



# FY 2009

## Congressional Budget Justification

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Submitted to the Congress  
of the United States,  
February 2008



*Fiscal Year 2009  
Congressional Budget Justification*

*U.S. Equal Employment  
Opportunity Commission*

*FEBRUARY 2008*

*Submitted to the  
Congress of the United States*



## **OUR VISION**

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***A Strong and Prosperous Nation  
Secured Through a Fair  
and Inclusive Workplace***

## **OUR MISSION**

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***We Promote Equality of  
Opportunity in the Workplace and  
Enforce Federal Laws Prohibiting  
Employment Discrimination***



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**I. INTRODUCTION**

**A. Fiscal Year 2009 Performance Budget Highlights**

The U.S. Equal Employment Opportunity Commission (EEOC) is requesting a budget of \$341,925,000 for fiscal year 2009. This request represents an increase of \$12.625 million from the fiscal year 2008 appropriation.

This fiscal year 2009 performance budget request integrates with our modified Strategic Plan to continue our long-held standard of providing quality service to the public through enforcement and prevention activities. Our enforcement and prevention efforts are captured under our Strategic Objective, *Justice, Opportunity and Inclusive Workplaces*, which is described more fully in Section II.B., the performance section of this document.

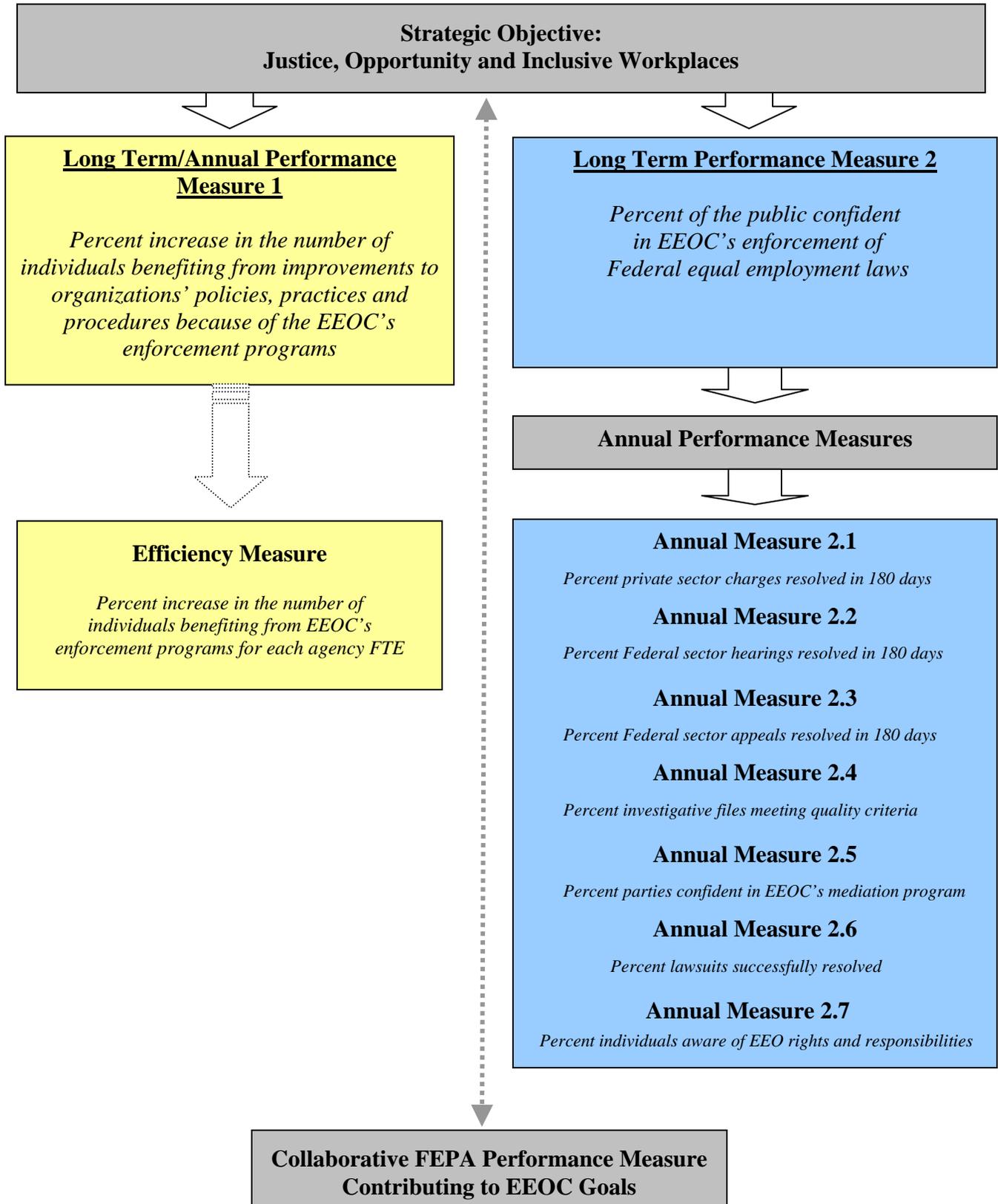
**B. Modified Strategic Plan and Budget Structure**

The structure of the performance budget for fiscal year 2009 is based on our modified Strategic Plan for fiscal years 2007 through 2012. Correspondingly, this performance budget aligns with the agency's Strategic Objective of *Justice, Opportunity and Inclusive Workplaces*. The modified Strategic Plan provides the roadmap for the agency to position itself for the future.

The modified Strategic Plan builds upon what the agency has accomplished to improve its operations. It seeks to maintain the agency's momentum by continuing measures to prevent discrimination; continuing to use Alternative Dispute Resolution (ADR); developing a more strategic focus in our enforcement, litigation and federal programs; continuing a strategy to focus on race and color discrimination through our new E-RACE Initiative (Eradicating Racism And Colorism from Employment); and ensuring the effective and efficient functioning of the agency's internal operations.

At the beginning of fiscal year 2007, we issued a new Strategic Plan, which emerged from the agency's Program Assessment Rating Tool (PART) review conducted in 2006. During fiscal year 2007, the agency reassessed the plan's structure in order to implement the improvement plan developed under the PART process. This effort resulted in modifications we made to the Strategic Plan. In Section II.B., the Performance Section of this budget request, we elaborate on the alignment of this modified strategic approach for our Strategic Plan, the PART review, the modifications to our performance measures, and the steps we have taken to implement the improvement plan. We also describe our Strategic Objective and its relationship to the EEOC's expected long-term outcomes, annual performance measures and our budget request (see chart on Strategic Overview on the next page). Our integrated strategy demonstrates the EEOC's impact on creating fair and inclusive workplaces across the United States.

**STRATEGIC PLAN OVERVIEW**



**C. Chair's Priorities**

EEOC is first and foremost an enforcement agency responsible for accepting charges of employment discrimination from members of the public. By utilizing our investigation and mediation processes to achieve an appropriate resolution or to pursue conciliation or litigation, where discrimination is found, and by providing an adjudicative process for discrimination complaints of federal employees, we are continually focusing on ways to improve our processes while ensuring the quality and integrity that the public expects. EEOC has a long-held standard of providing quality service to the public that is prompt, responsive, and professional. Our other program priorities are Eradicating Racism And Colorism from Employment (E-RACE); providing support to enforcement and litigation activities to combat systemic discrimination; filing high-impact litigation that prompts changes across the entire workplace sectors; adjudicating appeals from administrative decisions made by federal agencies on complaints of employment discrimination; and significantly increasing the representation of persons with disabilities employed in the federal government through the Leadership for the Employment of Americans with Disabilities (LEAD) Initiative.

**D. Meeting the Chair's Priorities**

**Justice, Opportunity and Inclusive Workplaces**

In fiscal year 2009, we will have a fully staffed in-house customer response operation. We plan to hire investigators, attorneys and support staff to address the growing charge inventory. We remain steadfast in our efforts to monitor our inventory, identify additional ways to enhance efficiencies, and maintain the public's trust in our enforcement of this country's civil rights laws.

While people of color have made employment gains over the last few decades, now working in virtually every field and with opportunities increasing at every level, we are finding that race and color discrimination are still very much alive in the American workplace and significant work remains to be done. According to a 2005 national survey conducted by a division of Hudson Highland Group, a worldwide professional staffing firm, one in five professionals knows someone who suffered inequity on the job. Additionally, we are also seeing a growing trend of nooses in the workplace, creating a hostile work environment for people of color. The persistence of race and color discrimination compels the agency to maintain its emphasis on E-RACE. EEOC will utilize outreach efforts with stakeholder organizations to promote a dialogue on particular workplace issues or topics in the race and color context. Additionally, through our enforcement and litigation efforts, we will pursue charges for priority, novel or emerging legal issues in the context of race and color discrimination.

Our litigation program is an important part of our overall enforcement of the law. We seek to maximize the impact of our lawsuits through various means, including obtaining relief for multiple aggrieved individuals and securing broad-based, prospective relief to prevent the recurrence of discrimination. A strong litigation program also provides an incentive for the early resolution of a charge during the agency's administrative enforcement process in the pre-cause

determination and mediation process and in the conciliation process. We also believe that publicity of high-impact litigation and other cases helps to foster a greater level of voluntary compliance with the laws we enforce. In addition, a strong systemic program is crucial to the elimination of instances of pattern or practice, policy and class discrimination which has a broad impact on an industry, profession, company or geographic location.

Our federal sector program has a unique role in ensuring that all federal applicants and employees have the freedom to compete in the federal workplace on a fair and level playing field. Our hearings and appellate enforcement efforts, along with our monitoring, guidance and assistance activities, help us achieve our purposes. We will continue efforts to effectively manage our hearings and appeals inventory and manage average processing times by leveraging technology and partnering with agencies to improve efficiency. For example, we hope to build on the success of EEOC's Document Management System, which has digitized all documents pertaining to federal sector appeals, by partnering with more federal agencies in an effort to increase the electronic submission of appellate documents.

We will sustain several key outreach initiatives, as part of our proactive prevention efforts. Beyond the E-RACE outreach discussed above, our outreach initiatives include the Small and Mid-sized Employer Initiative and Youth@Work Initiative. We will continue our fee-based training as well as our outreach, education and technical assistance programs to meet the needs of diverse audiences and will partner with the employer community and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

During fiscal year 2006, the agency launched the Leadership for the Employment of Americans with Disabilities (LEAD) Initiative, which is focused on significantly increasing the representation of persons with disabilities employed by the federal government. The agency will partner with federal sector stakeholders to devise new strategies to improve the participation rate. LEAD supports other administration efforts to help federal hiring officials understand the tools available and their roles in the recruitment of individuals with disabilities.

In addition to these specific initiatives, we will continue to issue and revise regulations and sub-regulatory documents, such as enforcement guidance and technical assistance publications, in response to trends in the development of the law and stakeholder needs. Regulations and sub-regulatory documents issued by the agency serve three important purposes. Traditionally, they have guided EEOC investigators and attorneys who process or litigate charges of employment discrimination. Additionally, employers and members of the public have looked to these publications to understand their rights and responsibilities under the law. Finally, agency interpretations of the EEOC laws have sometimes been looked to by courts when resolving novel or complex issues.

Lastly, we will continue to provide fee-based training, as well as other outreach and technical assistance to federal agencies in their compliance with MD-715, and their efforts in building a model EEO program. By expanding our relationship management project, we will work with federal agencies to promote workplace policies and practices that foster an inclusive work culture and prevent employment discrimination.

## **Pursuing Organizational Excellence**

Late in fiscal year 2007, a decision was made to transfer the customer response operation from a contracted national contact center to a dedicated in-house customer service team staffed by government employees. The Commission will locate this function at 15 current EEOC locations within the jurisdictions of its 15 district offices. A migration study was completed to lay out the requirements for staff, technology, facilities and related funding for fiscal years 2008 through 2012. The in-house customer service team will be fully operational as we enter fiscal year 2009. This budget request includes a funding increase for up to 66 additional full-time staff for the in-house customer service team, and the recurring cost of technology (hardware, software and data/voice communications).

Over the past several years, the EEOC has completed several major information technology (IT) projects that have streamlined internal processes, reduced paperwork burden, integrated data, advanced our technological infrastructure, and allowed the agency to conduct business more efficiently. In fiscal year 2007, we improved data analysis and integrity by integrating employer data collected by our EEO-1 Reporting System with the private sector charge data collected in our Integrated Mission System (IMS). As a result, the agency is able to match employer data characteristics and statistics with our repository of employment discrimination charges to assist in our systemic targeting and investigation efforts. We also incorporated the federal appeals process and data into the IMS, thereby retiring the old stand-alone legacy system that previously supported these functions. To advance our technological infrastructure, we replaced all of our field offices' personal desktop computers with securely configured laptops and docking stations, thereby improving our telework capabilities and pandemic preparedness. We also expanded usage of video streaming, using this technology to conduct depositions and external hearings, provide remote interpretive services, conduct remote training, and improve collaboration/communication across our multiple office locations. The implementation of Knowledge Management continues to be a priority for the agency. Therefore we are completing studies and developing business cases to support our need for future funding of these critical technology initiatives. In fiscal year 2008, the EEOC will maintain our critical technology infrastructure, but will not undertake new projects or expand current services.

Finally, working with our shared service provider, the Department of the Interior, National Business Center, we migrated to a new financial system on October 1, 2007. Also, conversion to a new approved e-travel vendor and a new SMARTPAY II vendor for the purchase and travel card program is planned.

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**E. Staffing and Funding Profile**

Table 1 below displays the EEOC's total agency staffing and funding profile by Strategic Objective and Program for fiscal years 2007 through 2009.

**Table 1: Total Agency Staffing and Funding Profile  
(Dollars in thousands\*)**

	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Request)</b>	<b>Change From FY 08 (+/-)</b>
<b>Strategic Objective – Justice, Opportunity and Inclusive Workplaces</b>				
1. Private Sector Enforcement	\$251,270	\$252,672	\$268,437	\$15,765
State and Local	\$29,966	\$29,140	\$26,000	\$(3,140)
2. Federal Sector Enforcement	\$47,150	\$47,488	\$47,488	\$0
<b>Agency Total</b>	<b>\$328,386</b>	<b>\$329,300</b>	<b>\$341,925</b>	<b>\$12,625</b>
<b>Total Full Time Equivalents</b>	<b>2,157</b>	<b>2,381</b>	<b>2,556</b>	<b>175</b>

\*may not add due to rounding

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**F. Analysis of Change**

**Fiscal Year 2009**  
(Dollars in thousands\*)

	<b>FTE</b>	<b>Amount</b>
<b>Fiscal Year 2008 - Includes Reimbursable FTE from Revolving Fund</b>	2,381	\$329,300
<b>Compensation and Benefits</b>		
1. Annualization of FY 2008 Pay Raise (3.5%)		1,962
2. FY 2009 Pay Raise (2.9%)		5,623
<b>New Hires</b>		
3. In-house Customer Response Function (66)	175	7,600
4. Field and Headquarters (i.e., investigators, attorneys, office support) Staff (109)		
<b>5. Information Technology</b>		
Provides funding increases for customer response systems		580
<b>6. State and Local Program</b>		(3,140)
<b>FY 2009 Request - Includes reimbursable FTE from Revolving Fund</b>	<b>2,556</b>	<b>\$341,925</b>
<b>Total Net Change FY 2008 - 2009</b>		<b>12,625</b>

\*may not add due to rounding

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**G. Analysis of Change - Highlights**

<b>Changes</b>	<b>FTE</b>	<b>Amount (\$000)</b>
<p><b>1. Annualization of FY 2008 Compensation and Benefits</b></p> <p>Provides for annualization of the FY 2008 pay raise of 3.5% that is effective January 2008.</p>		\$1,962
<p><b>2. FY 2009 Pay Raise</b></p> <p>Provides 2.9% pay raise, including locality pay and general pay raise, effective January 2009 for three-quarters of the fiscal year plus benefits consistent with Administration policy.</p>		\$5,623
<p><b>New Hires</b></p> <p>3. In-house Customer Response Function for the full year</p>	66	\$3,055
<p>4. Field and Headquarters (i.e., investigators and attorneys, office support) Staff</p>	109	\$4,545
<p><b>5. Information Technology</b></p> <p>Provides funding increase for customer response systems</p>		\$580
<p><b>6. State and Local Program</b></p>		(\$3,140)
<b>Total Net Change FY 2008 – FY 2009</b>	175	\$12,625

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**H. Appropriation Language**

U.S. Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, 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 not to exceed [\$29,140,000] \$26,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, [\$329,300,000] \$341,925,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 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 House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act] *Chair is authorized to accept and use any gift or donation to carry out the work of the Commission. (Department of Commerce Appropriations Act, 2008.)*

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## **II. STRATEGIC OBJECTIVE – JUSTICE, OPPORTUNITY AND INCLUSIVE WORKPLACES**

### **A. Introduction**

The budget request for fiscal year 2009 is \$341,925,000. The EEOC is the nation's primary enforcer of civil rights employment laws, which prohibit discrimination on the basis of race, national origin, color, religion, sex, age, and disability. The agency was created in 1964 for the purposes of resolving charges of discrimination and securing relief for victims of discrimination. More than 40 years later, the public continues to rely on the Commission to carry out these fundamental responsibilities and bring justice and opportunity to the workplace. Our fight against discrimination goes beyond enforcing the law. The best way to combat workplace discrimination is to prevent it from happening in the first place. Educating employers and workers about their rights and responsibilities under the law is the first step toward promoting an inclusive workplace, where all workers are judged on their talents and abilities without regard to any protected characteristic. Our efforts in fiscal year 2009 will continue to make both enforcement and outreach activities supportive of each other.

EEOC's major programs and activities are investigating and resolving charges of discrimination; litigating complaints of systemic discrimination; conducting hearings, resolving appeals of discrimination complaints, and promoting equal employment opportunity in the federal workforce; and, educating the public about its rights and responsibilities. All of these programs and activities are done in the service of four shared goals:

- remedying and deterring unlawful employment discrimination;
- increasing public confidence in the fair and prompt resolution of employment discrimination disputes;
- increasing voluntary compliance with the Federal equal employment laws; and,
- increasing individual awareness and understanding of rights and responsibilities.

Our performance structure and requested funding will enable us to strive toward meeting the goals and measures we have adopted, which include our two long-term performance measures, seven annual performance measures, and one efficiency measure in our modified Strategic Plan for fiscal years 2007 through 2012. We discuss each performance measure in Section B.

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Table 2 outlines our budget information under our Strategic Objective for the agency's enforcement and outreach programs for fiscal years 2007 through 2009. Our performance measures, the agency's activities, and the requested budget are described in more detail in subsequent sections.

<b>Table 2: Fiscal Year 2009 Budget Request by Program Element (Dollars in thousands*)</b>			
	<b>FY 2007 Actual</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Request</b>
<b>Private Sector Enforcement</b>	\$269,598	\$271,312	\$285,437
<b>Administrative Charge Processing</b>	\$161,259	\$162,909	\$176,081
<b>Mediation</b>	\$22,120	\$22,380	\$22,962
<b>Litigation</b>	\$56,223	\$56,883	\$60,394
<b>State and Local</b>	\$29,996	\$29,140	\$26,000
<b>Federal Sector Enforcement</b>	\$47,150	\$47,488	\$47,488
<b>Hearings</b>	\$27,332	\$27,432	\$27,432
<b>Appeals</b>	\$14,864	\$15,043	\$15,043
<b>Mediation</b>	\$1,165	\$1,179	\$1,179
<b>Oversight</b>	\$3,789	\$3,834	\$3,834
<b>Outreach (Non-fee based)</b>	\$11,638	\$10,500	\$9,000
<b>Total</b>	<b>\$328,386</b>	<b>\$329,300</b>	<b>\$341,925</b>

\*may not add due to rounding

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**Table 3 – Object Class Schedule**

Requirements by Object Class (Dollars in thousands*)			
<b><u>OBLIGATIONS BY OBJECT CLASS (\$000)</u></b>	<b><u>FY 2007</u></b> <b><u>Actual</u></b>	<b><u>FY 2008</u></b> <b><u>Estimate</u></b>	<b><u>FY 2009</u></b> <b><u>Request</u></b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$167,812	\$184,711	\$199,597
11.3 Other than FTP	6,090	6,442	6,645
11.5 Other personnel compensation	1,626	993	1,024
<b>Total Personnel Compensation</b>	<b>175,528</b>	<b>192,146</b>	<b>207,266</b>
12.1 Civilian personnel benefits	44,574	47,265	48,741
13.1 Benefits to former personnel	67	50	50
<b>Total Compensation and Benefits</b>	<b>220,169</b>	<b>239,461</b>	<b>256,057</b>
21.1 Travel of persons	3,382	1,550	1,761
21.1 Litigation travel	493	463	550
22.0 Transportation of things	0	1	1
23.1 Other rent/communications	7,282	7,350	7,400
23.2 Rental payment to GSA	26,096	28,600	28,640
24.0 Printing and reproduction	265	161	171
25.0 Other services	31,935	12,843	11,920
25.0 Litigation support	2,968	2,537	2,600
25.0 State & Local contracts	29,195	29,140	26,000
25.0 Security services (including DHS)	2,761	3,800	4,400
26.0 Supplies and materials	3,081	2,780	2,000
31.0 Equipment	759	614	425
<b>Total Other Objects</b>	<b>108,217</b>	<b>89,839</b>	<b>85,868</b>
<b>Agency Total</b>	<b>\$328,386</b>	<b>\$329,300</b>	<b>\$341,925</b>
<b>Full Time Equivalents (FTE)</b>	<b>2,137</b>	<b>2,381</b>	<b>2,556</b>

\*may not add due to rounding

**B. Performance Measures and Results**

The current Strategic Plan, issued at the beginning of fiscal year 2007 after extensive internal review under the Government Performance and Results Act of 1993, covers the six year period from fiscal year 2007 through fiscal year 2012. Also, for the first time, OMB assessed the EEOC in fiscal year 2006 using its Program Assessment Rating Tool (PART), reviewing the agency's planning and performance measurement approach. As a result of its review, OMB rated the agency as *Results Not Demonstrated*, primarily because the agency's approach in its former Strategic Plan was deemed insufficient to measure performance.

These simultaneous reviews had a significant impact on the structure of our current Strategic Plan and the agency's performance measures. A new measurement structure and approach was developed during our PART review that will enable us to enhance our program and the services we deliver to the public. The improvement plan developed with the PART focuses on three broad areas: 1) identifying and implementing challenging annual targets and final outcome goals for all agency performance measures; 2) developing methods for measuring the performance of the collaboration of EEOC and state and local partners; and 3) continuing to implement structural changes and other recommendations to improve efficiency and effectiveness of the program.

During fiscal year 2007, we began to address all three elements in our PART improvement plan. We engaged in an extensive agency review of the performance measures initially included in the agency's PART evaluation and modified our Strategic Plan. The Strategic Plan we issued at the beginning of fiscal year 2007 addressed the first element of the improvement plan. The review during fiscal year 2007 resulted in a modified Strategic Plan and the performance measurement structure displayed on page 2. (Also, see Appendix A, *Interim Adjustments to the Strategic Plan*, on page 55 for a description of the specific modifications made to the Strategic Plan.) We are continuing to review specific performance targets and final goals for a few remaining measures and current data collection efforts will enable us to identify them in fiscal year 2008.

Additionally, we met with our Fair Employment Practices Agency (FEPA) partners in June 2007 and began a discussion about developing an approach that would identify one or more ways to appropriately measure their contributions toward the achievement of EEOC's strategic goal and its mission. We have continued that dialogue with a workgroup comprised of EEOC and FEPA representatives; working collaboratively to address this issue, so that we can fulfill the requirements of the second element of our PART improvement plan. One of the revisions we made to the performance measurement graphic of our Strategic Plan, displayed on page 2, was to add a placeholder for the FEPA measure(s) once they are developed.

Our modified performance structure and the performance measures are described in the following pages. The resources requested in this performance budget are focused on maintaining the reach of our enforcement and outreach programs and promoting public confidence in our ability to resolve charges of discrimination in a timely, accurate, and consistent manner. We will measure our success by assessing the number of individuals benefiting from our enforcement programs and by assessing the public's confidence in our enforcement of federal equal employment laws.

**Long-Term/Annual Measure 1**

Long-Term/Annual Measure 1

By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs increases by TBD%.

	2007	2008	2009	2010	2011	2012
Target	Establish Baseline	TBD	TBD	TBD	TBD	TBD
Results	1,626,000 individuals					

TBD = To Be Determined

We believe it is important to measure our success by looking beyond the monetary and equitable relief we secure through our enforcement actions. This combined long-term/annual measure focuses on tracking the improvements that are made in the workplace as a direct result of our enforcement programs. We selected this measure because, when we secure changes in employment policies, practices and procedures through our enforcement programs, we have a positive impact not only on the immediate victims of discrimination, but also on all individuals in the affected workplace. Through organization-wide changes, individuals benefit from a more inclusive workplace and have greater opportunities to compete on a level playing field. With the agency's renewed emphasis on combating systemic discrimination, we expect to make significant increases over time in the number of individuals who benefit from our enforcement activities.

Long Term/Annual Measure 1 was developed to focus on all enforcement services we provide to the public that result in workplace benefits. These results include benefits obtained from administrative resolutions (including mediation), litigation resolutions, and federal sector hearings and appeals resolutions. Beginning in fiscal year 2005, we began collecting data on the number of individuals benefited through private sector administrative resolutions (including mediations) only. Based on the experience with collecting this private sector data, we adapted similar data collection approaches and collected the data for our litigation and federal sector programs. We established our baseline for this measure as approximately 1,626,000 individuals who benefited from improvements to their organizations' policies, practices and procedures as a result of all of our enforcement programs' efforts during fiscal year 2007; meeting our performance target for the year. During fiscal year 2008, we will identify the targets and our final goals for fiscal year 2012 for the percentage increase in the number of individuals benefited each year, and then implement strategies to achieve them throughout the period.

**Efficiency Measure**

Efficiency Measure                      By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs for each agency FTE increases by TBD%.

	2007	2008	2009	2010	2011	2012
Target	Establish Baseline	TBD	TBD	TBD	TBD	TBD
Results	753.5 individuals					

TBD = To Be Determined

Enhancing the number of people benefited for each EEOC Full-Time Equivalent (FTE) position demonstrates our efficiency, because over 70% of the agency's budget is dedicated to compensation and benefits. The correlation to our FTE level is appropriate because it recognizes that our staff is the direct contributor to positive change in the workplace and that staff levels are susceptible to change. We believe that this measure will be a compelling indicator of the efficiency of our operations.

This entirely new area of measurement relies on data on the number of individuals benefited by our enforcement programs, which are collected for Long-Term/ Annual Measure 1. The number of individuals benefited in fiscal year 2007 was approximately 1,626,000. As of the end of the fiscal year, our FTE was 2,158. Therefore, our baseline for this measure is 753.5 individuals benefited in fiscal year 2007 per agency FTE; meeting our performance target for this measure, also. During fiscal year 2008, we will identify the yearly targets and final goal for fiscal year 2012, and implement strategies to achieve them throughout the period.

**Long-Term Measure 2**

Long-Term Measure 2                      By FY 2012, the public rates its confidence in EEOC's enforcement of federal equal employment laws at TBD% or higher.

	2007	2008	2009	2010	2011	2012
Target	Establish Baseline	TBD	TBD	TBD	TBD	TBD
Results	47.8%					

If the public is aware of our enforcement activities and believes that we have handled discrimination complaints effectively, they will be more likely to rely on us to investigate, mediate, litigate, adjudicate a federal complaint, and otherwise resolve allegations of

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discrimination. Additionally, if the agency’s reputation is one of a fair and responsible enforcer of the civil rights employment laws, then employers, attorneys and other members of the public will be more likely to defer to our assessment of discrimination complaints and commit to voluntary compliance through mediation, settlement or conciliation.

To identify a baseline value for the public’s confidence in the agency’s enforcement of the federal equal employment laws, the agency engaged a reputable private organization to conduct a survey in fiscal year 2007 of a representative sample of individuals nationwide. The survey results demonstrated that 47.8% of individuals responding have confidence in EEOC’s ability to enforce federal equal employment laws; meeting the fiscal year performance target. Using this baseline value, in fiscal year 2008, the agency will establish annual target values and its final goal for fiscal year 2012 and design and implement strategies to achieve them.

Annual Measure 2.1      At least 75% of private sector charges are resolved in 180 days or fewer by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	72%	72%	73%	73%	74%	75%
Results	55.7%					

Annual Measure 2.2      At least 54% of federal sector hearings are resolved in 180 days or fewer by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	50%	50%	50%	52%	53%	54%
Results	42.8%					

Annual Measure 2.3      At least 70% of federal sector appeals are resolved in 180 days or fewer by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	60%	62%	64%	68%	68%	70%
Results	60.7%					

Annual Measures 2.1, 2.2, and 2.3 focus on the resolution of private sector charges, federal sector hearings, and federal sector appeals. In recognition of the maxim that justice delayed is justice denied, these measures ensure the timely resolution of complaints in each of our major complaint handling activities. The goal of resolving private sector charges within 180 days is important to containing the overall average charge processing time. It also balances the need to devote the necessary time and attention to charges that present meritorious or complex

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claims and to remedy discrimination where it is found. The goals of resolving federal sector hearings and federal sector appeals within 180 days reflect our commitment to continue the timely handling of federal sector complaints.

For fiscal year 2007, we did not meet the target for Annual Measure 2.1 and Annual Measure 2.2. For Annual Measure 2.1, we achieved a rate of 55.7% of our private sector resolutions being processed within 180 days, which falls below the target of 72%. Similarly, for Annual Measure 2.2, 42.8% of our federal sector resolutions were processed within 180 days, while the target was 50%. We have very ambitious targets for both of these measures through fiscal year 2012. Although we did not achieve our fiscal year 2007 targets, we will be working to develop new strategies to address the gap, where possible. For example, our pending private sector inventory was 39,946 charges at the end of fiscal year 2006 and, by the end of fiscal year 2007, it was 54,970 charges. A growing inventory of private sector charges will make it more difficult to meet the future performance targets for Annual Measure 2.1. With the additional hires included in the funding requested for fiscal year 2009, we will be able to resolve more charges and slow the growth of the inventory, thus helping us address charges more promptly.

For Annual Measure 2.3, with our 60.7% result for fiscal year 2007, we met our 60% target of resolving federal sector appeals within 180 days or fewer. For fiscal year 2008, we are increasing our target to 62% to continue to address forcefully the timeliness of our appeals workload.

Annual Measure 2.4      At least 93% of investigative files meet established criteria for quality by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	88%	90%	90%	91%	92%	93%
Results	93.5%					

Annual Measure 2.4 ensures that investigative files meet quality standards. A large proportion of sampled investigative files reviewed must meet two critical quality criteria: 1) the appropriate charge categorization supports the actions taken on the charge, and 2) the file documentation supports the resolution of the charge. This measure and the yearly targets are intended to ensure that we do not complete our work quickly at the expense of performing our work well. The result for this measure, 93.5% of the files meeting the quality standard, exceeds the 88% target for fiscal year 2007. For fiscal year 2008, we are increasing the target to 90% and maintaining it at this level for fiscal year 2009. In the future, we will increase the annual targets in order to achieve our goal of 93% for fiscal year 2012.

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Annual Measure 2.5 At least 95% of respondents and charging parties report confidence in EEOC's private sector mediation/ADR program by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	90%	91%	92%	93%	94%	95%
Results	95.8%					

Annual Measure 2.5 focuses on the EEOC's mediation/ADR program. We recognize that the public's confidence in our mediation program has a significant impact on its perception of the EEOC as a whole. We obtain results for this measure by surveying participants in EEOC's mediation program and tabulating responses about their confidence in using the program. This measure has been used by the agency since 2003, so we have significant trend data upon which to base our targets. The confidence level in this program is consistently high. It is critical to attain a high level of confidence in the program because it helps convince participants, particularly employer representatives, of the value of alternative dispute resolution. For fiscal year 2007, 95.8% of those surveyed expressed confidence in our private sector ADR program, which exceeded our 90% annual target. For fiscal year 2008, we are increasing our target to 91% and will continue to increase it gradually to meet our final goal of 95% by fiscal year 2012.

Annual Measure 2.6 At least 90% of EEOC lawsuits are successfully resolved during the period ending in FY 2012.

	2007	2008	2009	2010	2011	2012
Target	90%	90%	90%	90%	90%	90%
Results	91.5%					

Annual Measure 2.6 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success on this measure will ensure that we continue to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As our systemic litigation program gets underway, this measure remains significant because the achievement of success in systemic cases is challenging and resource-intensive. We revised our methodology for this measure from a 6-year rolling average of successful resolutions to a more limited 3-year rolling average, while maintaining the same high target, to make the measure more ambitious. Our litigation success rate for fiscal year 2007 alone is 89.5% and the 3-year rolling average success rate is 91.5%. We are maintaining this 90% target for subsequent years.

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Annual Measure 2.7                      At least TBD% of individuals demonstrate an awareness of their equal employment opportunity rights and responsibilities by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	Establish Baseline	TBD	TBD	TBD	TBD	TBD
Results	45.6%					

TBD = To Be Determined

Annual Measure 2.7 focuses on ensuring that individuals understand their EEO rights and responsibilities under the statutes enforced by the EEOC. We believe that individuals who know their rights and their responsibilities are more likely to properly identify discriminatory behaviors at the workplace and know what to do about them. In addition, we believe it is equally important for individuals, who are responsible for workplace policies, practices, and procedures, to have the information they need to critically assess whether their workplaces are contributing to a discriminatory environment and what their responsibilities are for correcting discriminatory conduct. As indicated for our Long Term Measure 2, the agency engaged a reputable private organization to conduct a survey in fiscal year 2007 of a representative sample of individuals nationwide. The survey results demonstrated that 45.6% of individuals responding demonstrated an awareness of their equal employment opportunity rights and responsibilities. Using this baseline value, in fiscal year 2008 the agency will establish annual target values and its final goal for fiscal year 2012, and design and implement strategies to achieve them.

**Collaborative FEPA Measure Contributing to EEOC Goals**

	2008	2009	2010	2011	2012	
Target	TBD*	TBD	TBD	TBD	TBD	
Results	Baseline					

\* TBD = To Be Determined

Our PART review by OMB in fiscal year 2006 concluded that the EEOC needed to measure the contribution its Fair Employment Practices Agency (FEPA) partners make toward achieving our Strategic Objective and our performance objectives. In June 2007, during our annual training conference with our FEPA partners, we began to share information and establish a dialogue to develop a method for assessing how the FEPAs' activities affect our ability to successfully achieve our goals. Since the conference, we have established a workgroup comprised of EEOC and FEPA staff to address the issue. The group's objective is to develop one or more measures using information collected from the FEPA community. The information will help us and the FEPAs improve our cooperative relationship and common interest in improving the enforcement of our respective employment discrimination laws. For fiscal year 2007, the agency did not measure this FEPA performance contribution. We will implement a measurement program during fiscal year 2008 and begin to measure and report on the results achieved under our Strategic Plan.

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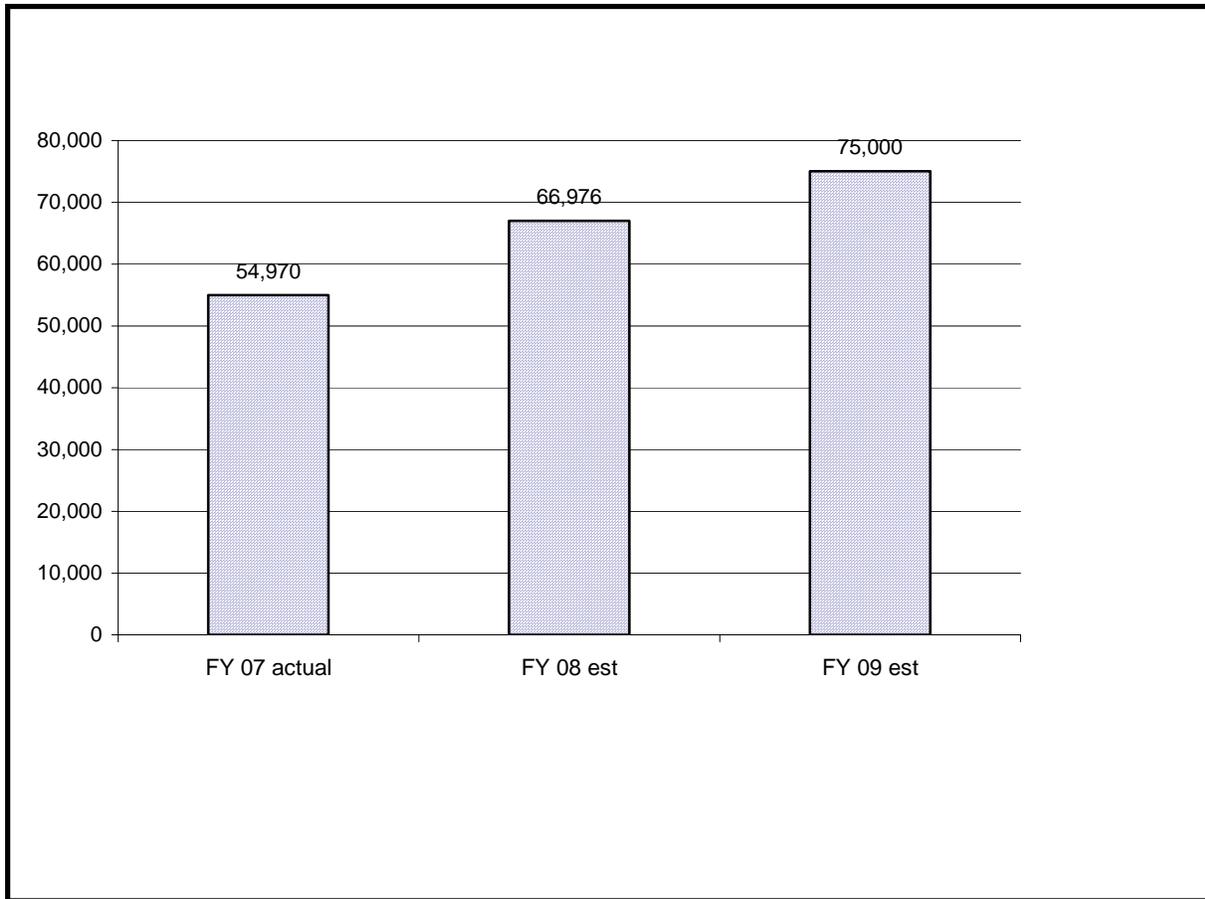
**C. Program Areas**

**1. Private Sector Enforcement**

Charge Processing

As part of the emphasis of our mission-driven responsibility to enforce the federal equal employment opportunity laws, we also recognize that we must be sufficiently prepared to meet emerging trends and issues in the workplace. In fiscal year 2007, we ended the fiscal year with a pending inventory of 54,970, which is 37% higher than the inventory at the end of fiscal year 2006 (39,946). As reflected in Chart 1 and Table 4, we expect that providing the additional FTE requested in the President's Budget will help us to begin to slow and ultimately reverse the growth of that backlog. We remain concerned about this inventory but are confident in our ability to timely and efficiently investigate charges and provide efficient customer service.

**Chart 1: Private Sector Charges Pending Inventory at Year End for Fiscal Years 2007 through 2009**



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Table 4 below shows our workload projections for our Private Sector Enforcement activity and our mediation efforts for fiscal years 2007 through 2009. Table 5 on page 29 provides workload estimates by statute for fiscal years 2007 through 2009.

<b>Table 4: Private Sector Enforcement Program Workload Table</b>			
<b>Workload/Workflow</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Estimate)</b>
<b>Workload</b>			
Total Pending Charges	41,171	54,970	66,976
Total Receipts	82,792	82,792	81,964
Net FEPA Transfers	3,449	3,449	3,449
<b>Total Workload</b>	<b>127,412</b>	<b>141,211</b>	<b>152,389</b>
<b>Resolutions</b>			
<b>Successful Mediations</b>	8,649	7,541	7,350
From Contract	1,744	1,169	1,169
From Staff	6,905	6,373	6,181
<b>Administrative Enforcement Resolutions</b>	63,793	66,694	70,039
<b>Total Resolutions</b>	<b>72,442</b>	<b>74,235</b>	<b>77,389</b>
<b>Charges carried forward</b>	<b>54,970</b>	<b>66,976</b>	<b>75,000</b>

\*may not add due to rounding

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<b>Table 5: Workload/Workflow by Statute</b>			
	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Estimate)</b>
Title VII Only			
Charges filed	50,054	50,054	49,553
Charges resolved	43,526	44,603	46,498
Title VII with concurrents*			
Charges filed	59,398	59,398	58,804
Charges resolved	51,768	53,050	55,304
Age Discrimination in Employment Act Only			
Charges filed	8,612	8,612	8,526
Charges resolved	8,000	8,198	8,546
Age Discrimination in Employment Act with concurrents			
Charges filed	17,567	17,567	17,391
Charges resolved	15,788	16,178	16,866
Equal Pay Act Only			
Charges filed	49	49	48
Charges resolved	53	54	57
Equal Pay Act with concurrents			
Charges filed	895	895	886
Charges resolved	879	901	939
Americans with Disabilities Act Only			
Charges filed	10,517	10,517	10,412
Charges resolved	8,971	9,193	9,584
Americans with Disabilities Act with concurrents			
Charges filed	16,699	16,699	16,532
Charges resolved	14,529	14,888	15,521
<b>Total</b>			
<b>Charges filed</b>	<b>82,792</b>	<b>82,792</b>	<b>81,964</b>
<b>Charges resolved</b>	<b>72,442</b>	<b>74,235</b>	<b>77,389</b>

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

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### ***Systemic Enforcement and Litigation Program***

As reflected in the April 2006 Systemic Task Force Report and the agency's adoption of recommendations contained in the report, the EEOC is uniquely equipped to combat systemic discrimination. A strong systemic program is crucial to the elimination of instances of pattern or practice, policy and class discrimination which have a broad impact on an industry, profession, company or geographic location. To augment enforcement of Title VII, the ADEA, the EPA and the ADA, the agency has embarked upon an enhanced systemic enforcement program. Using our broad authority to investigate possible discriminatory practices, subpoena evidence, and seek classwide relief, the agency will be able to uncover and combat systemic discrimination. The agency's access to substantial data, including workforce information provided by thousands of employers, enables us to identify possible systemic discrimination. This data gives the EEOC particular insight into areas such as hiring discrimination, where victims of discrimination often are not aware that they may have been denied employment based upon unlawful criteria. To this end, each district office has developed systemic plans which collectively reflect a coordinated, national approach to combating systemic discrimination. These plans also identify the resources necessary to support district office activities in the identification, investigation and resolution of cases involving systemic discrimination. Additionally, they reflect the related coordination between districts on certain joint efforts and the planned sharing of resources between offices, all focused on successfully achieving the objectives of this systemic initiative.

### ***Mediation/ADR Workload and Initiatives***

A key component of our enforcement strategy is the continued emphasis on the use of ADR as an effective tool to resolve charges of discrimination. We continue to pursue efforts to secure greater participation by employers, including the use of our Universal Agreements to Mediate (UAM) and the development of informational materials explaining the benefits of mediation to employers. Since the inception of the UAM program, EEOC has secured 1,269 UAMs, comprised of 154 National UAMs and 1,115 local and regional UAMs.

While charging parties (employees, job applicants, and retirees) almost uniformly view our mediation program favorably, as indicated by the high percentages who are willing to participate in mediation, the number of employers agreeing to mediate is considerably lower. A past independent study of our mediation program identified that employers principally decline mediation because they have conducted their own internal assessment and believe the specific charge to be without merit, or they have concluded that EEOC will not issue a reasonable cause finding and prefer to let the charge proceed through the investigative process. We are discussing with employers who feel this way the benefits of mediating charges regardless of their own internal assessment of the charge.

### ***File Disclosure Workload and Initiative***

The agency processes about 16,000 Freedom of Information Act (FOIA) requests and 7,000 Section 83 Compliance Manual disclosure requests each year. In fulfillment of its competitive sourcing obligations, the agency conducted an A-76 study of these functions during fiscal year 2007. The competition was won by the Most Efficient Organization government

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team. It is anticipated that the award will help ensure agency compliance with Executive Order 13392: Improving Agency Disclosure of Information (2005).

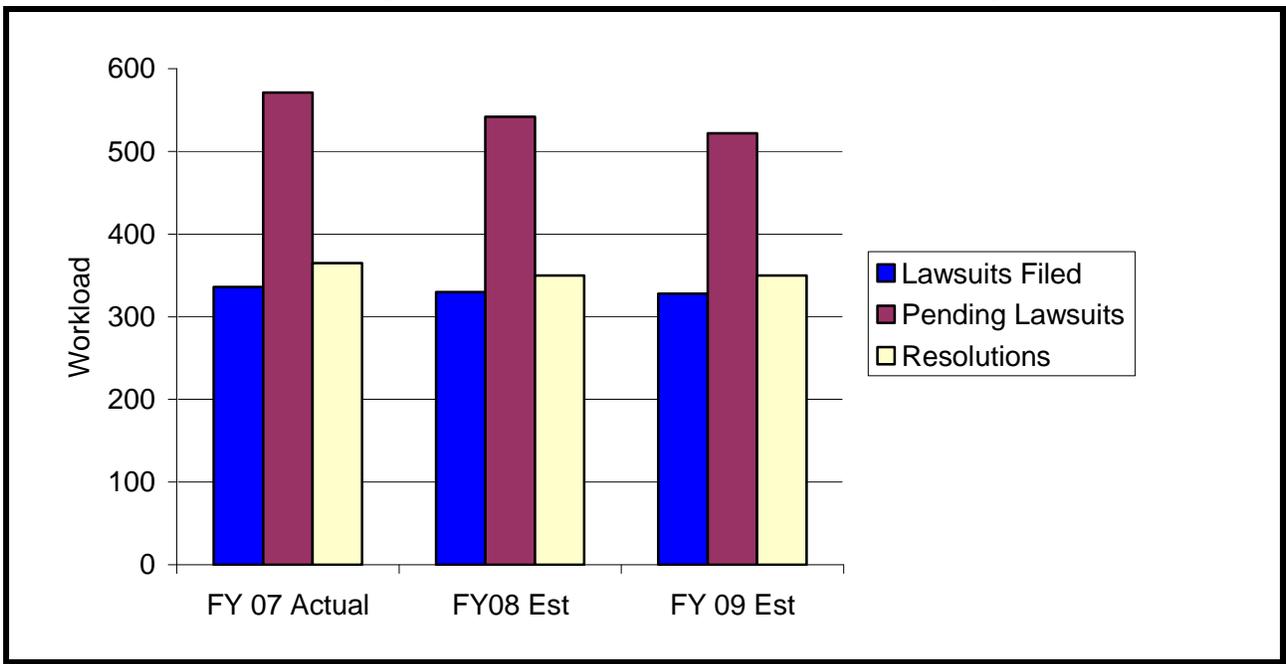
Litigation

Litigation is an important tool for maximizing benefits to the public because it deters employers from discriminatory conduct and encourages them to develop and implement effective EEO policies. We seek to maximize the impact of our lawsuits through various means, including obtaining relief for large numbers of aggrieved individuals and securing broad-based prospective relief to prevent the recurrence of discrimination and thereby benefit others in the workplace. A strong litigation program also strengthens our ability to obtain resolutions through the charge process and the mediation program. In addition, publicity of high impact litigation and other cases serves to increase voluntary compliance with the laws we enforce.

The agency estimates filing approximately 328 new lawsuits in fiscal year 2009, which is slightly fewer filings than in prior fiscal years. Our projected workload of 850 cases is likewise lower than in prior fiscal years. Our decreased filing projection for fiscal year 2009 is attributed to the Systemic Initiative, which requires us to focus more resources on the development and litigation of large cases. Although we will not be able to file quite as many lawsuits as in past years, we expect that systemic cases will affect larger numbers of victims of discrimination. In addition to litigation, field attorneys and other legal staff perform a wide range of other functions. Field attorneys provide advice and counsel to enforcement staff in all phases of the private sector charge process and participate in agency outreach programs.

Chart 2 below depicts the estimated litigation inventory including the number of lawsuits filed, pending lawsuits and resolutions for fiscal years 2007 through 2009.

**Chart 2: Litigation Inventory for Fiscal Years 2007 through 2009**



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As set out in our Strategic Plan, we plan to use our resources to maximize the number of individuals benefited through the litigation program. We will maintain a high percentage of successful litigation resolutions, while continuing to take on cases that present developing areas of the law. Over the long run, the agency's new Systemic Initiative is expected to result in larger suits, thus increasing the impact of our litigation program and enabling us to benefit more individuals each year.

<b>Table 6: Litigation Workload Projections</b>			
<b>Workload</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Estimate)</b>
Workload			
Total Pending Lawsuits	571	542	522
Total Lawsuits Filed During the Fiscal Year	336	330	328
<b>Total Legal Workload</b>	<b>907</b>	<b>872</b>	<b>850</b>
Resolutions	365	350	350
<b>Legal Workload carried forward</b>	<b>542</b>	<b>522</b>	<b>500</b>

State and Local Programs

For fiscal year 2009, we plan to continue our relationship with both the Fair Employment Practice Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in EEOC's goal of providing justice, opportunity and inclusive workplaces. The FEPAs help EEOC to resolve charges of employment discrimination and to prevent duplication of effort, resulting in a more efficient use of resources for both EEOC and FEPAs. They also participate with staff in our field offices to develop and present outreach and education events to explain federal, state and local laws regarding employment discrimination. For fiscal year 2009, at the requested level of \$26 million, we will be able to reimburse the FEPAs for an estimated 44,000 charge resolutions. The fiscal year 2009 request level will also facilitate the continuation of our relationship with the TEROs, who help to ensure that employment discrimination is addressed within their tribal communities and to educate both employees and employers of their rights and responsibilities.

Working with the FEPAs during fiscal year 2008, we plan to develop performance measures that will adequately reflect the FEPAs' contribution toward the achievement of EEOC's goals and objectives. Our plan is to design measures that will not only serve EEOC's reporting purposes, but will serve as a management tool for the individual FEPAs in assessing their strengths and weaknesses. We have established a workgroup comprised of both EEOC and FEPA representatives to specifically address this issue. Also during fiscal year 2008, we plan to identify and implement alternative communication tools that will ensure that the FEPAs are fully informed about policy and process issues as soon as possible following implementation by EEOC or others. We also plan to continue to identify training opportunities that we can share with the FEPAs and TEROs.

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Fiscal year 2007 was the first full year with the FEPAs being directly linked to EEOC's Integrated Mission System (IMS). This integration provides EEOC and the FEPAs with a complete, real-time database of charge activity required to effectively manage the shared workload and to improve our ability to interact with the FEPAs on charge related matters on a timelier basis. Also in fiscal year 2007, we continued the comprehensive training initiative that was launched in fiscal year 2006 to provide training to the investigative staff of the 96 FEPAs. While basic training was completed in early fiscal year 2007, in support of the agency's E-RACE Initiative, additional training covering race and color issues was offered later in the fiscal year. We also continued our annual training activities with and for the TEROs across the country. At the request of a group of TEROs in the Northwest region of the country, EEOC provided training on Alternative Dispute Resolution methods and techniques during fiscal year 2007.

We accomplish a great deal working with these two partners and we will continue to identify other tools and methods for enhancing the existing relationship and achieving even more benefits for EEOC, the FEPAs and TEROs in the future. This will enable us to better serve the public with quality and timely resolution of charges and in educating employers in an effort to prevent acts of discrimination from occurring in the first place.

<b>Table 7: State and Local Workload Projections</b>			
<b>Workload</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Estimate)</b>
Charges/Complaints Pending	47,594	48,282	49,737
Charges/Complaints Received	52,854	53,383	53,916
Total Workload	100,448	101,665	103,653
Charges/Complaints Resolved	48,717	48,479	43,968
Charges/Complaints Deferred to EEOC	3,449	3,449	3,449
Charges/Complaints carried forward	48,282	49,737	56,236

### **2. Federal Sector Enforcement**

Our Federal sector program has a unique role in promoting justice and opportunity in the federal workplace by ensuring that all Federal applicants and employees have the freedom to compete on a fair and level playing field and to be judged on the merit of their performance and not on the basis of their race, gender, ethnicity, religion, age, or disability. The Commission fulfills this mandate through our hearings and appellate enforcement efforts, as well by exercising our oversight authority and providing guidance, outreach and technical assistance. We will continue to effectively manage the hearings and appeals inventory. We will also continue to promote mediation/ADR at all levels of the Federal sector EEO complaint process in order to resolve workplace disputes early, thereby saving resources and enabling agencies to focus on their core missions.

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Using the guidance and principles contained in MD-715, the Commission will evaluate the progress of federal agencies in creating effective equal employment opportunity programs. We will review and provide feedback on agencies' annual MD-715 reports submissions, which are designed to identify and remove barriers to free and open competition in the workplace. With the implementation of MD-715 and our focus on establishing effective relationship management programs with agencies, we will deliver relevant and helpful information, training, and EEO solutions to Federal agencies.

### *Federal Sector Improvements – Hearings*

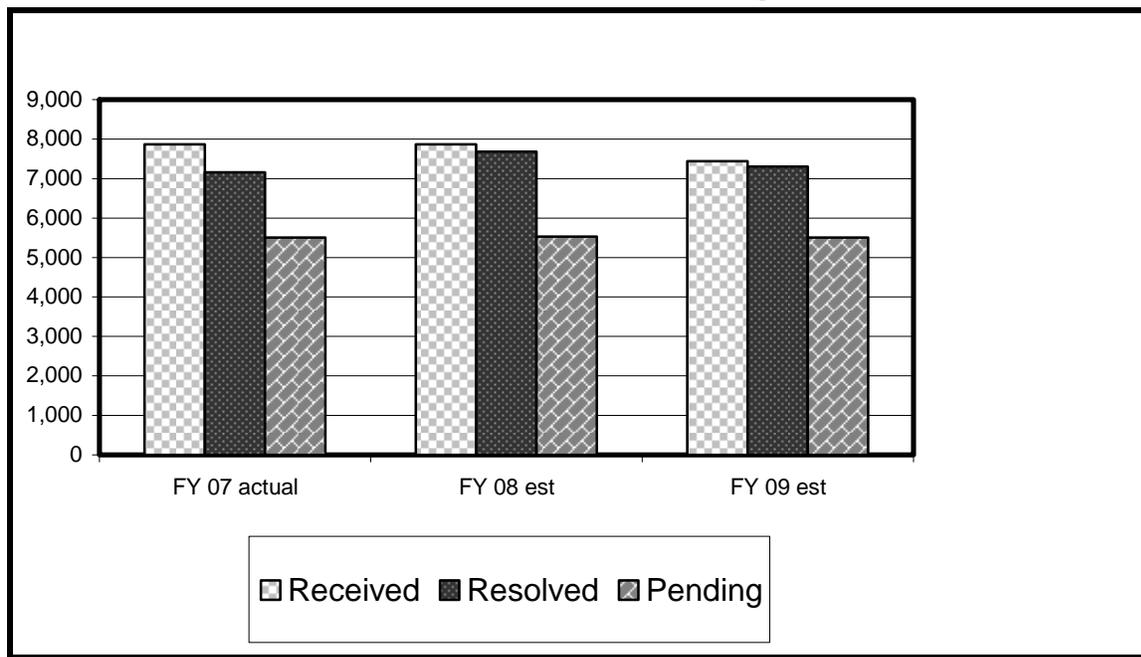
In furtherance of our goals to provide substantive and operational support that will provide more expeditious hearings case processing, we will be piloting an electronic case management system that will store all hearings decisions produced by administrative judges and allow for the electronic filing of hearings complaints. The electronic library system will permit administrative judges to have immediate access to nationwide decisions with similar issues. Also, electronic filing will promote uniformity in the filing of hearings complaints among agencies and the processing of these complaints by administrative judges. Additionally, we will continue to build on our quality standards initiative first implemented in fiscal year 2007 that is designed to promote consistency in hearings case processing and resolution across all of our field offices.

Through EEOC's Federal Sector Hearings enforcement, there have been significant results involving cases in which there were findings of class-wide discrimination. Since fiscal year 2005, there have been a total of seven class case resolutions that resulted in awards totaling over \$25 million in monetary benefits for more than 800 class members. Among these resolutions have been a large sexual harassment case involving 85 class members who shared in the settlement of over \$9 million; a class case settlement for \$11.5 million that involved 400 members; and an ADEA class case involving discriminatory directed reassignments of older employees that settled for \$2.2 million for approximately 30 class members.

Table 8 shows the overall hearing inventory for fiscal years 2007 through 2009.

<b>Table 8: Hearings Workload Projections</b>			
<b>Workload</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Estimate)</b>
Hearings Pending	4,961	5,505	5,526
Hearings Requests Received	7,869	7,869	7,446
Hearings Requests Consolidated After Initial Processing	-162	-162	-162
<b>Total Workload</b>	<b>12,668</b>	<b>13,212</b>	<b>12,810</b>
Hearings Resolved	7,163	7,686	7,302
<b>Hearings carried forward</b>	<b>5,505</b>	<b>5,526</b>	<b>5,508</b>

**Chart 3: Hearings Workload Received, Resolved, and Pending for Fiscal Years 2007 through 2009**



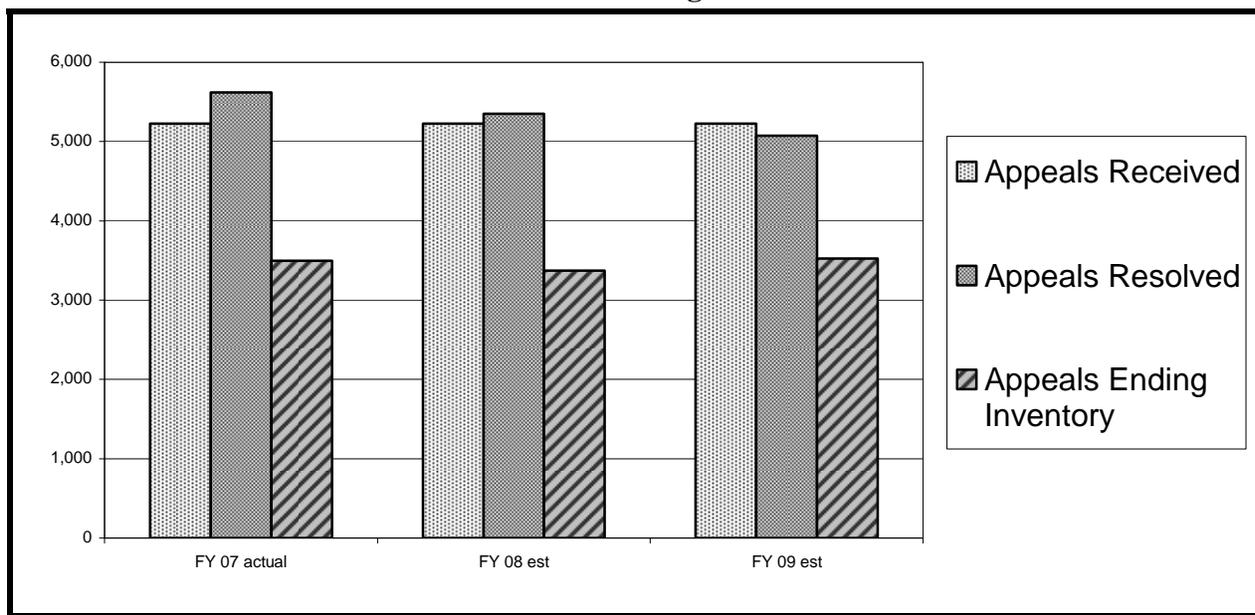
Appeals and Oversight of Federal EEO Programs

Our appellate review program adjudicates appeals of administrative decisions made by federal agencies on complaints of employment discrimination filed by federal employees or applicants for federal employment. As a result of streamlined operations, utilization of technology, and the adoption of performance management strategies, since fiscal year 2000 the Commission has dramatically reduced the number, age, and processing time of pending appeals.

Table 9 and Chart 4 show the appellate workload from fiscal year 2007 through fiscal year 2009. Further, the table and chart demonstrate that the appellate inventory will remain at acceptable levels during this period.

<b>WORKLOAD</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Estimate)</b>	<b>FY 2009 (Estimate)</b>
Appeals Pending	3,887	3,496	3,373
Appeals Received	5,226	5,226	5,226
<b>Total Workload</b>	<b>9,113</b>	<b>8,722</b>	<b>8,599</b>
Appeals Resolved	5,617	5,349	5,072
Appeals carried forward	3,496	3,373	3,527

**Chart 4: Federal Sector Appeals Received, Resolved, and Pending Inventory for Fiscal Years 2007 through 2009**



The use of ADR has had a powerful impact on Federal agencies' EEO complaint inventories and, in turn, EEOC's hearings and appeals inventories. Resolving disputes as early as possible in the Federal sector EEO process will improve the work environment and reduce the number of formal complaints, allowing all agencies, including the EEOC, to redeploy resources otherwise devoted to these activities. We will continue to promote the increased use of ADR techniques at the pre-complaint stage in the federal sector; the stage before a formal complaint is filed with a federal agency. As more agencies expand their efforts to offer ADR during the informal process, we expect to see continued decreases in the number of formal complaints filed, which will reduce costs for complainants and all Federal agencies, and enable agencies to focus resources on their primary mission.

One of the most important aspects of our federal sector program is our responsibility for oversight of federal agencies' EEO programs. Using targeted EEO program evaluations, and the self-assessment tools and checklists in MD-715, we will help federal agencies assess the effectiveness and efficiency of their EEO programs and identify whether there are barriers precluding them from effectively utilizing their entire workforce in accomplishing their missions. We will periodically issue evaluative reports on a wide variety of topics in order to share government-wide, as appropriate, valuable information to assist agencies in developing model EEO programs. Similarly, we will provide agencies with trend analysis of the data submitted pursuant to their annual MD-715 report submissions to help agencies better identify and eliminate barriers to equal employment opportunity.

During fiscal year 2007, we continued to provide training and technical assistance to agencies on all aspects of their affirmative employment programs. During the year, we expanded our partnership with selected federal agencies in the Relationship Management project to explore new ways for our federal sector staff to interact with agencies to ensure that we can assist

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agencies in fostering an inclusive work culture and successfully implementing the essential elements of a model EEO program. Applying the strategies and tools developed from the experiences of the relationship management project, we will be in a position to better establish a customer-oriented organization which can deliver relevant information and solutions to federal agencies' leadership.

### *Federal Sector Programs*

Management Directive 715 (MD-715) embodies the EEOC-championed approach toward creating a barrier-free, level playing field throughout the federal government. MD-715 is the roadmap for agencies to identify and remove barriers to equality of employment opportunity so that the American people can have a model federal work force that fully reflects everyone's contributions.

To help agencies report under MD-715, we will provide tools and assistance to agencies for analyzing their work forces and uncovering barriers to equal employment opportunities. Once barriers are identified by agencies, we collaborate with them to develop creative strategies to eliminate or reduce the impact of identified obstacles. Further, we work with agencies to promote workplace policies and practices that foster an inclusive work culture and prevent employment discrimination. This effort includes working with federal agencies to adopt and successfully implement the attributes of the EEOC's Model EEO Program. We will continue utilizing new avenues of communication, such as brown-bag lunches, internet exchanges, etc., to provide federal sector stakeholders with information to assist in understanding their rights and responsibilities under the anti-discrimination statutes.

### *Outreach*

We will continue our outreach, education, and technical assistance programs to meet the needs of diverse audiences and will partner with the employer community and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace. However, we plan to reduce the resources committed to the activity to support our administrative enforcement inventory reduction.

Under E-RACE, the EEOC will enhance public awareness of the persistence of race and color discrimination in employment through training, technical assistance materials, and partnerships with employee advocates, state and local human rights commissions or Fair Employment Practice Agencies (FEPAs), human resource professionals, and employer groups.

We will educate employers and other members of the public about systemic discrimination, including trends and issues that the agency has identified and cases the agency has handled. We recognize the value of publicizing our systemic discrimination court victories because of the ripple effect such decisions can have on promoting changes both across the impacted industry and in related industries.

We will continue to educate students and young workers about their workplace rights and responsibilities, including specific discussions on sexual harassment and how to seek assistance

to address or report incidents of harassment that occur in the workplace. We will reach out to schools and educators to share training materials and, as resources allow, develop and present training to teenagers about their workplace rights and responsibilities and assist these young workers as they enter and navigate through the workplace. Furthermore, we will continue our efforts to provide training and information to businesses that employ young workers to encourage them to proactively address discrimination issues confronting young workers.

We will continue to issue and revise regulations and sub-regulatory documents, such as EEOC enforcement guidance and technical assistance publications, in response to developments in the courts and stakeholder needs. We will also continue our outreach efforts to provide guidance and information on employer “best practices” reflecting the agency’s strong interest in proactive prevention. The Agency also will maintain its outreach to small businesses, especially those who lack the resources to maintain full-time professional human resources staff, and to stakeholders in under served communities across the nation, including those with limited English proficiency, such as recently arrived immigrants. Finally, we remain prepared to respond to unanticipated issues that arise in the workplace due to current events, so that EEOC stays on the forefront in informing both employees and employers alike of their rights and responsibilities in the ever-changing workplace environment.

*Revolving Fund – Education, Technical Assistance and Training*

The Revolving Fund, renamed the “EEOC Training Institute” in 2004, is a separate statutory authority that enables the EEOC to offer in-depth and specialized fee-based programs to supplement those general non-fee based informational and outreach activities that are an ongoing aspect of EEOC’s mission. The Training Institute offers diverse, high quality, reasonably priced EEO expertise and training products to private sector employers, state and local government personnel, and employees of federal agencies. In fiscal year 2007, the Training Institute trained nearly 17,000 private sector and local or state government employees and more than 5,700 federal government employees. In fiscal year 2007, the Training Institute offered five product/service lines, which we expect to continue to provide in fiscal years 2008 and 2009.

*Technical Assistance Program (TAP) Seminars:* The one and two-day TAP Seminars offered by the Training Institute are responsive to employers’ information and training needs and allow EEOC to educate substantially more employers and employees about how to identify, prevent and eliminate workplace discrimination. In fiscal year 2007, 44 TAP Seminars and 7 half-day workshops were held.

*National Federal Sector Conference:* An annual national federal sector conference, the Examining Conflicts in Employment Laws (EXCEL) Conference, has become a widely anticipated and highly acclaimed event for Federal EEO managers, attorneys, union officials, EEO professionals and EEO staff. The fiscal year 2007 Conference, held in Denver, Colorado, in August marked the 10<sup>th</sup> anniversary of the popular event, attracting more than 800 attendees.

*Customer Specific Training:* The Customer Specific Training Program trains employees, managers, supervisors and human resource professionals from large, mid-size and small

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employers about their EEO responsibilities and how to prevent and correct workplace discrimination. Standardized courses are available and we design customized courses that are delivered at employers' worksites. During fiscal year 2007, 261 private sector and 59 federal sector customized events were completed.

*National Training Courses:* The Training Institute currently offers a series of national courses geared toward federal employees. Thirty federal sector course events were conducted during fiscal year 2007. In addition, 13 two-hour courses were developed and offered on harassment to employers in one state that had passed a law requiring the training. We expect to offer similar training in fiscal years 2008 and 2009 to other states with similar laws. Courses for new mediators were developed and piloted, and the first two offerings were completed for the federal sector in the fourth quarter of 2007. These will continue to be offered during fiscal years 2008 and 2009.

Beginning in fiscal year 2006 and continuing into fiscal year 2008, the Training Institute undertook an initiative to provide nationwide training to investigators and managers from the Fair Employment Practices Agencies (FEPAs) with which EEOC maintains charge resolution contracts. Under the auspices of the Training Institute, six courses were developed and delivered to FEPAs nationwide, some at local/regional locations and others where participants traveled to a central site. For the six courses combined, nearly 1,900 participants attended this training. These courses have broader application and can be delivered or tailored to meet other customer needs.

*Direct-Sale Training Products:* The Training Institute also develops low-cost direct-sale training products and resource materials to foster the agency's overall training and technical assistance statutory responsibilities. We will be expanding our product line by fiscal year 2008 to include other training materials that address the changing needs of our customers, such as web casts and other web-based training.

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**D. Summary of Financing for the Revolving Fund**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION EEOC Education, Technical Assistance, and Training Revolving Fund (Dollar amounts in thousands)</b>			
	<b>Fiscal Year 2007 Actual</b>	<b>Fiscal Year 2008 Estimate</b>	<b>Fiscal Year 2009 Estimate</b>
<b>Total Obligations</b>	5,053	5,017	4,475
Financing:			
<b>Offsetting collections from:</b>			
Federal Funds	2,462	3,029	1,694 <sup>1</sup>
Non-Federal sources	2,621	2,223	2,223
Recoveries	622	100	90
Orders on hand from Federal sources			
Unobligated balance, start of year	1,069	1,721	2,056
Unobligated balance transferred (rescission)			
Unobligated balance, end of year	1,721	2,056	1,588
Net Budget Authority	6,774	7,073	6,063

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<sup>1</sup> Federal revenues are declining in fiscal year 2009 as a result of the completion in fiscal year 2008 of a two-year special training initiative for FEPAs. The fiscal year 2009 figure reflects the revenue from the regular level of federal courses and other Customer Specific Training (CST).

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**E. Object Class Schedule – EEOC Education, Technical Assistance, and Training  
Revolving Fund**

Requirements by Object Class  
(Dollar amounts in thousands\*)

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<b>OBJECT CLASS</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Request</b>
11.1 Personnel compensation/Full-time permanent (FTP)	\$1,572	\$1,385	\$1,426
12.1 Civilian personnel benefits	\$389	\$284	\$292
21.1 Travel of persons	\$486	\$790	\$303
22.0 Transportation of things	\$0	\$0	\$0
23.1 Other Rent/communications	\$1,005	\$993	\$1,043
24.0 Printing and reproduction	\$395	\$274	\$268
25.0 Other services	\$1,118	\$1,202	\$1,050
26.0 Supplies and materials	\$88	\$89	\$93
31.0 Equipment	\$0	\$0	\$0
<b>TOTAL OBLIGATIONS</b>	<b>\$5,053</b>	<b>\$5,017</b>	<b>\$4,475</b>
<b>Revolving Fund Reimbursement to Salaries &amp; Expenses Account</b>	<b>\$2,602</b>	<b>\$2,248</b>	<b>\$2,248</b>
<b>Reimbursable Full Time Equivalents to Salaries &amp; Expenses Account</b>	<b>20</b>	<b>17</b>	<b>14</b>

\*may not add due to rounding

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### **III. AGENCY INFRASTRUCTURE AND THE PRESIDENT'S MANAGEMENT AGENDA**

#### **A. Introduction**

We are constantly seeking ways to achieve organizational excellence by improving our organizational capacity and infrastructure through sound management of our resources—human, financial and technological. Maximizing effective use of these resources is essential to achieve our enforcement and outreach goals and to carry out our mission.

Our agency's mission to promote equal employment opportunity and enforce the federal employment discrimination laws is a constant reminder to us of the importance of organizational excellence. Only through organizational excellence can we rise to challenges and achieve the ambitious measures of success set out in our Strategic Objective.

#### **B. Organizational Excellence and Results**

As we developed and implemented our management strategies we found the five government-wide initiatives of the **President's Management Agenda (PMA)** a useful guide.

We improved the **strategic management of human capital** by completing key steps toward developing and implementing our human capital initiative, including:

- Develop and sustain leadership and support succession planning through the agency's Management Development Institute, an umbrella program addressing managerial needs of supervisors and executives;
- Participate in the Office of Personnel Management's human capital surveys and implement regular internal surveys to identify employee satisfaction with human capital management and develop action plans based on an analysis of the feedback;
- Identify and quantify mission critical competencies for key positions, including investigators, attorneys and mediators, and develop multi-year training plans to address any organizational gaps;
- Close gaps through individual development plans, mentoring, training, rotational assignments and other staff development initiatives;
- Aggressively recruit, develop and retain high-quality talent.

As part of our **competitive sourcing** obligations, we consistently identify potential areas for planned competitions. We completed a competition of our file disclosure backroom services with an award made in October 2007 to the Most Efficient Organization.

We continue to show commitment to **improved financial management**, as evidenced by receiving four straight unqualified opinions on the financial statements. In addition, the October 1, 2007, implementation of CGI's Federal Momentum® under the shared services program with the Department of Interior, National Business Center (DOI-NBC) was completed on-time and within budget. During fiscal year 2008, the agency will implement a new bankcard provider using the General Services Administration (GSA) SmartPay® 2 program as well as implement the e-travel service requirement prescribed by the GSA.

We continue the EEOC's commitment toward improved service and government efficiency by the use of **expanded electronic government** (e-gov). The EEOC has implemented several major e-government initiatives that have automated internal processes, reduced paperwork burden, integrated data, and provided electronic alternatives to obtain agency services. New e-gov initiatives are currently on hold.

Also, the agency promotes better ways to enhance the agency's **budget and performance integration** and improve financial management through the collection, allocation and reporting of performance and budget information. The agency continues to refine its performance measures under the updated strategic plan.

### **C. Highlighted Areas**

#### *Information Technology*

Due to competing priorities, EEOC's information technology (IT) initiatives for fiscal years 2008 and 2009 will focus on maintaining our current IT infrastructure and implementing mandatory new initiatives, such as the smartcard requirements outlined in Homeland Security Presidential Directive Number 12 (HSPD-12).

Over the past several years, EEOC has implemented several new and improved information systems that have consolidated agency data into centralized, standardized environments. Now that EEOC has standardized mechanisms for collecting information, we need to focus on how to intelligently use and analyze this information, across platforms and systems.

To move toward the vision for Knowledge Management, EEOC obtained external expert resources to conduct a knowledge management study and develop a business case for future implementation and funding. Through this study, EEOC reviewed the data architecture of our primary information systems, identified current issues with data management and reporting, outlined future requirements for integrated reporting and data analysis, and developed a design and migration strategy for implementing knowledge management/data warehousing. EEOC completed this analysis in fiscal year 2007.

Another critical need related to Knowledge Management is the expansion of electronic document management within the EEOC. Currently, the Office of Federal Operations (OFO) uses the Document Management System (DMS) to electronically store and manage their federal appellate case files. Interfaces between the OFO DMS application and the new IMS Federal

Appellate module have been developed, so that documents created in the IMS are automatically stored within the appropriate electronic case file within the DMS. EEOC also has efforts underway to electronically store and manage our litigation case files and briefs, develop a hearings decision library for our administrative judges, and implement technologies to securely receive and transmit sensitive electronic case files with other federal agencies. In addition to the efficiency savings achieved in working with electronic documents, the DMS will provide electronic disaster recovery for the agency's critical files. A cost-benefit analysis conducted by an external consultant indicated that the EEOC could achieve internal "efficiency savings" of approximately \$15 million if the DMS were implemented enterprise-wide. EEOC will continue to develop business cases and seek funding to move forward on these and other key technology initiatives.

***Department of Homeland Security Building Security and Disaster Planning***

The agency continues to experience substantial year to year increases in the cost of Department of Homeland Security contract guard services. EEOC is required to bring security services to a Level IV rating at our new headquarters office building at One NoMa Station in Washington, DC. This requirement is expected to nearly double the fiscal year 2007 cost of services at our headquarters building. Also, we continue to devote resources to improve the Continuity of Operations and Shelter-in-Place Plans.

***Employee Recognition and Development***

Employees are recognized for performance through the agency's Awards and Recognition Program. Employees are eligible for time-off awards, on-the-spot awards, Cash in Your Account (CIYA), and ELA (i.e., Chair's Excellence in Leadership) awards. The time-off awards recognize individual and groups for special acts or service. The ELA Award program makes cash awards that recognize individuals for outstanding leadership.

Achievement of the agency's mandate through organizational excellence also requires continual investment in its human resources to ensure we hire, develop and retain highly skilled and motivated employees. Having the right employees in the right place will guarantee results for the agency. Implementation and monitoring of human capital planning and leadership succession programs in headquarters and field offices is a high priority. Our training dollars will continue to support the development of emerging leaders, new supervisors and executives through participation in the Federal Career Intern program, the Management Development Institute, the Federal Executive Institute and SES forum programs.

Mission-critical skills will be continuously updated and gaps will be addressed as new investigators, mediators and attorneys are hired or redeployed. We will also support our E-RACE initiative and systemic program through planned training events linked to developing competency in these mission-critical skill areas.

As we address our human resources and budget realities, we will continue to rely on the use of technology to meet our learning objectives through on-line training via GoLearn.gov, use of video streaming, blended learning, our internal web site and other mechanisms.

***Standard Identification Cards/Physical Access Controls***

The full financial impact of implementing HSPD-12 standard identification cards may stretch over several years. Logical and physical device specifications have not been published and the industry is still coping with defining best practices and whether the final requirements are commercially available products. We are currently waiting for a rollout plan from the General Services Administration for the issuance of standard identification cards at our Headquarters and 53 locations around the country.

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

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

We continually review the information we collect in our databases for accuracy by using software editing programs and program reviews of a sample of records during field office technical assistance visits. In addition, headquarters offices conduct analyses regularly to review the information collected in order to identify any anomalies that indicate erroneous entries requiring correction to collection procedures.

We have implemented approaches that enable the agency to collect information more rapidly and accurately by eliminating the need to enter information multiple times before it can be reviewed and analyzed. For example, we previously deployed a secure, web-based application that enabled businesses to electronically submit their annual Employer Information Report (EEO-1) to EEOC. This system continues to reduce the need for the manual entry of report data. It also includes automated edits to validate data, calculate totals, and compare statistics against the employer's prior year submission. In another example, we implemented a secure, web-based system that enabled all federal agencies to electronically submit annual equal employment opportunity statistics (Form 462). This system continues to improve the quality and timeliness of the information we receive. Finally, we continue to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. The IMS includes many automated edit checks and rules to enhance data integrity. Since several of our new performance measures require us to use data to assess our achievements, it is significant that we can now obtain those data much more quickly and with greater data accuracy.

We also implemented information quality guidelines and adopted internal procedures, which strengthen our ability to verify and validate the quality of our data before it is released to the public. In addition, the agency's Office of Inspector General continues to review aspects of the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in its reports. We use the information and recommendations to continually improve our systems and data.

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## **V. PROGRAM EVALUATIONS**

Program evaluation is an important component of an agency's effort to assure that a program is operating as intended and achieving results. A program evaluation is a thorough examination of program design or operational effectiveness that uses a rigorous methodology, and statistical and analytical tools. It also uses expertise within and outside the program under review to enhance the analytical perspectives and add credence to the evaluation and recommendations.

### *Completion of a Program Evaluation on the Private Sector Charge Process*

The agency initiated a program evaluation of its private sector charge process, as scheduled in its previous Strategic Plan. An independent contractor focused on answering two key questions or issues about the charge process: 1) whether different charge intake procedures among field offices provide consistent access to charge filing by potential charging parties and affect charge outcomes regardless of where charging parties live, work, or engage EEOC; and, 2) whether the agency-wide emphasis on annual charge inventory control and expedited charge processing affects the nature of charge closures at the end of the fiscal year. The contractor issued its final report in November 2006, and the report contained three major findings and recommendations that the contractor believed would strengthen the efficacy of the private sector charge intake and closure processes, and thereby promote more consistent treatment and justice for individuals seeking assistance from EEOC regardless of the field office responding to their inquiries and requests.

The report noted that it was "... impressed by the overall operation of the process, which handles and closes more than 70,000 charges of discrimination annually and results in significant remediation of discrimination in the workplace." It indicated that the agency "... appears to keep the process functioning, handling most charges in a timely manner, achieving more 'meritorious' resolutions, securing greater monetary benefits for complainants, and keeping charge inventories under control as never before."

With respect to its three findings, the contractor first found that "there are many intake procedures that are consistent among the field offices, but there appear to be major inconsistencies in the nature and amount of information provided by EEOC to potential charging parties concerning their opportunities, rights, and responsibilities, as well as the nature of information required of potential charging parties before they could file a formal charge of discrimination. These procedural inconsistencies may result in unequal opportunity for potential charging parties to access EEOC assistance." It recommended that "policies and procedures should be established to ensure more consistency among field offices regarding the information provided by EEOC to potential charging parties regarding their rights, opportunities, and obligations related to the private sector charge process that may influence their decision to file a charge."

Second, the contractor found that, "while different intake procedures and requirements among field offices may affect access to EEOC, they do not appear to influence charge

outcomes.” It recommended that the agency “... should review and correct apparent procedural inconsistencies among field offices that may impact the opportunity of potential charging parties to gain access to the private sector charge process, including hours of operation and the availability of staff to respond to inquiries and conduct intake (interviews and charge filing), the methods available to potential charging parties to participate in intake interviews or file charges, and the kinds of information required of potential charging parties to file charges.”

Third, based on the data reviewed, the contractor found that “field offices close a higher number of charges during months preceding inventory control performance reporting, especially at the end of the two fiscal years reviewed for this evaluation. These ‘spikes’ in charge closures may indicate inconsistent attention to, and treatment of, charges resolved during those performance reporting months relative to other months of the fiscal year.” The contractor recommended that “the Commission should conduct periodic assessments of charge closures during months preceding quarterly and end-of-the-fiscal-year inventory control performance reporting by field offices to ensure that charging parties whose charges were closed during those months received equal attention and treatment to parties whose charges were closed at other times of the year.”

The agency has established organizational work groups to examine the major findings and recommendations. Additionally, the issues regarding procedural inefficiencies and charge closures will be included in the scheduled reviews of field office operations.

#### ***Schedule of Future Program Evaluations***

We have scheduled a number of program evaluations for completion during the next several years and will review opportunities to conduct additional evaluations. These evaluations will help guide adjustments or enhancements to these programs.

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<b>Program Evaluation</b>	<b>Statement of Parameters of the Program Evaluation</b>	<b>Expected Initiation and Completion</b>
Priority Charge Handling Procedures	Evaluate how well the Priority Charge Handling Procedures are working and ways to improve their implementation.	Initiate FY 2007 Complete FY 2008
Outreach/Technical Assistance	Evaluate the effectiveness of fee and non-fee based outreach/technical assistance efforts; for example, agency Technical Assistance Program Seminars (TAPS), Youth@Work activities, speakers at meetings, forums, panels or other activities designated as outreach or technical assistance.	Initiate FY 2008 Complete FY 2009
Systemic Enforcement	Evaluate the effectiveness of the EEOC's systemic enforcement initiative.	Initiate FY 2009 Complete FY 2010
EEOC External Communications	Evaluate the impact and effectiveness of the EEOC's external communications efforts, including publicity, the agency's activities with the media, the external web site, and other public communications efforts.	Initiate FY 2010 Complete FY 2011
Effect of EEOC's Federal Sector evaluations and assistance	Evaluate the results achieved from EEOC's evaluation and assistance activities with federal agencies that changed policies, practices or procedures.	Initiate FY 2011 Complete FY 2012

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## **VI. GENERAL STATEMENT OF LAWS**

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

EEOC is charged with promoting equal opportunity in employment by enforcing the federal civil rights employment laws through administrative and judicial actions, education, and technical assistance. We fulfill our mission through the implementation of a vigorous law enforcement program, complemented by proactive prevention through an outreach program that provides information, guidance, and technical assistance to help prevent discrimination from occurring.

Title VII prohibits employment discrimination on the basis of race, color, religion, sex, or national origin by public and private employers with 15 or more employees, employment agencies, and labor organizations with 15 or more members. Members of the public file charges alleging employment discrimination with the agency field offices. EEOC staff members investigate the charges and issue determinations of “reasonable cause” or “no reasonable cause” to believe the allegations of a charge. If the agency finds cause, it attempts to resolve the charge through conciliation. EEOC also attempts to settle charges through mediation.

Title VII authorizes the agency to file suit in Federal District Court in order to achieve compliance if it is unable to achieve a remedy through conciliation. If the case involves a state or local government, the agency will refer it to the Attorney General, who may file suit in federal court.

Pursuant to Section 709(c) of Title VII, the agency requires public and private employers and labor organizations to file periodic reports providing data on the makeup of their workforces or membership by gender and racial/ethnic categories. The data are used by other federal, state, and local agencies charged with enforcement of equal employment opportunity laws, and in aggregate form by non-government organizations and researchers concerned with equal employment opportunity.

EEOC also enforces the Age Discrimination in Employment Act (ADEA) of 1967, and the Equal Pay Act (EPA). The ADEA protects workers age 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment by employers having 20 or more employees, employment agencies, and labor organizations with 25 or more members. The Equal Pay Act prohibits gender-based discrimination in the payment of wages to men and women performing substantially equal work in the same establishment. EEOC receives and investigates charges of discrimination in these areas and makes findings of “violation” or “no violation” and may file suit in Federal District Court if it is unable to achieve voluntary resolution of violations through conciliation.

On July 26, 1990, the Americans with Disabilities Act (ADA) became law. This legislation provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Title I of the ADA prohibits employment discrimination against qualified individuals with disabilities by private industry, and state and local government employers with 15 or more employees. Title I became effective on July 26, 1992, for employers with 25 or more employees and on July 26, 1994, for employers with 15 or more employees. The EEOC is responsible for ensuring compliance with Title I by receiving and investigating charges of disability discrimination. At the conclusion of EEOC's investigation, the agency issues a determination of reasonable cause or dismisses the charge (no cause). If EEOC has found cause and is unable to achieve compliance through conciliation, EEOC may file a lawsuit. If the case involves a state or local government, the agency will refer it to the Attorney General, who may file suit in federal court.

Under the statutes EEOC enforces, the agency, through individual commissioners or by field directors, may initiate charges based on information suggesting that the law has been violated. If the agency decides after investigating that reasonable cause exists to believe that a violation has occurred, remedial relief is sought through the process of conciliation or litigation if conciliation efforts fail.

Section 717 of Title VII, Section 15 of the Age Discrimination in Employment Act, and Section 501 of the Rehabilitation Act of 1973, bar discrimination by federal agencies on the basis of race, color, religion, sex, national origin, age, and disability. These sections provide the basis for commission oversight responsibility for the procedures used by federal departments and agencies in processing internal complaints of discrimination. In addition, the agency has appellate jurisdiction to review final decisions of departments or agencies on discrimination complaints upon the request of the complainant. It is also responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity.

Further, under Executive Order 12067, EEOC provides leadership and coordination to all federal department's and agencies' programs enforcing federal statutes, executive orders, regulations, and policies which require equal employment opportunity without regard to race, color, religion, sex, national origin, age, or disability. Coordination is provided to eliminate conflict, competition, duplication, and inconsistency in these programs and to improve their effectiveness. All federal departments and agencies are required to cooperate with and assist the agency in performing these functions and are required to furnish the agency with such reports and information as it may require.

**APPENDIX A: INTERIM ADJUSTMENTS TO THE STRATEGIC PLAN**

The agency has made interim modifications to EEOC's Strategic Plan for fiscal years 2007 through 2012, which became effective at the start of fiscal year 2007 (October 1, 2006). During a substantive review of our Plan, as a result of our PART assessment and rating in fiscal year 2006, we made modifications, with OMB's approval, and several additional changes to improve the Strategic Plan's presentation. These are described, below:

1) Revise Long-Term Measure 1

Initially, Long-Term Measure 1 included two annual measures. These three integrated measures were designed to demonstrate EEOC's results in providing benefits to individuals in the workplace because of its enforcement and outreach programs. During the agency's review and preliminary efforts to design an appropriate methodology for collecting data, the agency determined that the enforcement program was the substantial component of the Long-Term Measure, and that it was not currently feasible to develop a reliable method for collecting and analyzing outreach data. In consultation with OMB, the measure was modified to measure the agency's enforcement programs only. The Annual Measure regarding outreach results was removed. Since the remaining Annual Measure for enforcement results was now redundant with the Long-Term Measure, it was also removed. Long-Term Measure 1 was modified to Long-Term/Annual Measure 1 and minor language changes were made.

2) Remove the Management Objective—Incorporate Concepts into Means and Strategies

In reviewing the overall focus of the agency's Strategic Plan, it was determined that a separate Management Objective was not required, since the agency's efforts to improve its internal operations were designed to benefit its front-line enforcement and outreach programs. The agency incorporated the concepts of organizational improvement into the Means and Strategies section of the Strategic Plan; highlighting their important supportive role. Organizational changes and efforts to implement the President's Management Agenda are part of the agency's strategies for doing all of its work more effectively and efficiently.

3) Revise References to the Five-Point Plan

Also, the concepts described under the umbrella of the Five-Point Plan have always been critical aspects of its work. Although the Five-Point Plan itself provided an overall structure to express these important concepts, it added another organizational layer to the Strategic Plan that the agency now considers unnecessary. With the removal of a separate Management Objective and the incorporation of the essential elements into the Strategic Plan's Means and Strategies, the structure of the Five-Point Plan was less important and may add confusion for the reader of the EEOC's documents. Even though the structure of the Five-Point Plan was removed, the essential concepts remain in the Strategic Plan.

4) Revise the Schedule of Program Evaluations

The agency also revised a number of the program evaluations it intends to conduct during the life of the Strategic Plan. The revised program evaluation schedule is included in this performance budget.

5) Revise Organizational Elements

The organization of the measures was revised to better explain their interrelationship. Since the Efficiency Measure was directly related to the results achieved with the revised Long-Term/Annual Measure 1, it was moved directly after Measure 1 to better connect the relationship.

We also added a placeholder for the development of a measure of the contribution of our FEPA partners toward achievement of our goals. This development effort is required by our PART Improvement Plan.

Finally, we revised the graphic presentation of this new structure to accurately reflect these revisions.

**APPENDIX B: DESCRIPTION OF METHODOLOGIES FOR WORKLOAD – PRIVATE SECTOR CHARGES**

The chart below includes the assumptions that were used to develop the workload projections for the private sector table that follows on page 58, as well as the data that is included in the various charts used throughout this budget document. They reflect many of the variables that are factored into the calculations of projected receipts, resolutions and inventory for each fiscal year. The assumptions categories have been identified as key variables that directly influence the agency's annual workload levels. The figures used in each assumption category are established by relying on historical data, analysis of trends, the projected levels of resources requested for upcoming years and other major factors which directly impact the workload.

<b>Inventory and Resolutions Workload Table</b>			
	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Assumptions Categories</b>			
Percent change in receipts	5.00%	0.00%	-1.00%
Percent change in FEPA transfers	0.00%	0.00%	0.00%
Mediator Availability Factor	78%	78%	78%
Contract Mediator Funds	\$1,627,000	\$1,700,000	\$1,700,000
Investigator Availability Factor	91%	93%	93%
Net New Mediator Hires	-8	-5	6
Net New Investigator Hires	41	0	75
180-Day or Less Enf. Resolution %	56%	73%	75%

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<b>Inventory and Resolutions Workload Table</b>						
	<b>FY 2007</b>		<b>FY 2008</b>		<b>FY 2009</b>	
<b>Charges Pending 10/01</b>	Actual					
180 Days or Fewer	27,468	68.2%	34,490	58.4%	33,201	49.6%
More Than 180 Days	13,703	31.8%	20,480	41.6%	33,775	50.4%
<b>Total</b>	<b>41,171</b>		<b>54,970</b>		<b>66,976</b>	
<b>Receipts</b>						
New Receipts	82,792	96.0%	82,792	96.0%	81,964	96.0%
Net FEPA Transfers	3,449	4.0%	3,449	4.0%	3,449	4.0%
<b>Total</b>	<b>86,241</b>		<b>86,241</b>		<b>85,413</b>	
<b>Workload</b>	<b>127,412</b>		<b>141,211</b>		<b>152,389</b>	
<b>ADR</b>						
Mediators Assigned	97		95		92	
Staff Resolutions	6,905		6,373		6,181	
Contract Resolutions	1,744		1,169		1,169	
Mediation Resolutions	8,649	11.9%	7,541	10.2%	7,350	9.9%
Mediation resolutions will involve charges that are 180-days or less.						
<b>Enforcement</b>						
Investigators	633		664		717	
Enforcement Resolutions	63,793		66,694		70,039	
180 Days or Fewer	31,696	43.8%	41,911	62.8%	45,877	65.5%
More Than 180 Days	32,097	56.2%	24,783	37.2%	24,162	34.5%
Enforcement Resolutions	63,793	100.0%	66,694	100.0%	70,039	100.0%
<b>Total ADR &amp; Enforcement</b>						
180 Days or Fewer	40,345	55.7%	54,192	73.0%	58,042	75.0%
More Than 180 Days	32,097	44.3%	20,043	27.0%	19,347	25.0%
<b>ADR &amp; Enforcement Resolutions</b>	<b>72,442</b>	<b>100.0%</b>	<b>74,235</b>	<b>100.0%</b>	<b>77,389</b>	<b>100.0%</b>
<b>Charges Pending 09/30</b>						
180 Days or Fewer	34,490	62.7%	40,098	59.9%	41,414	55.2%
More Than 180 Days	20,480	37.3%	26,878	40.1%	33,586	44.8%
<b>Total</b>	<b>54,970</b>	<b>100.0%</b>	<b>66,976</b>	<b>100.0%</b>	<b>75,000</b>	<b>100.0%</b>



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

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