IT development and modernization funding, we believe the FEPA component of our IMS will be modernized in calendar year 2020.

During FY 2019, State, Local and Tribal Programs received \$29.5 million as part of the agency's overall appropriation. The reimbursement rate was increased from \$700 per charge to \$800 per contract charge resolution.

During FY 2019, the EEOC continued to gather and monitor targeted equitable relief data reported by FEPAs. For FY 2019, the proportion of FEPA-reported resolutions containing TER exceeded the FY 2019 target of 15.5 to 17.5 percent, with 19.4 percent achieved.

Chart 5 on the next page shows the actual FEPA receipts, total resolutions and pending inventory for FYs 2017 - 2019, and projections for FYs 2020- 2023.

**Chart 5: FEPA 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 of the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits address significant legal issues that have a broad impact on an industry, profession, company or geographic area.

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the EEOC's systemic investigations and lawsuits over the past 15 years, thousands of 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. In those cases that the EEOC was not able to resolve in the conciliation process, EEOC achieved a 100 percent success rate in its litigation of systemic cases in FY 2019.

In FY 2019, the EEOC field offices resolved over 450 systemic investigations and obtained over \$28 million in remedies during the administrative process. These resolutions included voluntary conciliation agreements in over 110 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 27 systemic suits in FY 2019 for a total of \$22.8 million in remedies for 2,022 victims of discrimination.

Over the past several years, 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 agency is also 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 for FYs 2017-2021, 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 2019, we used our litigation program to continue the national dialogue about sexual harassment in the workplace, continuing the prior year's expansion of litigation in this area and highlighting cases involving the plight of vulnerable workers and employer responsibility to prevent and remedy reports of harassment. The EEOC filed 48 lawsuits challenging workplace harassment. Thirty-four of these suits alleged a hostile work environment of sexual harassment, and thirteen suits raised claims of hostile work environment based on race. Twenty-three harassment suits were systemic or class cases.

In FY 2019, the agency filed 144 enforcement suits. The agency expects to file a similar number of enforcement suits in FY 2020. 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.

## **2. Federal Sector Programs**

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

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

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

The EEOC works to ensure that the federal government is the leader in creating an inclusive, barrier-free workplace that empowers employees to achieve superior results in service to our country. Concurrent with these efforts, agencies must position themselves to attract, develop and retain a highly-qualified workforce that can deliver results to the American people. Equal opportunity in the federal workplace is key to accomplishing this goal; agencies must 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 people across the country and around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides agencies in identifying and removing barriers to 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 2019, the EEOC secured over \$87.8 million dollars in relief for parties who requested hearings. At the end of FY 2019, there were a total of 9,177 hearing requests received, which reflects an increase of 32.5 percent over the number received in FY 2018 (6,926). Additionally, in FY 2019, the Commission's hearings program resolved a total of 10,608 complaints, which is an increase of 22.5 percent above the level in FY 2018 (8,662). Much of the progress in reducing inventories in FY 2018 and FY 2019 was due to the enhancements made to the hearings process. Additionally, in FY 2017 through FY 2019, the Acting Chair made the hiring of administrative judges a priority. As our workload table below projects, with the full productivity of our new hires, as well as the continuing enhancements to the hearings process, the FY 2020 resolutions are anticipated to increase to 11,138, a 5 percent increase over the FY 2019 levels, and then will drop slightly in FY 2021, to 9,080 resolutions due to lower staffing, a trend which will continue in FYs 2022 and 2023. We project, as shown in Table 7 on the next page, that with the focus on the processing enhancements implemented during FYs 2018 and 2019, the declines in the pending inventory levels will continue each year, so that by FY 2021, the inventory will stand at 9,468, and by FY 2023, it will be at 8,150. This will mean that between 2019 and 2023, the overall pending inventory will be reduced by 37 percent. However, these projections are dependent upon maintaining a relatively steady number of receipts from 2019-2023 and a steady level of administrative judges from FY 2021-2023.

**Table 7: Hearings Workload Projections**

<b>Hearings Workload Projections FY 2017 to FY 2023</b>							
<b>Workload</b>	<b>FY 2017*</b> (Actual)	<b>FY 2018*</b> (Actual)	<b>FY 2019</b> (Actual)	<b>FY 2020</b> (Estimate)	<b>FY 2021</b> (Estimate)	<b>FY 2022</b> (Estimate)	<b>FY 2023</b> (Estimate)
Hearings Beginning	13,624	15,465	14,536	12,932	10,521	9,468	8,809
Receipts	8,012	6,926	9,177	8,900	8,200	8,200	8,200
Consolidations	(89)	(118)	(173)	(173)	(173)	(173)	(173)
<b>Total Workload</b>	<b>21,547</b>	<b>22,273</b>	<b>23,540</b>	<b>21,659</b>	<b>18,548</b>	<b>17,495</b>	<b>16,836</b>
Resolutions	6,661	8,662	10,608	11,138	9,080	8,686	8,686
Pending	14,885	13,612	12,932	10,521	9,468	8,809	8,150

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

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with the Strategic Plan for FYs 2012-2016, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite and tailor case processing commensurate with agency resources. The system was piloted in four of our field offices in FY 2014 and expanded nationwide by the end of FY 2015. It was fully operational and producing positive results during FY 2016.

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

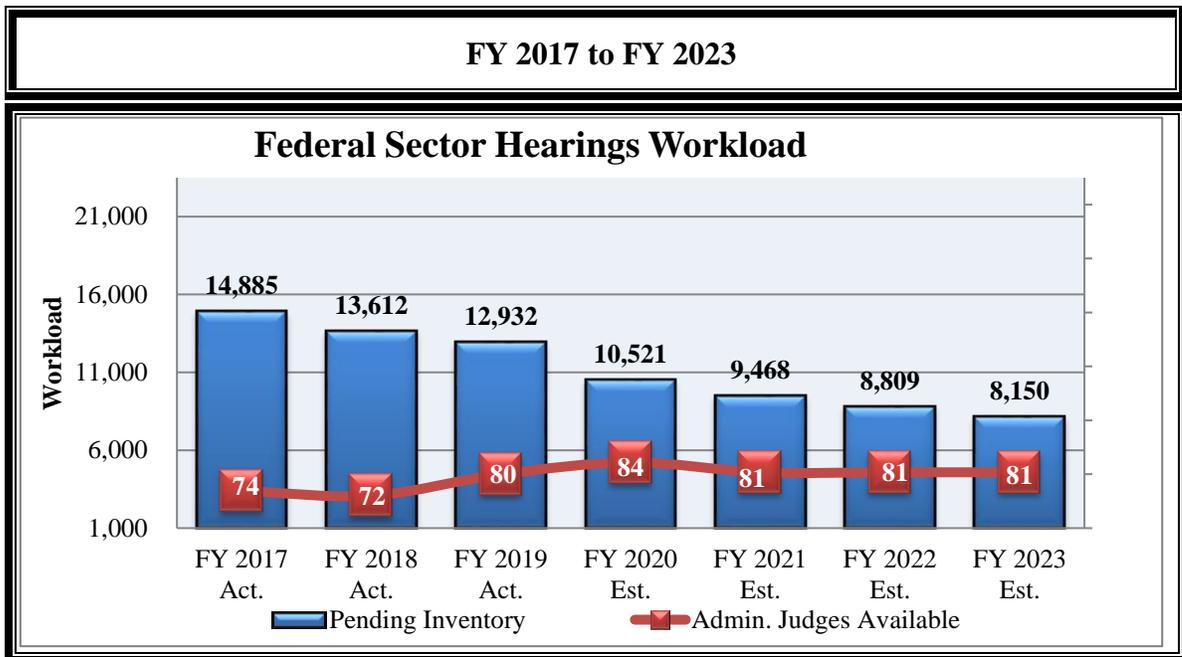
System while also working to identify the most effective practices to increase efficiencies across the agency. The implementation of the initial conference step for all offices has resulted in 70 percent of all hearing requests received in FY 2017 having an initial conference. The benefits from this process change continued in FYs 2018 and 2019, and we anticipate this will continue into FYs 2020 and 2021.

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 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 would 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. These new digital complainant services were piloted and then formally rolled out in July 2019. 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 reduce the agency's reliance on support staff to prepare and scan paper documents received by the parties.

Priorities for the federal sector hearings program launched in FY 2018 and continuing through FY 2020 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. Such investments will further improve customer service and increase efficiencies for individuals and federal agencies utilizing the federal sector hearings process.

Chart 6 on the next page demonstrates the workload and number of administrative judges assigned to handle hearing complaints for FYs 2017 through 2019 and projections for FYs 2020 through 2023. As outlined in Table 7 above, hearings receipts are projected to decline slightly to 8,900 in FY 2020 and drop more dramatically to 8,200 in FY 2021, where they will stay level through FY 2023. The increase in resolutions in FYs 2018 and 2019 tracked the use of the new case management procedures highlighted above. In addition, increased resolutions resulted in part from the hiring that occurred during the fiscal years. The decline in inventory levels allows for more timely processing of newly filed charges using the enhanced procedures. The ability to increase the resolutions in FY 2020, will also be due to the expanded use of case management techniques and greater efficiencies achieved with technology enhancements for the hearings process, which will prompt a steady decline in the pending inventory through 2023.

**Chart 6: 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 also serve as a vehicle for the development and promulgation of the Commission's EEO policy in the federal sector. These appellate decisions express policy and legal interpretation on emerging and evolving EEO law that impact workers and employers throughout the federal government. 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 decisions are issued as promptly as possible. The table on the next page details the EEOC's appellate adjudication results and projections.

**Table 8: Appeals Workload Projections**

<b>FY 2017 to FY 2023</b>							
<b>Workload</b>	FY 2017 (Actual)	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Est.)	FY 2021 (Est.)	FY 2022 (Est.)	FY 2023 (Est.)
Appeals Beginning	4,111	3,658	2,942	3,072	3,279	3,486	3,693
Receipts	3,831	3,604	4,224	5,000	5,000	5,000	5,000
<b>Total Workload</b>	<b>7,942</b>	<b>7,262</b>	<b>7,166</b>	<b>8,072</b>	<b>8,279</b>	<b>8,486</b>	<b>8,693</b>
Resolutions	4,284	4,320	4,094	4,793	4,793	4,793	4,793
Pending	3,658	2,942	3,072	3,279	3,486	3,693	3,900

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

In FY 2019, the EEOC's federal sector appellate attorneys made 101 findings of discrimination. During this same period, the EEOC's appellate program secured \$12.8 million in monetary relief for victims of discrimination in the federal sector. Ninety-one of the EEOC's federal appellate program findings were decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP).

The EEOC also continues to explore operational improvements that can be achieved as the result of revisions to work processes. For example, for categories of appeals that have been identified as not having significant impact, the Commission has delegated greater authority to first and second level adjudicators with the goal of more expeditiously resolving these appeals. Through collaboration, training, and educational outreach, the Commission's federal sector appellate adjudicatory body has partnered with federal agencies to speed record submissions by leveraging technology, perfect defective records, and reduce wasted efforts spent on records not ripe for adjudication.

The EEOC's federal sector appellate program has also benefitted by the transition to a digital infrastructure by leveraging the resulting efficiencies and cost savings to more effectively manage its appellate inventory. In real time parties can see when

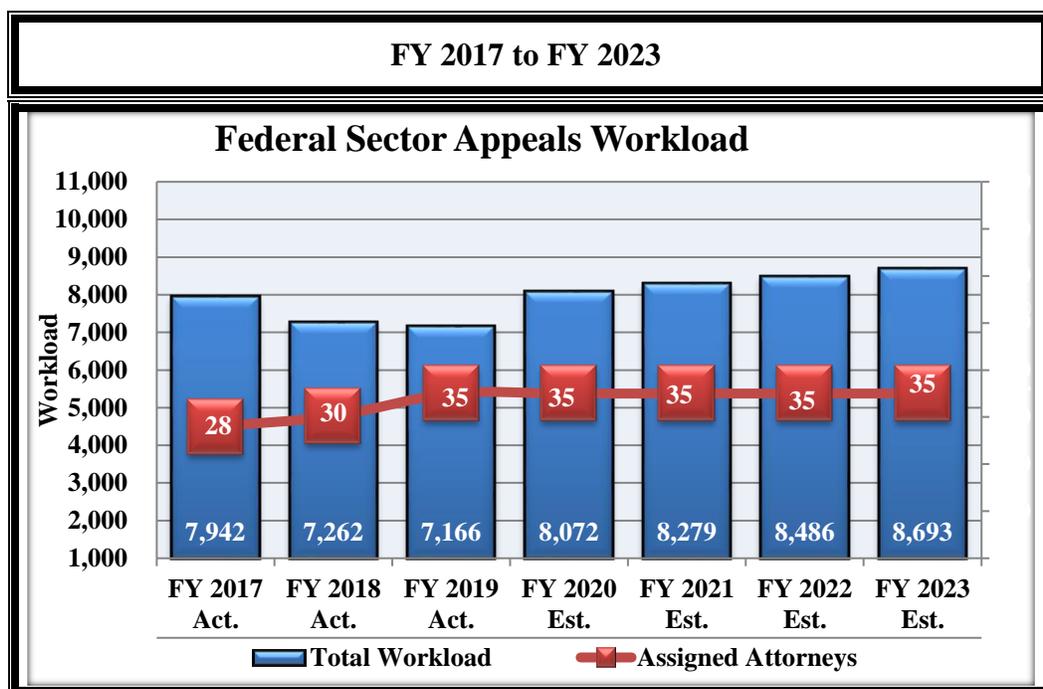
appeals are filed, download appeal-related documentation, and check the status of appeals through their respective digital portals. Agencies can more quickly advise the EEOC when appeals are premature, when matters are procedurally deficient, and/or when the underlying complaint has settled. Agencies, too, see cost savings, as they no longer must copy the often-voluminous administrative record and mail it to the EEOC's appeals program.

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

A critical component called for by the Case Management System was the development and implementation of a Federal Sector Quality Practices Plan that was approved by the Commission in early FY 2017. The practices identified are designed to deliver excellent and consistent service in the EEOC's adjudication of federal sector hearings and appeals and fulfill the Commission's oversight responsibilities for ensuring federal agencies' compliance with EEO laws. In FY 2019, the Commission's appellate and hearings programs continues their collaboration on a variety of pilot efforts to reduce the hearings inventory. 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 FYs the Commission targeted for adjudication the oldest appeals in the inventory, while simultaneously resolving a significant percentage of new appeals within 180 days. For example, in FY 2019, the EEOC used these techniques to reduce the age of the pending inventory by 25 percent from 313 days at the end of FY 2018, to 234 at the end of FY 2019.

Chart 7 on the next page identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2017 through 2019, and projections for FYs 2020 through 2023.

**Chart 7: Federal Sector Appeals Workload**



The EEOC will continue to explore strategies to slow the rate of growth of its inventory by using sound case management principles and process improvement techniques without compromising quality. 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 the latter 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 for FYs 2017 - 2021.

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 addressed. 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, and 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 2019, EEOC staff conducted 93 technical assistance visits with agencies and timely issued feedback letters to each by the first quarter of FY 2020. EEOC staff also reviewed agency reasonable accommodation procedures for 102 agencies during FY 2019 and improved agency compliance from 18 percent of the reviewed agencies in FY 2018 to almost 53 percent in FY 2019. EEOC staff technical assistance visits also resulted in an increase in agencies with compliant anti-harassment policies -- an increase from 48 percent to 62 percent.

Performance Measure 5 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. In FY 2019, FedSEP was enhanced to allow agencies to submit their MD-715 reports, Forms 462 (complaint processing data), and complaint files for hearings and appellate cases. Now, agencies can easily upload all documents for both hearings and appeals. EEOC also launched its Public Portal in FY 2019, which allows federal employees and applicants to file and manage requests for hearings and appeals and check the status of their federal EEO complaints. The EEOC also has continued to work to revise the Form 462 and MD-715 dashboards created in the Business Intelligence Reporting Tools (BIRT) platform, improving data reliability and retrievability. The continued development of this system will incorporate legacy data into the platform (Form 462 and MD-715 data from 2006 to 2012) and other sources of data, including complaint data for hearings and appeals, the Federal Employee Viewpoint Survey, the 2010 Census, and responses to correspondence. This information will allow the EEOC to build a more complete picture of how agencies are progressing toward achieving a model EEO program.

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. During FY 2019, the Commission monitored "pilot projects" being conducted by the U.S. Department of the Air Force, the U. S. Department of Interior, and the Federal Aviation Administration, and expects to receive for review additional pilot requests during FY 2020.

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.

Through fee-based training, during FY 2019 EEOC staff conducted 178 Respectful Workplace trainings and provided 53 customer-specific trainings, 374 national training courses and 118 customized courses. EEOC staff conducted over 60 outreach sessions, including 6 agency-sponsored webinars, 15 EEOC webinars/information sessions and 3 brown bag sessions. Also, during FY 2019, the EEOC launched its YouTube page to share training videos and grew its social media presence on Facebook and Twitter. The EEOC also launched a monthly on-line information session and Q&A program known as “First Fridays with the EEOC,” which provides members of the public an opportunity to learn from, and pose questions to, the EEOC’s subject matter experts. During FY 2019, the EEOC also developed and hosted its first online fee-based course and introduced Adobe Connect as its new virtual training platform, and developed an electronic training and outreach form to increase efficiency of its receipt, assignment, and responses to stakeholder requests. During FY 2019, the EEOC also stood up the EEOC Education Consortium. Through the Consortium, EEOC staff also participated in six stakeholder conferences, and EEOC staff updated New Investigator, Investigator Refresher, Counselor Refresher, MD-715, and Barrier Analysis training materials. Finally, the EEOC published four (quarterly) issues of the EEO Digest during FY 2019.

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

### **A. Introduction**

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

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

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

## B. Performance Measures and Results

<b>Performance Measure 6: By FY 2022, the EEOC modernizes and expands utilization of technology to ensure that members of the public have greater access to information about their rights and responsibilities.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	<p>Design and implement a technology plan for increased public access to information, based on a needs assessment and the results of data collected on digital access as well as the establishment of baseline indicators for future targets.</p> <p>Utilize government best practices to collect metrics from its digital services to establish 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>	<p>Explore the use of surveys to measure the customer experience and usefulness of its digital services, and to solicit ideas for improvements.</p> <p>Identify processes and implement a pilot project to increase access to information in at least two priority areas. Report on progress.</p>	Implement customer experience surveys. Identify and increase access to information in at least two additional priority areas.
Results	<p>The EEOC completed a needs assessment and established baseline measures.</p> <p>The EEOC also designed and implemented its technology plan and set FY 2019 goals.</p>	<p>The EEOC implemented numerous projects identified in the agency's technology plan to increase the public's access to information.</p> <p>The EEOC explored the use of surveys to measure the customer experience and usefulness of the EEOC's digital services.</p> <p>Additional pilot projects to increase access to information in at least two priority areas were identified. Implementation of these pilots will take place in FY 2020.</p>	
			<b>Target Met</b>

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 will also 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.

In FY 2019, the agency implemented two pilot projects to introduce the use of two new social media platforms. In spring 2019, the EEOC launched the “You’re Hired” campaign on Instagram to provide information about discrimination and sexual harassment to youth in summer jobs. The campaign netted more than 800 followers on Instagram and 24,300 impressions. In summer 2019, the EEOC launched a campaign focused on providing easy-to-use information from our Small Business Resource Center to human resources professionals on LinkedIn. The results generated 11,000 followers and helped boost the web traffic to the Small Business Resource Center by 22 percent.

Also, during FY, the agency continued to perform market research regarding survey vendors and explored the use of surveys on the EEOC website to measure the customer experience, the usefulness of its digital services, and to solicit ideas for improvements; which included wide-ranging conversations with both internal and external stakeholders – including subject matter experts from GSA. Any implementation of this tool will be delayed until after the EEOC website is migrated to a new content management system. In addition, the EEOC continued to implement the technology plan, expanding the use of social media, making significant progress on migrating the website to a mobile responsive content management system, and tracking metrics.

In FY 2020, the agency will launch a new public website that more effectively and efficiently meets the needs of our audience, especially those who speak Spanish or use the site on phones and tablets.

<b>Performance Measure 7: By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	Establish baseline statistics and measures for assessing success of collaborations.	Increase baseline measure by 8 percent to 34 events.	Conduct program evaluation to assess impact of these partnerships on employment in targeted communities. Reset baseline if needed.
Results	The agency established a baseline of 31 joint events, nationally, with advocacy and business groups.  The agency also set future targets to assess the success of collaborations.	The agency conducted 70 events with significant partner organizations nationwide.	
			<b>Target Exceeded</b>

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

Measure 7 leverages the agency's long-term significant partnerships with advocacy groups (particularly those that represent vulnerable or underserved workers) and associations or organizations that represent employers to achieve sustained benefits for the communities the EEOC serves.

In FY 2019, the agency continued to leverage technology to extend its reach to diverse populations by hosting two Facebook live events that focused on Disability Discrimination with the Department of Veterans Affairs (VA). The VA has indicated that, to date, 17,072 people have been reached by these events. The agency also continued its joint advocacy employer outreach efforts and hosted 70 joint employer and advocacy group events, nationwide, reaching 6,983 attendees, which reflected an increase of 126 percent over the baseline set in FY 2018 and far exceeded the fiscal year goal. The EEOC also participated in 744 significant partner activities, which reached 54,954 attendees. The EEOC further developed and strengthened its significant partnerships with advocacy and business groups, with 55 new significant partners added, bringing the combined total to 379 significant partnerships.

In addition, the EEOC partnered with the Department of Labor, Office of Federal Contracts Compliance Program, the Small Business Administration, Department of Justice, Department of Veteran Affairs, National Science Foundation, and Fair Employment Practices Agencies and Tribal Employment Rights Offices to enhance public's awareness of emerging issues in the American workplace. Examples of these partnering efforts include the agency:

- Developing a partnership with the National Science Foundation (NSF), which recently issued directives requiring reporting and addressing sexual harassment a condition of their grant awards. Multiple meetings have been held and a partner engagement town hall that targets the employers who have grants awarded by NSF is under development.
- Partnering with the Department of Justice (DOJ) Civil Right Division's Disability Rights Section to provide outreach and education that helps employers and employees understand their rights and responsibilities under the Americans with Disabilities Act when dealing with opioid addiction. Internally, the EEOC worked with the DOJ to provide staff training on this topic ( <http://insite.eeoc.gov/videos/OFP/OpioidWebinar.mp4> ) and to support the agency's Memorandum of Understanding (MOU) referral program. The DOJ partnered with the EEOC's District offices by providing speakers at the San Diego, Albuquerque, and Phoenix Technical Assistance Program Seminars (TAPS) events. The agency continues to participate in DOJ's Interagency Opioid Subgroup, which is a component of the Federal Interagency Disability Policy Group.

In FY 2020, the agency will conduct a program evaluation to determine the impact of these partnerships on vulnerable or underserved communities, and will reset the baseline, if needed. The evaluation will include creating databases and measures that can be used to evaluate the effectiveness of these partnerships.

<b>Performance Measure 8: By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	Conduct a review of currently available EEOC guidance and resource material to determine which documents require updates or creation. Establish a priority list.	Produce or update at least two resource or guidance documents on priority list.	Produce or update at least two additional resource or guidance documents on priority list. Reconfirm or reorder priorities.
Results	The agency assessed current guidance and technical assistance documents and established a priority list.	The agency had updated at least two current guidance and technical assistance documents.	
			<b>Target Met</b>

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 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.

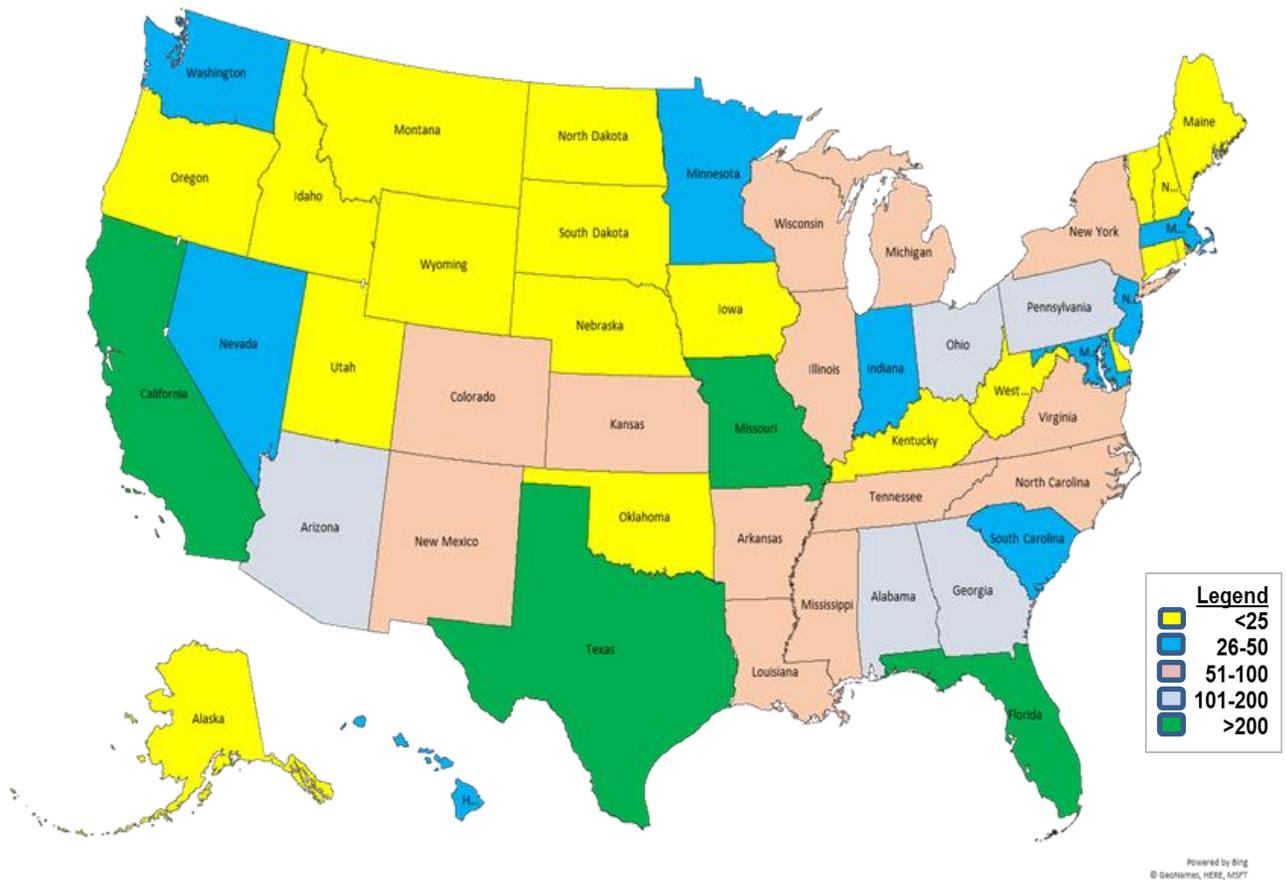
In FY 2019, the agency updated the EEOC/Department of Justice – Civil Rights Division Memorandum of Understanding to provide for expedited Title VII relief, especially in harassment cases. The agency also finalized the 2019 Edition of Selected Developments in Title VII, ADEA, DA, GINA, and EPA Case Law for distribution to all of the EEOC’s state and local FEPA partners at the June 2019 conference. The FEPA Case Law Update was published on June 5, 2019.

**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 2021 Budget for outreach activities, we will maintain our outreach to individuals across the United States, including underserved areas. We will be proactive through our outreach and education in addressing discrimination issues that confront workplaces. We plan to continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2019, the EEOC conducted over 3,800 outreach events reaching 295,600 individuals nationwide. We anticipate similar outreach levels in FY 2020. Additionally, in FY 2019,

the Commission’s fee-based programs trained more than 43,000 individuals at more than 2,600 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. The agency continues to survey attendees at our Technical Assistance Program Seminars to gauge the impact of training on improving and advancing equal employment opportunity in the workplace. We will continue this information collection and analysis to help guide us in our training efforts to measure the impact of our training and to make appropriate adjustments.

Annual Outreach Events - Fee and Non-Fee



Through public relations, training and education, the EEOC enhances public awareness of employment discrimination and the importance of preventing such discrimination in America’s workplaces. Our outreach is meant to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce. Approximately 34 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.

Education and outreach programs to vulnerable communities was critically important to the work of the EEOC in FY 2019, as these efforts promote understanding of the law by workers who might not be familiar with their right to be free from employment discrimination. The EEOC strategically targeted outreach to vulnerable workers and underserved communities in FY 2019, conducting 1,298 outreach events and reaching 112,410 participants, which represented 34 percent of EEOC's total outreach. This focused outreach includes immigrant and farm worker communities, as well as communities where individuals are reluctant to come forward to complain about employment discrimination.

Education and outreach programs to the small business community is also essential to promote compliance with the anti-discrimination laws, especially for those new and small businesses lacking the resources to maintain full-time professional human resources staff. In FY 2019, the EEOC conducted 485 outreach events for small businesses, reaching 33,927 small business representatives, which represented approximately 13 percent of EEOC's total outreach. The EEOC also continued to promote the Small Business Resource Center. The site provides a user-friendly one-stop source for information on federal employment anti-discrimination laws tailored to meet the needs of small businesses. Working with the Small Business Administration's (SBA) Office of the National Ombudsman, the EEOC also participated in round table discussion at various locations around with country with small businesses and organizations that represent small businesses as well as a Regulatory Fairness Hearing held in Washington, DC.

The SBA Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's report for FY 2017, gives the EEOC an "A" rating across-the-board, the highest rating possible, reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. The SBA highlighted the EEOC's Small Business Resource Center as an example of agency compliance assistance initiatives in the report for FY 2017. During FY 2021, the EEOC expects to continue to build on its outreach to the small business community.

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 the Embassies of Ecuador, Mexico, Peru and the Philippines. Also, several of EEOC's field offices have MOUs with the consulates of El Salvador and Mexico.

During FY 2019, outreach and education related to the White House and Commission's initiatives were prioritized. The EEOC supported the White House Initiative on Historically Black Colleges and Universities (WHIHBCU), the White House Initiative on Asian Americans and Pacific Islanders (WHIAPPI) and the Interagency Task Force to Monitor and Combat Trafficking in Persons. EEOC's field offices engaged with HBCUs by participating in conferences, training sessions and job fairs to prepare the next generation of employees and employers at HBCUs to be models of excellence regarding equal opportunity in the American workforce. EEOC participated in WHIAPPI's Regional

Networks which coordinated outreach and education efforts to Asian Americans and Pacific Islanders across regions. Awareness about the issue of trafficking was raised in outreach events involving vulnerable workers. In FY 2019, there were 76 outreach events with 6,987 attendees involving the WHIHBCU initiative, there were 142 outreach events with 22,526 attendees supporting the WHIAPPI initiative, and 188 outreach events with 11,237 attendees that addressed Trafficking issues.

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 2019, 372 events were conducted involving the Youth@Work initiative, reaching 38,226 individuals; FY 2020 activities are on track to meet or exceed these achievements.

In FY 2019, the issue of harassment in the workplace continued to be a focus of the agency. Since FY 2016, the EEOC has taken steps to study and address this issue. In FY 2017, fee based anti-harassment training programs for employees, as well as managers, were developed, and at the beginning of FY 2018, the EEOC began to offer this new dynamic and anti-harassment training programs for employers. The training, known as “Respectful Workplaces,” goes 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. In FY 2019, the modules were updated and the EEOC continued to deliver the anti-harassment training to federal and private entities across the United States. We will continue to offer the supervisor and employee anti-harassment training in FY 2020. Demand for the training has been high among the EEOC’s stakeholders.

Preventing harassment through education and training was a primary focus of the EEOC’s outreach efforts in FY 2019:

	<b>2019*</b> <b>Total</b> <b>Events</b>	<b>2019*</b> <b>Total</b> <b>Attendees</b>
<b>All Harassment*</b>	1,293	120,815
<b>Harassment - Sexual</b>	613	90,643
<b>Harassment – Non-Sexual</b>	521	74,289

\* Columns may not add as many events covered both topics.

In FY 2019, there were 1,293 outreach events involving harassment, reaching 120,815 attendees. This includes 613 events which covered the topic of sexual harassment that were attended by 90,634 attendees. In FYs 2020 and 2021, the EEOC will continue to prioritize efforts to prevent harassment, including sexual harassment.

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 2020 for Strategic Objective II was \$6 million. The proposed request for FY 2021 will support our existing outreach activities across the United States.

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

<b>FY 2019 to FY 2021</b> (Dollars in thousands)			
	<b>FY 2019 (Actual)</b>	<b>FY 2020 (Enacted)</b>	<b>FY 2021 (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. It offers diverse, high quality, reasonably-priced EEO expertise and training products to employers and employees in the private sector, state, and local government, and federal agencies. The operations of the institute are funded through the EEOC's Revolving Fund, an instrument established by Congress in 1992.

In FY 2019, the Institute trained over 43,000 individuals at more than 2,600 events, which included 30 one and two-day Technical Assistance Program Seminars (TAPS), 1 half-day workshop, 37 federal courses, and over 2,530 on-site trainings (customer specific training) delivered at the workplace for private sector employers and federal agencies. The number of training events and individuals trained increased significantly the previous year, due in part to the agency's emphasis on education and training regarding harassment in the workplace, and the Institute's corresponding Respectful Workplaces training initiatives.

The half-day, one and two-day TAPS seminars are responsive to employees and employers' information and training needs; and address their respective rights and obligations in the workplace. The programs also provide detailed information about identifying and preventing workplace discrimination. Federal courses are designed to meet training requirements for EEO practitioners working throughout the federal government. There were more than 3,400 attendees this year for the 90 federal courses and CSTs offered around the country and in Washington DC. In addition, there were 178 federal courses with over 7,000 attendees focused on Respect in the Workplace and Leading for Respect, focused on preventing harassment in the federal workplace.

<b>Respectful Workplace Training Provided by EEOC</b>				
	<b>Federal Workplace</b>		<b>Private Workplace</b>	
<b>Fiscal Year</b>	<b>Sessions</b>	<b>Participants</b>	<b>Sessions</b>	<b>Participants</b>
2018	34	1,190	302	8,683
2019	168	6,720	506	15,604
<b>Totals</b>	<b>202</b>	<b>7,910</b>	<b>808</b>	<b>24,287</b>

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

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

<b>FY 2017 to FY 2023</b>							
<i>(Dollars in thousands*)</i>							
	<b>FY 2017 Actual</b>	<b>FY 2018 Actual</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Est.</b>	<b>FY 2021 Est.</b>	<b>FY 2022 Est.</b>	<b>FY 2023 Est.</b>
<b>Total Obligations</b>	2,103	4,786	4,557	5,000	5,400	4,000	4,500
<b>Offsetting collections from:</b>							
Federal Funds	1,325	1,725	1,901	1,900	1,900	1,925	1,900
Non-Federal Sources	1,766	3,062	3,563	2,600	2,500	2,600	2,625
Unobligated balance start of year	1,679	2,092	2,298	3,205	2,705	1,755	2,280
Unobligated balance, end of year	2,667	2,093	3,205	2,705	1,755	2,280	2,305
Net Budget Authority	4,770**	6,879	7,762**	7,705	7,155	6,280	6,805

\*May not add due to rounding

\*\*Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2017 \$207,000, FY 2018 \$132,000, FY 2019 \$186,000 (included in the Net Budget Authority line above.)

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

In FYs 2020 and 2021, the EEOC will build on the success of its annual Examining Conflicts in Employment Laws (EXCEL) Training Conference, which has been held for more than 20 years. EXCEL is directed at both federal sector and private sector EEO practitioners. In FY 2018, the conference was held in Washington, DC with an attendance of more than 1,000 participants, the largest audience in many years. We continued with the success of that conference in FY 2019 by hosting the conference in Atlanta, Georgia. There were over 900 attendees that attended the conference, and 340 of the attendees participated in pre-conference and specialty track courses. The 2019 EXCEL Training Conference had the highest pre-conference attendance in the history of this event, and the overall number of participants places it in the top three highest attendance levels for the conference in the past 10 years. The FY 2020 conference will continue to offer separate tracks for federal sector attendees and for private sector attendees (the latter group includes state and local governments). 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. The FY 2020 EXCEL Training Conference is scheduled for August 4-6, 2020, in New Orleans, Louisiana.

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

**A. Introduction**

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

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

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

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

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

**B. Performance Measures and Results**

<b>Performance Measure 9: The EEOC’s performance improves with respect to employee engagement and inclusiveness.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Targets</b>	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>Establish baseline EEOC FEVS scores for employee engagement and inclusiveness quotient against comparable government agency averages based on 3-5-year trend analysis.</p> <p>Establish and implement plans to maintain or increase FEVS scores in relation to comparable government agency averages.</p>	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>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.</p> <p>Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.</p>	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>The EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.</p> <p>Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS</p>

<b>Performance Measure 9: The EEOC's performance improves with respect to employee engagement and inclusiveness.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Results	<p>The agency conducted focus groups via the "Ask the Agency" forum.</p> <p>The agency established baseline EEOC FEVS scores for employee engagement and inclusiveness quotient based on a 3-5-year trend analysis.</p> <p>The agency implemented plans to maintain or increase FEVS scores.</p>	<p>The agency participated in over 50 focus groups facilitated by OPM with all levels of the agency's personnel related to the EEOC's climate, including organizational strengths, weaknesses, and communication.</p> <p>Agency directors received an evaluation tool from OPM to assist in a customized and comprehensive review and assessment of the agency's FEVS scores to identify strengths and opportunities for growth.</p> <p>The agency's FEVS and New IQ scores increased by four percentage points in FY 2019.</p>	
			<b>Target Met</b>

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

The FY target for Performance Measure 9 was to conduct a focus group and climate assessment(s) for feedback on agency culture and implement plans, as necessary, to maintain or increase the EEOC's FEVS scores. As part of the agency's Workforce Planning Initiative, OPM consultants facilitated over 50 separate focus groups and interviews between April 30-August 14, 2019. The focus groups included participants from the Office of the Chair, the Chief Financial Officer, OCHCO, the Office of Equal Opportunity, the Office of Federal Operations, the Office of Field Programs, the Office of General Counsel, OIT, the Office of Legal Counsel, the Office of Data and Enterprise Analytics, and the Office of Communications and Legislative Affairs. Each session included topics related to the agency's culture, including communication across EEOC Offices and communication between employees and EEOC leadership, and organizational strengths and weaknesses. In addition, the agency's FEVS Employee Engagement Index (EEI) score of 72 percent exceeded the governmentwide employee engagement score of 68 percent for 2019. EEOC's FEVS New Inclusion Quotient Index (New IQ) score of 66 percent also exceeded the governmentwide New IQ score for 2019.

<b>Performance Measure 10: Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Targets</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.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
<b>Results</b>	The agency developed and implemented a feedback survey, set baselines, and targets for next year.	The EEOC updated and enhanced its external services based on feedback received in FY 2018 and FY 2019.  The agency established an internal feedback option via an email for recommendations from staff to enhance systems.  The agency conducted the ADR program annual survey and surveyed participants in the EEOC's 22 <sup>nd</sup> Annual EXCEL conference held in August 2019.	
			<b>Target Met</b>

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

The FY 2019 target for Performance Measure 10 was to continue to implement feedback surveys and related mechanisms from the public and targeted audiences the Commission serves, to adjust the measures and targets, as necessary, and set goals for improvement or maintenance of the agency's service delivery and increased accessibility annually. In FY 2019, for example, the agency implemented changes to the Digital Charge System to address appointment no shows. Based on survey results, the agency reduced the number of appointment no shows (running at 20-50 percent, depending on office) by having the system generate appointment reminders and a requirement for appointment confirmations.

To collect continuing feedback since the survey, the agency established internal email accounts for the submission of recommendations from internal staff on the digital charge system and conciliations. Through suggestions made via this vehicle, significant improvements to process and function were implemented in the fiscal year.

The ADR program continued to receive an overwhelming qualitative endorsement through its annual assessment, as offices reported that 96.8 percent of participants responding to the mediation survey replied that they would return to the process in a hypothetical future charge filed with the Commission. In addition, the agency held its 22nd annual EXCEL Training Conference and surveyed the attendees. Over 300 completed evaluations were largely positive and will be used to design next year’s conference.

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

<b>Performance Measure 11: Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Targets	<p>The agency completes a shared vision and develops high-level plans with resource requirements for modernizing the charge/case management systems for the agency.</p> <p>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.</p> <p>Report on progress at year’s end and adjust the plan, as necessary.</p>	<p>Set goals for increasing the number/percentage of fully digital charge and case files from FYs 2019-2022.</p> <p>Report on progress quarterly and adjust the plan, as necessary.</p>	Report on progress quarterly and adjust the plan, as necessary.
Results	The agency formed a team, agreed on a scope of effort, and made substantial progress towards developing a shared vision and high-level plans.	<p>The number of inquiries received via the agency Portal increased by 11.1 percent.</p> <p>The EEOC continued efforts to develop (for deployment in FY 2020) the closure document module that will lead to the ability to have all digital files.</p> <p>The agency secured funding from the Technology Modernization Fund (TMF) to make a full-scale system change that will allow the EEOC to complete the goals of this measure well ahead of schedule.</p>	
			<b>Target Met</b>

Performance Measure 11 allows the agency to track and assess progress on migration to a fully digital charge/complaint environment. The benefits of such modernization include improved collaboration and knowledge sharing, enhanced data integrity, reduced paper file storage or manual archiving/disposition requirements; and allowing a more mobile

workforce. Streamlined services and increased responsiveness to customers throughout the process will be regularly evaluated.

The FY 2019 target for Performance Measure 11 was to set goals for increasing the number/percentage of fully digital charge and case files from FYs 2019-2022 and to regularly report on the progress and adjust the plan, as necessary. In FY 2019, use of the Online Inquiry and Scheduling System increased by 11.1 percent, which resulted in more inquiry and charge files being launched in a digital rather than paper process. Also, in FY 2019, 123,688 Potential Charging Parties (PCPs) initiated inquiries through the pilot (up from 111,363 in FY 2018). Of these, 30,759 were formalized into charges of discrimination (up from 30,565 in the previous fiscal year).

The Digital Charge System (DCS) is used for electronic servicing of charges to employers for every charge where the agency could identify an email address for the respondent. Over 48,300 of the 72,833 charges filed in FY 2019 were served in this manner, which is more than 66.3 percent of all charges, higher than the 63.9 percent rate in FY 2018. This has the added benefit of producing savings in postage, printing and copying, and staff time (to serve the notice of charge and accompanying information).

Efforts were also undertaken to design a closure document module, which will allow for final documents associated with a charge resolution to be processed in digital format. With deployment of the closure document module in FY 2020, the agency will be very close to achieving all digital files, with the only non-digital files being those that were opened prior to the DCS rollout and those where the potential charging party (PCP) does not have access to either email or the Internet.

Finally, the agency made plans to increase the percentage of charge/complaint files that were fully digital with the development of the agency's proposal in FY 2019 for funding through the Technology Modernization Fund (TMF). The TMF proposal included a detailed project plan to modernize the EEOC's charge/complaint/case management systems, outlining required resources and establishing related goals and milestones. Effective for early FY 2020, the TMF Board awarded the agency \$4 million dollars over two years. With TMF resources and level EEOC IT development and modernization funding, in 2020, the EEOC will first develop common data, and business services, and then will modernize legacy applications that support private sector; state and local; federal sector; and litigation applications.

<b>Performance Measure 12: The budget process prioritizes funding for the EEOC's strategic goals.</b>			
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Targets</b>	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head.  Meet all submission deadlines.
<b>Results</b>	The EEOC's FY 2019 Congressional Budget was submitted to Congress on February 6, 2018.  The EEOC's final FY 2018 Operating Plan as required, was approved by the Acting Chair on March 27, 2018.  The EEOC's FY 2020 Performance Budget was submitted to OMB on September 10, 2018.	The EEOC's FY 2020 Congressional Budget was submitted to Congress on March 18, 2019.  The EEOC's final FY 2019 Operating Plan was approved by the Acting Chair on September 28, 2018.  The EEOC's FY 2021 Performance Budget was submitted to OMB on September 9, 2019.	
			<b>Targets Met</b>

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

The FY 2019 targets for Performance Measure 12 were to submit the EEOC's FY 2020 Congressional Budget Justification and the 2019 Operating Plan and prepare the EEOC's FY 2021 Performance (OMB) Budget Justification that aligns resources with the Strategic Plan. The final FY 2019 Operating Plan was approved by the Acting Chair on September 28, 2018. The EEOC's FY 2020 Congressional Budget was submitted to Congress on March 18, 2019. The EEOC's FY 2021 Performance Budget was submitted to OMB on September 9, 2019.

## C. Program Areas

### 1. Highlighted Resource Area

Table 11 below 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 2019 (Actual)</b>	<b>FY 2020 (Enacted)</b>	<b>FY 2021 (Request)</b>	<b>Change From FY 2020</b>
Information Technology	\$18,293	\$18,319	\$17,727	\$(592)
Total	\$18,293	\$18,319	\$17,727	\$(592)

### 2. Human Resources

#### a. Human Capital Management

According to the President's Management Agenda (PMA), realigning human capital to serve America's priorities is paramount. To this end, the EEOC is implementing programs and initiatives to strengthen human resources capabilities and ready the Agency's workforce to meet constituent demands in FYs 2020 and 2021.

One Agency priority is Investing in the Agency of the Future, a strategic workforce planning initiative that will thoroughly examine the workforce, identify key competencies, and conduct skill gap assessments. Specifically, in FY 2019, the EEOC partnered with OPM to determine whether the organization and its positions are structured to efficiently and effectively meet mission demands and evaluate workforce planning risks in preparation for the future, as highlighted in the PMA and the Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce (M-17-22). The OPM partnership will result in a comprehensive organizational (or workforce) analysis to collect Agency-relevant data and influence the content of a workforce plan. This robust workforce planning process, coupled with ongoing analysis, will allow EEOC leaders to identify and use human capital strategies best suited to support the EEOC's current and future organizational goals. In FY 2021, the EEOC will explore the key findings and implement the recommendations identified in the workforce plan to realize the PMA goal of realigning the workforce to its mission.

The PMA charges agencies to ensure the workforce contains the right skills and identifies opportunities to more efficiently use current staff. The EEOC will collaborate with OPM to identify competencies for two mission-critical occupations (MCO), General Attorney and Equal Employment Opportunity Specialist, and the Agency will analyze competency gaps for six MCOs. The FY 2020 partnership and collaboration with OPM will satisfy the competency identification and gap analysis requirement per title 5, Code of Federal Regulations (CFR), part 410.201(d) and 5 CFR 250.209. The final product will be a technical report documenting the competency modeling and proficiency gap assessment efforts and results for all included MCOs. In FY 2021, the EEOC will develop a robust Succession Plan for the Agency and begin plans for a leadership development program for staff.

In FY 2020, the EEOC will also modernize the personnel suitability process with the latest innovative technology through eDelivery.

#### **b. Training**

The PMA stresses the importance of continuous learning, knowledge sharing, and practical application in management practices. The EEOC provides its employees with a comprehensive training program through four primary approaches: 1) training activities responsive to their individual development plans (IDP); 2) internally-sponsored, instructor-led courses, workshops, and webinars; 3) national training-funded programs addressing position-related competency needs; and 4) online courses available through the EEOC Learning Management System (LMS).

During FY 2019, we increased the use of web-based training to provide more training opportunities across the EEOC. We will continue to expand web-based and virtual training in FY 2021 as the EEOC continues to make significant investments in IT resources to increase bandwidth and modernize computer systems to handle increased traffic. Increasing virtual training opportunities will allow the EEOC to convey relevant information and timely updates to our staff in all of our 15 Districts.

The EEOC executed the initial launch of the LMS in FY 2019. The LMS aids the agency in strategically planning and administering learning activities for its staff, tracking employee course completions, conducting pre- and post-testing to measure results, and gathering data needed to submit required reports on agency training activities to OPM. The success of the initial launch served as a catalyst to release additional functionality of the system to the workforce. In addition, the EEOC utilized additional features in LMS in 2019, such as electronic routing of SF-182 training requests, electronic IDPs, employee job aids, and mandatory EEOC-wide required IT curricula. In FY 2021, the EEOC plans to utilize additional system capabilities to deliver quality training to the workforce, to include mobile “on the go” learning solutions.

In FY 2019, we offered a 2-week New Investigator Training for staff hired in the latter part of FY 2018-2019. We will continue to offer this training in FY 2020. We also continue delivery of the Intermediate Skills training, which had been provided to EEOC staff in FY 2018 by offering the course to Fair Employment Practices Agencies

(FEPA) investigators in FY 2018, and we will continue to offer this into FY 2021 based on FEPA interest. For FY 2021, we will develop and deliver training to address the needs of staff as they perform their investigative duties in an evolving environment of technological advances, Commission priorities, and legal developments. This training will equip staff with the skills and knowledge to continue to respond to dynamic changes to our processes and the resultant impact on their duties and responsibilities.

In FY 2018, in response to the heightened attention on harassment in the workplace, the EEOC developed and conducted train-the-trainer for training staff who were designated to deliver training to investigators on investigating harassment charges, with a focus on sexual harassment and techniques for interviewing and assessing credibility of individuals who have been subject to trauma. The development team worked with an expert in workplace trauma to develop this training, which better equips EEOC investigators to perform intake and investigate charges of those subjected to trauma, such as egregious harassment.

In FY 2019, the EEOC began providing harassment training (Respectful Workplace Training) to all employees. The training will provide managers instruction on their responsibilities in the workplace and the tools to proactively create a civil, respectful, and harassment-free workplace. This training will give managers and supervisors “easy to understand” and realistic methods to identify and deal with harassing conduct they observe or that is reported to them. The training will also stress the affirmative duties of all supervisors to respond to harassing behavior, even in the absence of a complaint, and the consequences of failing to do so.

Non-supervisory staff will also receive training to clarify what conduct is and is not acceptable in the workplace. The training will focus on workplace norms and establish clear expectations of civility and respect across the EEOC. In addition, it will educate employees about their rights and responsibilities if they experience or witness conduct that is not acceptable in the workplace. This includes how to report harassing conduct and the right to be free from retaliation. In FY 2019, EEOC trainers delivered the training titled “Investigating Harassment Charges,” to all investigators and other enforcement staff.

In FY 2019, we delivered our first comprehensive E-Discovery training for approximately 60 attorneys. The program covered handling internal EEOC electronically stored information (ESI), preserving and collecting claimant ESI, mobile device forensics, obtaining defendants’ ESI, and included exercises in mock Fed. R. Civ. P. 26(f) conferences.

In FY 2019, the agency provided systemic training and, consistent with the EEOC’s Strategic Enforcement Plan for FY 2017-2021, focused on the intake and investigation of both systemic and individual harassment claims. We will also encourage employees to complete IDPs that focus on a blend of technical and professional development training to increase current skills.

As the Commission's information technology infrastructure improves, we are able to save money and conduct more training using virtual platforms, such as Skype for Business and Skype Broadcast. This is a critical need given the majority of the EEOC's employees are based in Field Offices.

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

**c. Performance Management**

Per FY 2019 Budget Guidance (M-17-28 and M-19-24), and in accordance with Executive Order 13839, the Agency has made significant improvements to its performance management systems and awards processes. In consultation with OPM, the EEOC updated its performance management system and performance standards and adopted an automated performance appraisal scheme. The switch from a manual to an automated system allows the agency to develop performance plans, track and monitor employees' performance, provide feedback and ratings, and electronically sign performance plans. It also assists with the PMA goal to strategically and actively manage the workforce, and visually and practically aligns the EEOC Strategic Plan with individual employee performance expectations. The agency also implemented metrics that are more clearly measurable for performance assessments and promoting employee accountability.

According to the PMA, awards and recognition capabilities that reinforce results, accountability, and performance are important to manage our workforce. In accordance with M-19-24 (Guidance on Awards for Employees and Agency Workforce Fund Plan), in FY 2021, the EEOC will implement a balance between performance/rating-based awards and individual/contribution awards that supports the strategic use of awards and recognition throughout the year and address workforce challenges by allocating rating-based awards in a manner that recognize high performing employees. The EEOC's policies and programs will allocate rating-based awards in a manner that is advantageous to employees.

**d. Employee Relations and Services**

The EEOC has long-standing program activities that speak to the agency's mission of eliminating workplace discrimination. Programs that provide interpreting services, reasonable accommodations requests, Federal Occupational Health programs, and others provide necessary resources for employees and create a work environment that is inclusive of their needs.

Continuing to develop the acumen of the human resources professionals in the EEOC is essential to assist managers and Agency leaders with the PMA's goal of building the "Workforce for the 21st Century: Realigning Human Capital to Serve America's Priorities." The PMA urges agencies to spread effective practices among human resources specialists, improve the quality of human resources services provided, and train the human resources workforce to better support hiring managers. In FY 2021, the EEOC will continue to implement hiring manager consultations to aid in

simplifying the hiring process and provide the tools and resources needed to attract and retain talent. In addition, human resources practitioners will receive training targeted at addressing skills gap areas and applying human resources laws and regulations consistently. The EEOC will build strategic partnerships and alliances with customer and stakeholders to ensure human resources services are delivered and received in a value-added manner.

### **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, e-mail and video phone service for the deaf and hard of hearing. The IIG consists of in-house staff who serve as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail. The IIG received close to 500,000 calls in FY 2019; and it is on track for a similar call volume in FY 2020. In FY 2018, an average of 43 percent of callers utilized the Interactive Voice Response (IVR) information system and needed no further assistance, and that percentage has increased to 44 percent in FY 2019. Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. In FY 2019, on average each month our Information Intake Representatives (IIRs) answered more than 9,000 calls, 2,700 emails and approximately 85 video phone transactions from individuals wanting more information or wishing to discuss their situation with an IIR. In FY 2019, approximately 78 percent of calls, emails and videophone calls answered by the IIRs were fully resolved by the IIR without being referred to other staff in the EEOC field offices. For FY 2020, the call resolution rate is projected to be slightly higher. All

contact channels combined, the IIG received more than 530,000 transactions in FY 2019 and we anticipate a similar or higher volume in FY 2020 -2021.

Investments made in the Intake Information Group have allowed the EEOC to expand its reach and more efficiently serve the public. Previously the EEOC's investigators in each EEOC office responded to calls from the public. In FY 2019, our staff of approximately 31 IIRs, and the IIG environment in which they work, handled over 350,000 contacts without the need to forward them to EEOC investigators. Using IIRs to handle calls allows investigators to be more productive and efficient. In FY 2019, the EEOC's investigators maintained their productivity at an average of 152 cases, which is among the highest productivity levels in the agency's history and the highest in government among civil law enforcement investigators.

As noted above, the EEOC has also increased the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FY 2020 we project that over 1,200 video calls will be handled. 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, 74 percent of the IIR's telework full-time.

Beyond the contacts made through our IIG, another significant part of our work is addressing inquiries which do not ultimately become charges. These inquiries involve significant amount of staff time. In many instances where inquiries are submitted, staff interview the individual in depth and counsel the individual as to their rights, responsibilities and the process. In FY 2019, the EEOC received more than 200,000 inquiries in field offices, including 123,688 inquiries through the new online inquiry and appointment scheduling system, resulting in 72,675 charges being filed.

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 charge handling process. Individuals may now contact the agency by phone, by mail, by e-mail, and by facsimile, by going to the EEOC's

website, or by visiting the EEOC field offices. With the completion of a pilot project in FY 2018, in October 2018 the agency expanded the Online Inquiry and Scheduling System to all 53 field offices. This system allows potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

This technological enhancement resulted in a more customer-friendly and accessible approach; and reflects the value of providing greater access for the public to speak with a member of our enforcement staff prior to filing a charge. Because of the expansion of the online intake and scheduling system, there has been a 11.1 percent increase in the number of individuals who contacted us about their employment issue but who ultimately decided not to file a charge. The technological advances also allowed the agency to further emphasize the EEOC's priority charge handling procedures to manage the pending inventory, including pre-charge counseling and pre-determination interviews. Effective pre-charge counseling ensures individuals make informed decisions about whether to file a charge of discrimination and the pre-determination interview allows us to communicate the basis for our decisions to the parties. Both are essential for good customer service and effective charge processing. Coupling pre-charge counseling with the online system's elimination of a paper intake questionnaire led to a 4.9 percent reduction in FY 2019 charge receipts, even though the inquiries were up by 11.1 percent (more than 12,300 additional inquiries) over the prior FY. Additionally, increased focus on the reassessment of charges as soon as new evidence is obtained enables staff to make the critical decision as to whether additional investigation is likely to result in a cause finding. Offices also utilized and took advantage of technological advances designed to improve the efficiency of the processes.

In FY 2018, the agency created a new Senior Investigative Support Assistant (Senior ISA) position at a GS-8 level and promoted five ISAs into the position. The Senior ISAs provide nationwide support for the Online Inquiry and Appointment Scheduling system by conducting telephone intake interviews. These positions are expected to add as many as 4,000 – 5,000 additional appointment slots per year and provide better customer service through shorter wait times for available appointments.

Finally, the implementation of the online charge status system in 2016 has continued to free a significant amount of staff time otherwise spent on calls about the status of investigations. Through this system, individuals can view information about their charge status, possible next steps and EEOC staff contact information. On an annualized basis, more than 3,700 charges are resolved as a direct benefit of the resources freed by the charge status system, contributing to the agency's reduction of its inventory levels. Additional details about technical advances made by the agency are discussed below.

## **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 at stopping and remedying unlawful employment discrimination. These efforts are organized around three strategic IT goals:

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

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. Recent efforts include:

- During FYs 2016 through 2018, the EEOC launched an Online Charge Status System, Online Inquiry and Scheduling System, and a Private Sector Digital Charge Processing System via our Public Portal. These services enabled a potential charging party to complete an assessment and questionnaire, submit an inquiry, schedule an interview, and upload and receive documents from the EEOC. Once a charge has been formalized, the charging party and respondent can receive notices, check on charge status, update contact information, identify mediation and other preferences, and submit and receive documents electronically. Within the private sector component of the Public Portal, the agency served 48,876 charges electronically in FY 2019 (up from 48,304 the prior year), conservatively saving the agency over \$31,000 in printing, postage and related costs. Electronic service also resulted in savings for the field offices' clerical staff, freeing each enforcement office administrative assistant from more seven days of work to perform other tasks. Also, in FY 2019, 123,688 potential charging parties initiated inquiries through the Public Portal, up from 111,363 in FY 2018. Of these, 30,759 were formalized into charges of discrimination (up from 30,565 in 2018). In each of these instances, agency personnel were relieved of the task of data entry. Conservatively, we estimate that this saved over 40,000 hours of investigator time (almost two weeks per investigator) in FY 2019, doubling our initial savings estimate. The EEOC's private sector digital repository now includes over 3.1 million documents.
- In FY 2019, the EEOC deployed new electronic services to our public sector constituents, bringing the EEOC's federal sector online services to par with its private sector services. This provided federal employees and applicants with the capability to submit hearings and appeals requests online, update their contact information and preferences, review status, and submit/receive electronic documents with email notification. The companion Federal Sector EEO Portal (FedSEP), which provides online services to Federal Agency OEO offices, was also

enhanced to integrate with the public sector side of the Public Portal, for information and document exchange. FedSEP now includes over 1.2 million documents in its digital repository.

- The agency’s strategic plan requires that we “complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management systems.” To meet this goal the agency engaged in a year-long effort with the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make limited funds available to federal agencies for technology improvements consistent with the President’s Management Agenda. After a process that included developing project proposals, a high-level project plan, a technical architecture, and a full business case, the TMF Board recently awarded the agency four million dollars—providing the EEOC with the resources to modernize the legacy technology and data structure of its 17-year old Integrated Mission System (IMS) during calendar years 2020 and 2021. Removing the considerable barriers of old technology, transforming the EEOC to support fully digital services, and providing staff and partners with a modern system will better enable the agency to carry out its critical mission.
- The agency improved the efficacy of the FEPA program by providing electronic notification and document exchange between the EEOC and FEPAs. In 2018, the EEOC launched Phase II of this modernization effort, which enabled the EEOC and FEPAs to receive electronic notification of Charges of Discrimination (Form 5) that are dual-filed with the corresponding agency, as well as have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212), replacing the practice of transmitting copies of dual-filed charges by paper and mail. The EEOC’s legacy FEPA application will be modernized during 2020 as a component of EEOC’S TMF Initiative.
- The EEOC’s external website, [eeoc.gov](http://eeoc.gov), resides on a platform that is over nine years old. Migration to a new infrastructure will allow the EEOC to develop a modern website that better meets the needs of the EEOC’s audience, especially for those who view the site on phones and tablets. The new website, expected to be launched approximately in March 2020, is based on open source technologies to improve user experience, better promote the agency’s message, integrate more effectively with our social media activities, and reach full compliance with applicable accessibility standards.
- In early FY 2020, the EEOC deployed an Employer Master List, which provides a consistent, reliable source of employer information across all charges. In addition to business identifiers, the list will associate uniform contact information for national and local points of contact, as well as legal representation, as identified by the employer for matters concerning charges of discrimination. Data within the Employer Master List is accessible to businesses through the EEOC’s Respondent Portal for review and update. This approach will enhance the accuracy and consistency of the EEOC’s employer information, aiding agency/employer transactions and improving the EEOC’s analytic capabilities.

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

- The EEOC previously migrated Field Offices and Headquarters to an Ethernet-based MPLS network – in the process more than quadrupling the effective bandwidth to agency offices and providing considerably more flexibility in meeting bandwidth requirements going forward. In FY 2018, we began expanding capacity to better support operations and prepare for the transition to unified communications. Also, in FYs 2018 and 2019, we invested in the replacement of outdated network equipment in the EEOC’s offices, in order to provide highly available, secure, data communication capabilities that are critical to our development of digital workplace. Bandwidth expansion will continue in FYs 2020 and 2021 via EEOC’S recently awarded federal Enterprise Infrastructure Solutions (EIS) contract. This contract reduces the agency’s annual data communications costs by nearly 40 percent. The savings will be re-invested in increased bandwidth and will enable agency personnel to communicate with voice, video and data from all locations.
- The agency shifted resources from the agency’s aging Novell directory, email and file services to investments in Microsoft Office 365. During FY 2017, the EEOC migrated all users to Active Directory and Outlook. In FY 2018, the EEOC completed the migration of archived emails from GroupWise to Outlook and moved all local file storage to OneDrive. The agency presently manages 19 TB of email in the Office 365 and over 26 million files in OneDrive. The EEOC presently is migrating personal and shared Novell file storage to a combination of SharePoint and Azure-based file storage.
- The EEOC continued the migration from on-premises and hosted data centers to cloud services. The agency previously migrated directory, enterprise scanning and advanced analytics solutions to the Microsoft Azure government and commercial clouds (Azure). In FY 2020, we are severing the hosting component from our infrastructure contract and will migrate all hosted systems to Azure with support from a managed services (only) contract.
- In 2019, the agency implemented a modern eDiscovery Review Management System (“EDRMS”) in the Microsoft Azure cloud.
- The EDRMS provides the EEOC’s National, District and Field Offices with a secure, centralized, integrated approach for managing litigation fact evidence throughout its lifecycle. In addition to providing generally accepted search and retrieval functionality, the review platform supports greater analytic functionality, such as near-duplicate identification, e-mail thread organization, conceptual search and clustering, machine-assisted categorization (sometimes called “predictive coding”), and other analytical functionality. The use of these advanced tools will increase the efficacy of the EEOC’s litigation program by allowing attorneys to more efficiently review and analyze the large volume of documents necessarily produced in complex, document-intensive litigation.

- Using OneDrive and an intelligent migration process, the agency deployed 2,150 new laptops to staff and contractors in FY 2018. The replaced laptops were eight-plus years old, significantly hindering the development of a digital workplace. An additional 600 new laptops were deployed in FY 2019 to replace all legacy laptops, allowing the EEOC to begin migrating laptops to Windows 10.
- EEOC continued implementation of unified communications to replace and consolidate telephony systems in use by the EEOC headquarters and field offices. The agency utilizes a traditional phone system (PBX) at its Headquarters location and uses pass-through telecommunications services from GSA – either central office exchange services or voice over Internet protocol, for the majority of our field offices. However, GSA announced that they will no longer provide shared telephone services for Federal Agencies. Skype for Business (SfB) Phone Services (later to be Microsoft Teams) provides the EEOC with the foundation for unified communications, enabling users to make, receive, and transfer business calls in the office, at home, or on the road, using phone, PC, and mobile without the need for a traditional phone system. At the end of 2019, the EEOC had successfully deployed SfB Phone Services to 21 Field Offices. With sufficient funding, SfB/Teams phone deployments will continue in FY 2020, with expected completion in early FY 2021.

Securing the EEOC’s digital workplace is a critical part of the agency’s plans, with priorities developed and put in place to protect data that is central to the agency’s mission and the privacy of the people the EEOC serves. During FY 2019, EEOC acquired several systems and services that will enhance security capabilities to better identify, analyze, and resolve internal vulnerabilities.

In FY 2020, the EEOC is implementing Cisco Identity Services Engine to provide upgraded authentication for network, VPN and wireless access. Additional security and privacy controls will be implemented during FYs 2020 and 2021, including architecting and employing a layered, segmented network security model, and utilizing additional firewalls for internal routing.

The agency plans to follow the directory service migration and security enhancements with the implementation of two-factor authentication. In FY 2018, the EEOC implemented both Office 365 multi-factor authentication and PIV-based device authentication for privileged users. The EEOC will expand remote authentication protections and roll-out PIV-based device authentication to all users during 2020.

The EEOC actively addressed vulnerabilities for compliance with Binding Order Directive (BOD) 18-01, including enabling HTTP Strict Transport Security (HSTS), mitigating weak ciphers, and establishing Domain-based Message Authentication, Reporting, and Compliance (DMARC) settings. EEOC also addressed requirements related to BOD 19-01 (DNS Infrastructure Tampering) and 19-02 (Vulnerability Remediations Requirements).

In FY 2020, the EEOC is scheduled to coordinate with DHS to conduct a “High Value Asset” (HVA) security assessment review of the IMS. IMS was designated as an HVA in FY 2018 due to its support of EEOC mission essential functions.

On the privacy front, the agency participated in the Federal Privacy Council and continues to review its privacy program per the revised A-130, updating its *Policy on the Protection of Sensitive Information*. EEOC implemented Office 365 Data Loss Prevention (DLP) technologies to monitor outgoing external email transmissions for content containing sensitive information, such as Social Security Numbers. The EEOC will continue to utilize data-at-rest encryption and other data loss prevention technologies within SharePoint and Azure to better protect and secure sensitive data. Future changes to data analytics will now be coordinated through the EEOC’s Data Governance Board and with the Chief Data Officer.

Another key IT focus is Enterprise Analytics and Reporting. The EEOC recognizes the need to better utilize its data for analytics, such as to support decision making, and operational reporting, to support mission results. Presently, the EEOC uses four separate toolsets for analytics and operational reporting. During FY 2019, the EEOC initiated a plan to modernize reporting toolsets, migrating core analytics to Microsoft Power BI. This work will be completed during FY 2020, replacing an aging and unsecure Hyperion environment.

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.

## **6. Finance and Administration**

### *Office Rehabilitations and Relocations*

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

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

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

- The EEOC will employ measures to not increase our total square footage from the FY 2015 RTF baseline. The agency will return to GSA or lessor unneeded or underutilized space (rightsizing); and identify “off-setting”

office space to reduce when we must exceed the FY 2015 RTF baseline for one or more of the EEOC's offices.

- Adherence to Agency Space Allocation Guidelines, 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 security and safety improvements and furniture replacement in offices that habitually renew leases in federal spaces.

Based on the above, the following is a summary of FY 2019 completed space actions and FYs 2020-2022 planned space actions:

- FY 2019: Completed expiring lease, relocation and office-wide re-configuration Commission projects: Chicago and Headquarters/Washington, D.C.
- FY 2020: Planned lease activity due to expiring leases, relocation and office wide re-configuration projects: Atlanta, Birmingham, Cincinnati, Cleveland, Houston, Memphis, Nashville, Norfolk, Oakland, San Antonio, San Diego, San Francisco, San Juan, San Jose, Seattle (Information Intake Group), and Headquarters/Washington, D.C. (Tenant Improvement); deferred FY 2019 actions for Albuquerque and Los Angeles; deferred FY 2018 actions for Denver, Dallas, Philadelphia, and Pittsburgh; and deferred FY 2017 actions for Detroit, Indianapolis, and Minneapolis.
- FY 2021: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Charlotte, Little Rock, Miami, Raleigh, Savannah and Tampa; deferred FY 2019 action for New York.
- FY 2022: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Newark.

#### *Financial Management and Data Analysis*

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

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

*Financial and Spending Data Analysis and Compliance*

The EEOC currently uses an outdated Oracle Contract Life Cycle Management (CLM) System to procure goods and services. The CLM has many system and control limitations, does not produce 508-compliant documents, and is no longer in compliance with basic regulatory requirements, to include the DATA Act. EEOC is taking various complementary approaches and controls to overcome the CLM system limitation and non-compliance challenges to meet the legislative and regulatory mandates, and to satisfy the DATA Act requirements.

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## **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.

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. The agency uses the OIG's information and recommendations to continually improve our systems and data. In addition, many of the data-related tasks and projects called for by the agency's Research and Data Plan for 2016-2019 have now been superseded by the creation of the EEOC's Chief Data Officer position and reorganization of the former Office of Research Information and Planning (ORIP) into the new Office of Enterprise Data and Analytics—described more fully in Appendix B.

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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, the EEOC will continue to consider appropriate program areas for evaluation each year. This will ensure that the agency's efforts align with the EEOC's budget and other programmatic priorities. Beginning in FY 2019, the agency initiated several evaluation projects: The Conciliation Project, and the EEOC Data and Analytics Modernization Program. See Appendix B for more detail.

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## XI. ADMINISTRATION AND SUPPORT

### A. Introduction

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

### B. 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 19,000 through FY 2023.

Table 12 below depicts the actual FOIA workload for FYs 2017 - 2019, and projections for the number of requests received, processed, and pending for FYs 2020 - 2023.

Based on actual FYs 2019 workload data, Table 12 projects the number of FOIA requests to be received each year from FY 2020 - 2023 as approximately 17,794 requests each year. Also based on FY 2019 data, the number processed each year is projected to be up to approximately 20,559, or the number of FOIAs in the Total Workload.

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

FY 2017 to FY 2023							
	FY 2017 (Actual)	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Est.)	FY 2021 (Est.)	FY 2022 (Est.)	FY 2023 (Est.)
Carryover Previous Year	2,175	3,516	3,698**	933	0	0	0
Receipts	19,003	19,062	17,794	17,794	17,794	17,794	17,794
Total Workload	21,178	22,578	21,492	18,727	17,794	17,794	17,794
Processed	17,662	19,134	20,559	18,727	17,794	17,794	17,794
Pending FOIA	3,516	3,444	933	0	0	0	0

\*May not add due to rounding

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

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

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

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

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

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

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

### Statutes Enforced

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

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

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

The EPA prohibits 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, and section 501 requires that federal employers undertake affirmative action on behalf of individuals with disabilities.

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

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

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

### Enforcement Methods

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

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

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

conciliation. If, however, the charge of discrimination involves allegations under Title VII, the ADA or GINA against a state or local government, the EEOC refers it to the Attorney General, who may file suit in federal court. The EEOC may bring its own suits alleging violations of the ADEA or EPA 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 ADEA; Section 501 of the Rehabilitation Act; the EPA; and Section 201 of GINA. These laws provide the EEOC with oversight responsibility, including the authority to maintain procedures used by federal departments and agencies in processing internal complaints of employment discrimination. In addition, the EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints.

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

### Data Reporting and Record Keeping

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

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

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

With respect to data-sharing with FEPA's, Title VII itself states that the EEOC may only give FEPAs information (including EEO-1 data) about employers in their jurisdiction on the condition that they *not* make it public prior to the institution of a proceeding under state or local law involving such information. The EEOC's current practice is to share EEO-1 data with a contracted FEPA only upon request and to share only EEO-1 data for an employer within the FEPA's jurisdiction and only when that employer is a respondent to a particular charge of discrimination cited by the FEPA in its data request. Title VII authorizes the EEOC to decline to honor a FEPA's subsequent requests for information if the FEPA violates Title VII's confidentiality requirements

#### Leadership and Coordination of Federal EEO Efforts

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

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

### **1. Agency Context**

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

The EEOC 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. In FY 2018, the Office of Inspector General (OIG) also assessed the agency's knowledge and use of data analytics strategies and capabilities and identified improvements, opportunities, and best practices for the EEOC's data analytics activities. The combined strategies will further develop the EEOC's capacity to use evidence, evaluation, and data tools to improve program outcomes. The data-related activities and projects detailed in the Commission's Research and Data Plan for 2016-2019 have now been superseded by the role of the Chief Data Officer, the Data Governance Board and the new Office of Enterprise Data and Analytics.

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

In April 2018, the EEOC established the agency's first Data Governance Board (DGB) to provide executive leadership and oversight for the development and implementation of the policies and processes which govern the collection or creation, management, use, and disclosure of EEOC data. The guiding principle of the EEOC's DGB is to ensure intra-agency data transparency to promote efficient and appropriate use of, and investment into, agency data resources.

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

The EEOC recognizes the importance of data-driven decision-making and the transformative role data can have to make the Federal government more efficient and to better serve the American people. However, the EEOC's current methods of data collection, reporting, and access are outdated, and inefficient and will require additional funding in FY 2020 in order to fulfill the President's call for agencies to create a "robust, integrated approach to using data to deliver on mission, serve customers, and steward resources." The agency's proposed FY 2020 funding request to modernize the EEOC's data and analytics directly supports all four strategies (Enterprise Data Governance; Access, Use, and Augmentation; Decision-Making and Accountability; and Commercialization, Innovation, and Public Use) contained in the President's Management Agenda goal of "Data, Accountability and Transparency: Creating a Data Strategy and Infrastructure for the Future.

## 2. Evaluation Projects

In FY 2019, the agency initiated two separate, but-related long-term evaluation projects: The Conciliation Project and the Employment Opportunity Project, to compliment the ongoing Data Analytics Modernization. Both of these projects will do their work with a cross-section of agency staff with expertise in a number of areas.

**The Conciliation Project** is designed to meet Congressional and stakeholder interest and to provide the agency with valuable information about one of its most important statutory functions: the conciliation of charges of discrimination where cause has been found. The project is expected to conduct an extensive review of the conciliation process and provide some comparative results.

**The Employment Opportunity Project** builds on the work mentioned above to Study the Effectiveness of Injunctive Relief but is designed to provide more and better information about job opportunities for the EEOC to access or direct employers to when resolving charges or cases.

**The EEOC's Data and Analytics Modernization Program:** Beginning in FY 2018 through 2019, 2020 and continuing into FY 2021, the goals of the modernization program – which align directly with the recently enacted Foundations for Evidence-Based Policymaking Act of 2018 – are to enhance transparency of agency functions and operations, reduce burden on our stakeholders, augment agency use of modern data analytics to drive data-driven decision making, and promote greater public access to the data.

Specific initiatives in phase one of the EEOC's Data and Analytics Modernization Program include:

***Modernize the EEOC's Surveys.*** Conducted by the EEOC with assistance from National Opinion Research Center (NORC) at the University of Chicago, a leading federal survey data contractor, this project focuses on modernizing the EEO-1, 3, 4, and 5 data collections. Over the next few years, a full review of the EEOC's current methods of data collection and reporting will be conducted with an eye toward identifying innovations and efficiencies that will ease the submission process and streamline reporting while also examining potential enhancements in content.

***Provide Secure Access to the EEOC's Restricted Data for Research and Statistical Purposes.*** To protect the EEOC's restricted-access data released for research purposes, the agency in collaboration with NORC at the University of Chicago is establishing a modern, secure, and privacy protected data enclave to ensure access to protected data for external researchers. The EEOC Data Enclave replaces the agency's use of the Intergovernmental Personnel Act (IPA) federal hiring authority previously utilized to allow researchers to access the EEOC's restricted, privacy protected data. The previous process – a two-decade old process – did not comply with the requirements of FISMA 2014 and presented serious

security and data protection issues that had to be addressed. It was discontinued in January 2018.

***Create and Disseminate Public Use Files and User-Friendly Data Query and Visualization Tool.*** This project enhances the transparency of agency functions and operations by facilitating and simplifying access to agency publicly releasable data by creating easily accessible public use files, documentation, and a state-of-the-art consumer-friendly data visualization and mapping tool.

***Data Inventory.*** As part of the EEOC's ongoing collaboration with NORC at the University of Chicago to design and build an EEOC Data Enclave, the agency will be constructing a comprehensive and thorough agency Data Inventory. An agency Data Inventory deliverable was provided to the EEOC in FY 2017. As of FY 2019, the Data Inventory is under review and revision in the Office of Enterprise Data and Analytics.

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

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

### **BACKGROUND**

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

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

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

### **METHODOLOGY**

In June 2018, updated risk profiles were submitted by each office to the Office of Enterprise Data and Analytics (OEDA). OEDA compiled the risk profiles and distributed them to ERSC members along with a risk scoring sheet. In August 2018, 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, OEDA employed a methodology that considered the likelihood and impacts of each identified risk. Likelihood considers a history of occurrences, change in policy, or lack of effective internal controls. 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 are 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 Table 1. 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. The EEOC FOIA Program statutory processing time limits (OLC-RP10): 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.
2. Private Sector Investigative Files (OFP-RP3): If private sector investigative files are not properly secured, then confidential information may be disclosed.
3. Release of Confidential Data (OEDA-RP25): If a secure mechanism is not established to allow researchers access to protected data, then the agency remains at increased risk of a data breach.
4. Human Resources (HR) Automation (OCHCO-RP19): If we don't automate HR systems, then there is an increased risk for untimely hires and appointments.
5. Electronic Official Personnel Folders (eOPF) (OCHCO-RP20): If personnel files are not scanned and uploaded into eOPF correctly, then there is an adverse impact on eOPF including delays in transferring information to gaining agencies and calculating proper annuity estimates.

<b>TABLE 1: RANKING OF RISKS</b>	
<b>RANK</b>	<b>AGENCY IDENTIFIED RISK</b>
1	The EEOC FOIA Program statutory processing time limits: If FOIA statutory timelines are not met, then a backlog will occur resulting in the delayed issuance of determination, acknowledgment and extension letters, and disclosure of responsive documents.
2	Private Sector Investigative Files: If private sector investigative files are not properly secured, then confidential information may be disclosed.
3	Release of Confidential Data: If a secure mechanism is not established to allow researchers access to protected data, then the agency remains at increased risk of a data breach.
4	Human Resources Automation: If we don't automate HR systems, then there is an increased risk for untimely hires and appointments.
5	Electronic Official Personnel Folders (eOPF): If personnel files are not scanned and uploaded into eOPF correctly, then there is an adverse impact on eOPF including delays in transferring information to gaining agencies and calculating proper annuity estimates.
6	Testing IMS enhancements: If the testing of IMS enhancements is inadequate, then a range of problems could occur.
7	Physical Security of Field Offices: If building/office safety protocols and equipment are not maintained, then staff members may be put in danger.
8	SPII Datasets: If SPII datasets are not properly secured, then there is an increased risk of data breach and potentially significant damage to the EEOC's reputation.
9	Unsupported software: If software applications exceed end-of-life maintenance support, then there is increased security and business risk.
10	Risk Management Process Tool (RMPT): If the EEOC fails to conduct the RMPT assessment, then it may result in security vulnerabilities, and jeopardize the EEOC workforce and visitors.
11	Negative publicity due to agency action: If the EEOC acts in a way that conflicts with what we ask others to do, then we could get negative publicity.
12	Receipt and report creation in ORACLE: If erroneous information is entered into ORACLE, then inaccurate financial reporting may occur.
13	Expert services contract approval: If we fail to obtain approval of contracts for expert services in time, then we may not meet court-ordered deadlines.

<b>TABLE 1: RANKING OF RISKS</b>	
<b>RANK</b>	<b>AGENCY IDENTIFIED RISK</b>
14	Understaffed Compliance Program: If OFO does not increase the number of Compliance Officers, then they will not be able to quickly process the large inventory of compliance cases and will delay giving equitable relief to stakeholders.
15	Two-Factor Authentication: If two-factor access to agency systems is not implemented, then there is an increased risk of unauthorized access.
16	Restrictive language on the EEOC appropriation: If Congress approves restrictive language on the EEOC appropriations, then that could restrict the agency from carrying out part of our enforcement responsibilities.
17	OEO non-compliance: If the agency fails to acknowledge and adhere to the responsibilities of the EEO Director, then the agency will not be in compliance with 29 CFR 1614.102.
18	Inappropriate use of library legal database: If the library legal database is used for impermissible purposes, then database access could be revoked.
19	Consent Decree Compliance: If we do 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.
20	Affirmative employment program staffing and resources: If the Agency fails to provide sufficient staffing and budget to the Office of Equal Opportunity (OEO), then OEO will fail to comply with agency guidance and regulations for EEO offices.
21	The EEOC FOIA Program may fail to issue reliable and timely FOIA reports: IF FOIA Xpress experiences technical problems, then it could result in delay or inability to issue reliable and timely FOIA reports.
22	Web-based data collection and analytic capabilities: If the EEOC continues its dependence on MS Excel/Word based data collection, then the agency risks ongoing errors, duplication of effort, lack of transparency, and collaboration within the Agency.
23	Lack of Investment in Business Intelligence Analytics: If we do not invest in Business Intelligence Analytics, then we will not be able to effectively oversee federal agencies, empirically analyze EEO issues, and spot statistically significant trends government-wide and at individual agencies.

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

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

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Audit of the Equal Employment Opportunity Commission's FY 2019 Financial Statements (OIG Report No. 2019-002-AOIG)</b>	November 19, 2019	<i>Failure to properly maintain supporting documentation of an undelivered order and failure to review the balance could lead to an over-or under-statement of the UDO balance and ultimately a misstatement in the Statement of Budgetary Resources:</i> Recommend that EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis.	Work in progress. Improve accountability for the Unliquidated Obligations Review (UDO) process by developing and implementing oversight procedures to promote accountability by the program offices and the proper administration of contract/obligation closeout procedure in accordance Federal Acquisition Regulations (FAR).  Develop/enhance a UDO review guide to assist those conducting the review.  Provide clarity and guidance on the types of documentation needed to support a decision to retain or de-obligate funds.
<b>Performance Audit of the EEOC Commercial Charge Card Program (OIG Report Number 2018-007-AOIG)</b>	May 31, 2019	Purchase Cards - the Administrative Officer or District Resources Manager should maintain documentation of all account closures electronically or in hard copy.  Travel Cards - The Charge Card Program Manager should maintain documentation of all account closures electronically or in hard copy.	Completed. <i>Test and validation required by the auditors.</i>  Work in Progress.
<b>Independent Evaluation of the U.S. Equal Employment Opportunity Commission's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (OIG Report Number 2018-004-AOIG)</b>	March 11, 2019	The OIT has not employed an automated mechanism that ensures full-encryption of sensitive data and Personally Identifiable Information (PII) on mobile devices.  The Office of Chief Human Capital Officer and OIT need to conduct a baseline assessment of the EEOC's cyber security workforce.  The OIT needs to analyze and resolve internal vulnerabilities.	Work in progress. OIT will execute sensitive data labels to further implement the data loss prevention controls within Microsoft 365 subscriptions, bolstered by the deployment of Windows 10 and exploration of available IT controls to adequately protect sensitive data from exfiltration. OIT is also implementing secure repositories for sensitive data within SharePoint, including for the purposes of receiving and sharing this data with external parties.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
			Completed: OIT has partnered with OCHCO to ensure EEOC compliance with the Federal Cyber-security Workforce Act of 2015; evaluated current position descriptions for existing OIT personnel and assessed against current role requirements while considering the National Initiative for Cyber-security Education framework.
<b>Evaluation of the EEOC's Data Analytics Activities Final Report (OIG Report Number 2017-02-EOIG)</b>	September 5, 2018	Consider new approaches, such as web-enabled and cloud-based solutions, to support expanding IT infrastructure needs of both the analytics team as well as analytical product users.	Work ongoing. EEOC Data and Analytics Modernization Program awarded Modernizing EEOC Surveys and Analytics contract to NORC to explore web-enabled and cloud-based solutions to support improved products and services to internal and external analytics customers. Contract awarded Sept. 24, 2018. Targeted completion date is September 23, 2021.
		Invest in modern reporting and visualization tools that allow for automated, customizable, visualization-enhanced reporting that effectively leverage a data warehouse.	Work on-going. EEOC Data and Analytics Modernization Program awarded <i>Modernizing EEOC Surveys and Analytics</i> contract to NORC to begin to modernize EEOC surveys and analytics including the development of customer friendly data reporting and visualization tools. Contract awarded September 24, 2018. Targeted date of completion is June 15, 2020.
		Establish a data warehouse to address data retention, versioning, and reporting needs.	Contract awarded September 24, 2018. EEOC Data and Analytics Modernization Program awarded Modernizing EEOC Surveys and Analytics contract to NORC to begin to modernize EEOC surveys and analytics including the development of an enterprise wide data enclave. Opening delayed due to government shutdown; new targeted date of completion is February 29, 2020
		Invest in the generation of new metrics that quantify opportunity costs and corresponding benefits of data collection and data assurance.	Ongoing. Development and implemented 396 Report Modernization Project as proof of concept. Target completion date is March 2020.

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Performance Audit of the Compliance with the Financial and Award DATA Submissions for the Second Quarter FY 2017 (OIG Report No. 2017-06-AOIG)</b>	November 15, 2017	<p>EEOC’s Senior Accountability Officer (SAO), or their designee, should create a quarterly assurance package that includes all the necessary elements in the OMB guidance.</p> <p>EEOC should perform additional reconciliations over Files C and D1 to determine the root cause of their differences, whether it is the known or a potential control issue with the data being submitted from the Contract Lifecycle Management (CLM) module.</p>	Both recommendations have been completed pursuant to OMB A-50. Testing and validation was completed by the auditors. An email from the Deputy IG for Audits received by the AFC on 11/7/19 stating OIG’s concurrence to closure. Closure of both items will be reflected during report period ending March 31, 2020.
<b>Independent Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2017 (OIG Report Number 2017-07-AOIG)</b>	December 18, 2017	<p>Recommend the EEOC OIT develop and implement a Trusted Internet Connection (TIC) program in accordance with Office of Management and Budget requirements to assist in protecting the agency’s network from cyber threats.</p> <p>Recommend EEOC OIT conduct an e-authentication risk assessment based on NIST SP 800-63-3 Digital Identity Guidelines suite, for the EEOC’s digital services and fully implement multi-factor authentication for logical and remote access enterprise-wide.</p>	<p>EEOC added Managed Trusted Internet Protocol Services (MTIPS) as an optional CLIN in the new GSA EIS contract, which is in the solicitation phase.</p> <p>OIT has implemented Microsoft-based MFA for Office 365 Global Administration. Completed.</p> <p>OIT has implemented multifactor authentication (MFA) using EEOC’s Personal Identify Verification (PIV) cards within a test environment and will be piloting PIV-based MFA for privileged users during FY 2018. Completed. OIT privileged accounts required device-based PIV MFA login.</p> <p>OIT will work with the Office of the Chief Financial Officer and Office of Field Programs to initiate implementation of PIV-based MFA enterprise-wide during the fiscal year. Target date of completion is September 30, 2020.</p>
<b>Independent Evaluation of the U.S. Equal Employment Opportunity Commission’s Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) (OIG Report Number 2016-08-EOIG)</b>	January 4, 2017	EEOC OIT should review and analyze critical, high, and medium vulnerabilities. These vulnerabilities should be resolved to avoid compromise of EEOC’s systems; or the agency should document acceptance of the risk or reclassification of the risk.	Work in progress. Document Management System (DMS) is being retired. Share Point will replace software powering inSite and <a href="http://www.eeoc.gov">www.eeoc.gov</a> .

<b>Audit Report Name Month and Year Report was Issued</b>	<b>Date of Report</b>	<b>Recommendation</b>	<b>Implementation Status</b>
<b>Independent Evaluation of U.S. Equal Employment Opportunity Commission Compliance with Provisions of the Federal Information Security Management Act (FISMA) (OIG Report Number 2014-08-EOIG)</b>	December 16, 2014	<p>Implementation of background checks for student interns to ensure that international visas are current.</p> <p>Development of policies and procedures to properly manage physical security access cards.</p>	<p>Work in progress. The draft policy on Exempt Category Positions (interns, volunteers, short-term contractors and pro bono attorneys/mediators) has been completed and is with the OCHCO.</p> <p>Work in progress. The credentialing and physical security access policy is being re-written due to the recent installation of an Enterprise Physical Access Control System.</p>
<b>Performance Audit of the Agency's Personnel Security Program (OIG Report Number 2013-08-PSA)</b>	September 15, 2014	<p>Develop and implement policies and procedures to address the safeguarding, transfer, storage, or disposal of classified information. The policy should include the requirements for Memorandum of Understanding between agencies.</p> <p>Implement a formalized training program for individuals who use classified information as a part of their duties. If an external agency is to assume the responsibility of training these individuals, this agreement should be documented in an MOU.</p> <p>Immediately correct any known weaknesses. If EEOC determines not to correct a noted weakness, EEOC should document this analysis and their acceptance of the associated risk.</p>	<p>Work in progress. Policies and procedures were developed in draft to address the safeguarding, transfer, storage, or disposal of classified information. Finalizing the policy is not recommended if we do not have a security clearance process - outside of the CIA granting "special access" for their classified EEO case files.</p> <p>Training slides are complete and are included in the draft policy. However, additional review from Intel Agencies Security officer is required. OCHCO is obtaining authority from the Office of the Director of National Intelligence (ODNI) to grant security clearances; there is training that the two Personnel Security Specialists must complete. OCHCO has submitted their investigation packages and currently awaiting the interim Top-Secret Determination.</p> <p>Weaknesses have been corrected. The IP Security Cameras, Enterprise Physical Access Control Systems, and Ballistic Glass Transaction Windows have been added. Contract, and Project Schedules are available for review and evidence of completion. The first Interagency Security Committee (ISC) Compliance Report was issued the weekend of December 12, 2019.</p>



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