

FISCAL YEAR 2023

AGENCY PERFORMANCE REPORT



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



HOW THIS REPORT IS ORGANIZED

This Fiscal Year 2023 Annual Performance Report (APR) presents the U.S. Equal Employment Opportunity Commission's (the EEOC or Agency) program results and management challenges. The APR presents the Agency's fiscal year 2023 information in the following sections:

› **Agency and Mission Information:** Provides an overview of the agency's organizational structure, mission, and vision.

› **Performance Results:** Highlights the progress made in meeting the agency's performance measures, which are articulated in the EEOC's Strategic Plan for Fiscal Years 2022 through 2026, as well as accomplishments in related programs and activities.

› **Other Information:** Identifies major management priorities and challenges and addresses the validation and verification of the performance data.

› **Evidence Building:** Describes findings from agency-funded evaluations and other relevant evidence-building activities.

› **Appendices:** Contains information on the EEOC's organization, jurisdiction, leadership, and performance information specifically requested by Congress, as well as a glossary of the acronyms used in the report.



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MESSAGE FROM THE CHAIR



I am pleased to present the fiscal year 2023 Annual Performance Report (APR) for the U.S. Equal Employment Opportunity Commission (the EEOC or Commission). It is an honor to lead the agency's dedicated employees as we seek to promote fair and inclusive workplaces with equal employment opportunity for all of America's workers.

For nearly 60 years, the EEOC has been entrusted with the clear mission of preventing and remedying discrimination in our nation's workplaces. The EEOC continues to work toward an America where all have a fair chance to work, provide for their families, and contribute to our economy. As the primary federal agency that enforces laws against employment discrimination, the Commission plays a critical role in advancing equal opportunity in the workplace. In fiscal year 2023, the EEOC strategically leveraged numerous tools, including education and outreach, technical assistance, and enforcement, to combat discrimination and achieve change on a broad scale. Among other accomplishments, the agency educated more than 314,000 individuals nationwide about employment discrimination and their workplace rights and responsibilities. The agency secured more than \$665 million in monetary relief for more than 22,000 victims of employment discrimination, including more than \$440.5 million for individuals in private sector and state and local government workplaces through mediation, conciliation, and settlements, and more than \$202 million for federal workers. The EEOC also filed 143 lawsuits on behalf of victims of workplace discrimination—an increase of more than 50% over fiscal year 2022 filings. Once again, the agency demonstrated that the EEOC's work yields a high return on investment for the American people, recovering more in monetary benefits for victims of discrimination than our \$455 million budget, while making significant progress in each of its priority areas.

During fiscal year 2023, the agency prioritized tackling systemic discrimination in all forms and on all bases; preventing and combatting workplace harassment; advancing racial justice; preventing and remedying retaliation; advancing pay equity; fostering diversity, equity, inclusion, and accessibility (DEIA) in the workplace to promote equal opportunity; examining the use of technology, including artificial intelligence, machine learning, and other automated systems, in employment decisions; and ensuring that the EEOC has the resources needed to effectively enforce the law and serve the public.

The agency achieved significant accomplishments in each of these priority areas in fiscal year 2023. For instance, the EEOC resolved more than 370 systemic investigations on the merits, which resulted in more than \$29 million in monetary benefits recovered for victims of discrimination. The EEOC's litigation program achieved a remarkable 100% success rate in its systemic case resolutions in fiscal year 2023, obtaining more than \$11 million for 806 victims of systemic discrimination,

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\$665
million
in monetary relief for more than
22,000
victims
of employment discrimination.



in addition to significant equitable relief. The EEOC also prioritized outreach and education programs to reach vulnerable workers and underserved communities, including immigrant and farmworker communities as well as other communities where individuals are reluctant to come forward to complain about employment discrimination, hosting over 680 events for these groups and reaching nearly 75,000 individuals. EEOC field offices also collaborated with partner organizations to extend the agency's reach and better serve vulnerable workers and underserved communities, which included conducting over 1,120 partnership events reaching over 107,000 attendees.

In fiscal year 2023, the EEOC also implemented the newly enacted Pregnant Workers Fairness Act (PWFA), which was signed into law by President Biden on December 29, 2022. The PWFA provides workers with limitations related to pregnancy, childbirth, or related medical conditions the right to reasonable accommodations, absent undue hardship to the employer. These long-overdue protections fill in the gaps of other federal antidiscrimination laws, helping to ensure the economic security and health of these workers. The EEOC began accepting PWFA charges on June 27, 2023, the day the law became effective; released educational resources for employees and employers; conducted broad public outreach; and published a Notice of Proposed Rulemaking to implement the PWFA.

During my tenure as Chair, I have focused on the strategic use of the agency's resources to ensure that the EEOC can vigorously enforce the law and effectively address an increased demand for the agency's services. As detailed in this report, during fiscal year 2023, the charges of discrimination filed with the EEOC, as well as calls and emails to the agency's contact center, continued to increase significantly compared with prior fiscal years. The EEOC received 81,055 new charges of discrimination in fiscal year 2023, a more than 10% increase over the number of charges filed in fiscal year 2022. To ensure that the agency has the resources and tools it needs to continue to protect and advance civil rights, in fiscal year 2023, I authorized the hiring of 493 new positions, the majority of which were front-line positions (investigators, investigative support assistants, mediators, and attorneys, among other positions) to help strengthen our ability to fulfill the agency's vital role in preventing and remedying employment discrimination.

The EEOC was created in response to a strong, bipartisan national commitment to civil rights. The agency continues to serve as tangible proof that the causes of justice and equality are greater than hatred, division, and bigotry. That legacy and our ongoing work are critically important to the American people and to this administration as we rebuild the economy to work for everyone and fulfill our nation's promise of equal justice for all.



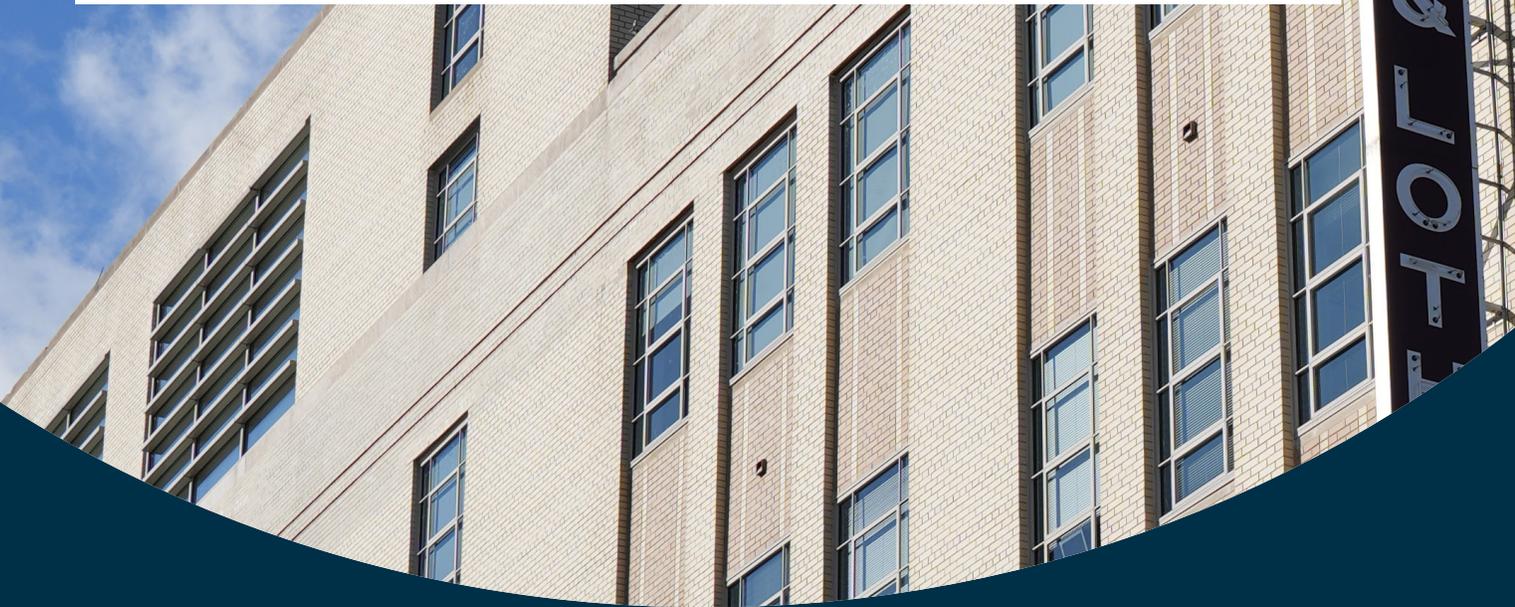
Charlotte A. Burrows

Chair

U.S. Equal Employment Opportunity Commission

March 11, 2024

MISSION, MAJOR PROGRAMS, AND ORGANIZATIONAL STRUCTURE



The Equal Employment Opportunity Commission’s Annual Performance Report (APR) provides performance results that enable the President, Congress, and the public to assess the EEOC’s accomplishments for each fiscal year (October 1 through September 30). This report provides an overview of programs, accomplishments, and challenges for fiscal year 2023. The report is prepared in accordance with the requirements of the Office of Management and Budget (OMB) Circular No. A-11, Annual Performance Planning and Reporting Requirements.

MISSION

Prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all.

VISION

Fair and inclusive workplaces with equal opportunity for all.

AGENCY OVERVIEW

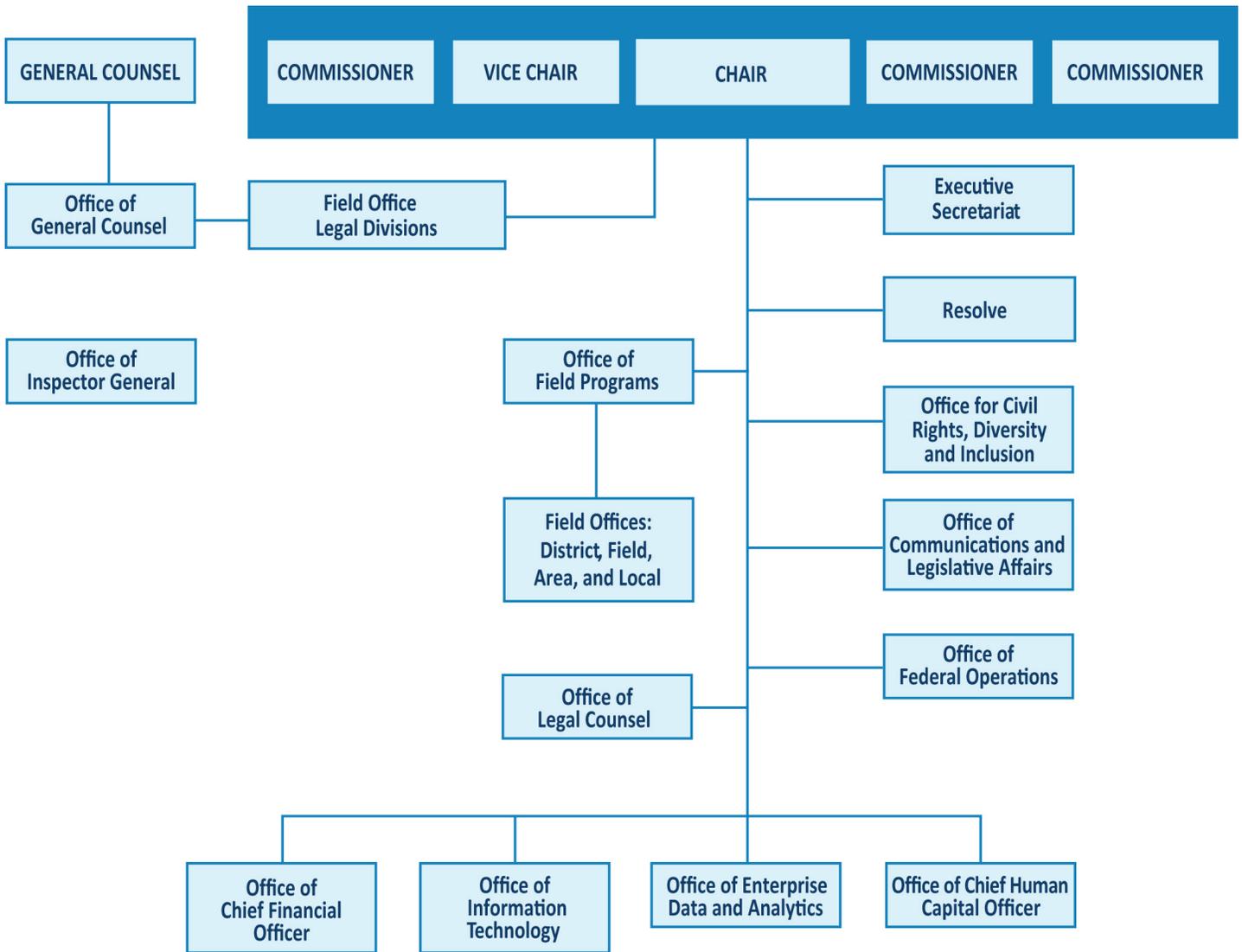
Title VII of the Civil Rights Act of 1964 (Title VII) created the EEOC to enforce protections against employment discrimination on the bases of race, color, religion, national origin, and sex. Congress subsequently vested the EEOC with responsibility to enforce the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Section 501 of the Rehabilitation Act of 1973, the Pregnancy Discrimination Act of 1978 (PDA), Titles I and V of the Americans with Disabilities Act of 1990 (ADA), Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), and the Pregnant Workers Fairness Act of 2022 (PWFA). In addition, in 1972, Congress further expanded the agency’s responsibilities by providing federal government employees the protections of Title VII and providing the EEOC with independent litigation authority against private employers under Title VII.

STATUTORY STRUCTURE

The EEOC is a bipartisan Commission comprised of five presidentially appointed members, including the Chair, Vice Chair, and three Commissioners. No more than three Commissioners (including the Chair and Vice Chair) may be from the same political party. The Chair is responsible for the administration and implementation of policy and the enforcement program, financial management, and day-to-day operations of the Commission. The Vice Chair and the Commissioners participate equally in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of lawsuits and amicus curiae briefs. In addition to the Commissioners, the President appoints a General Counsel to support the Commission and provide direction, coordination, and supervision to the EEOC’s litigation program.

THE COMMISSIONERS AND GENERAL COUNSEL	Term Expires
CHAIR CHARLOTTE A. BURROWS	2028
VICE CHAIR JOCELYN SAMUELS	2026
COMMISSIONER KEITH E. SONDERLING	2024
COMMISSIONER ANDREA R. LUCAS	2025
COMMISSIONER KALPANA KOTAGAL	2027
GENERAL COUNSEL KARLA GILBRIDE	2027

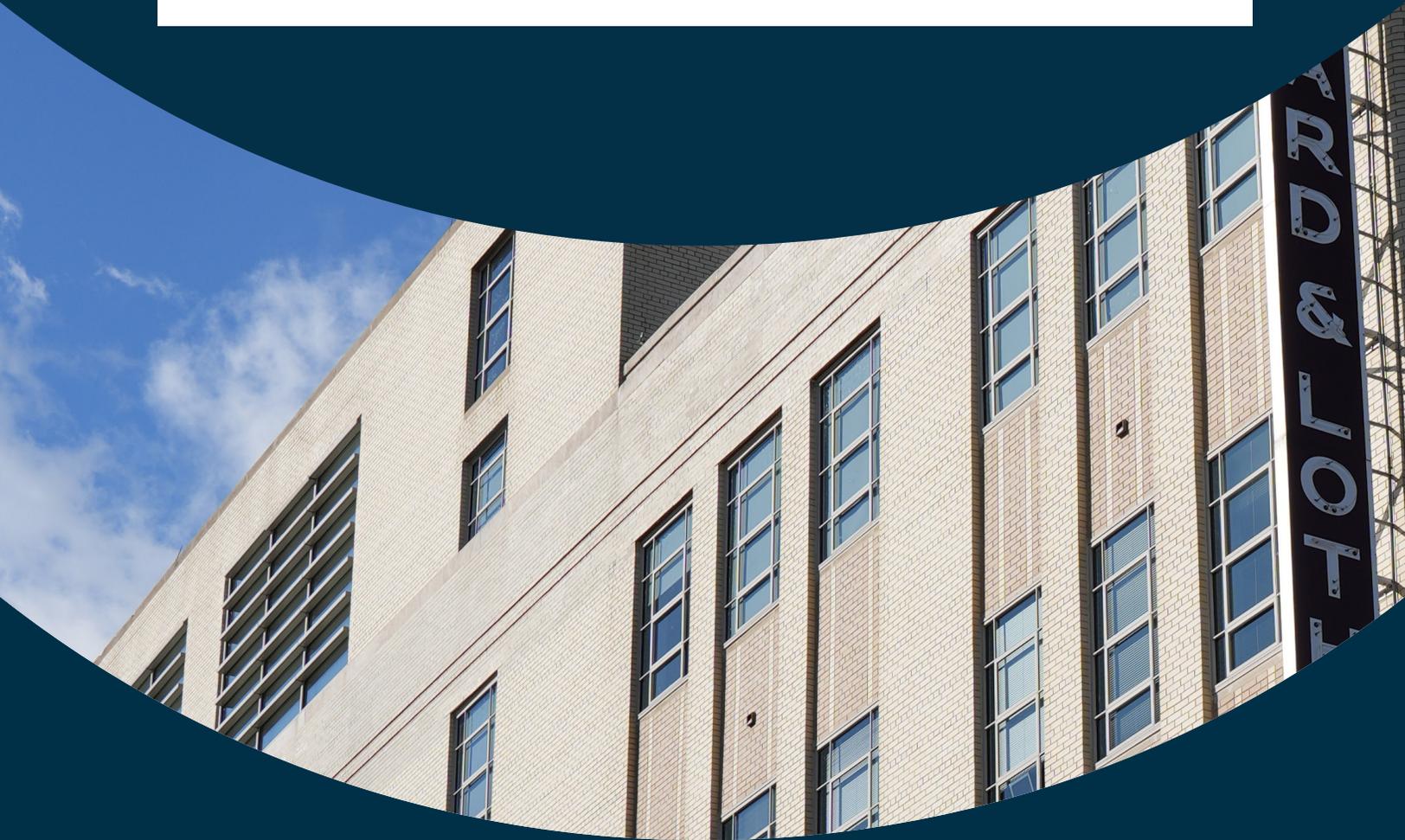
ORGANIZATION



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

EEOC programs are carried out through a network of 53 district, field, area, and local offices. For more information about the [EEOC Field Offices](#) across the nation, please see Appendix B.

PERFORMANCE RESULTS



SUMMARY OF AGENCY RESULTS UNDER THE STRATEGIC PLAN PERFORMANCE MEASURES

The Government Performance and Results Modernization Act (5 U.S.C. 306, as amended), requires federal agencies to prepare a Strategic Plan every four years, beginning in 2012. The Commission approved the [U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2022–2026](#) (Strategic Plan) on August 16, 2023. The EEOC’s Strategic Plan established a national framework to achieve the agency’s mission. To that end, and detailed later in this report, the EEOC has committed to pursuing the strategic goals, objectives and measures set forth in the Strategic Plan. The EEOC achieved the following results in fiscal year 2023:

EEOC FY 2023 Performance		
Measures	15 Total	Identifier
Targets Met or Exceeded	12	■
Target(s) Partially Met*	3	◆
Targets Not Met	0	●

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

SUMMARY OF FISCAL YEAR 2023 PERFORMANCE HIGHLIGHTS

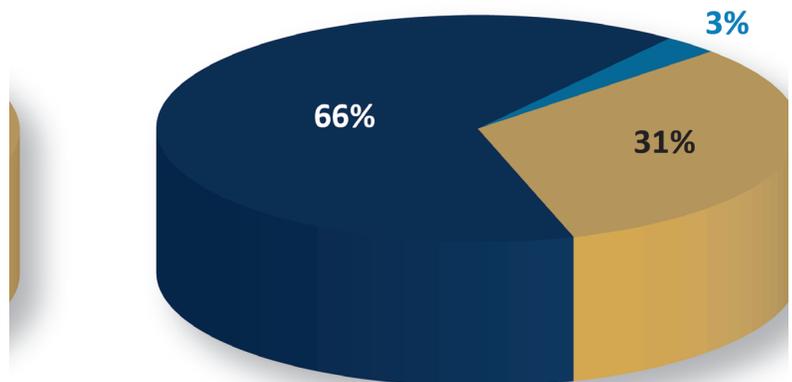
The EEOC’s Strategic Plan establishes a framework for achieving the EEOC’s mission to “Prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all,” so that the nation may achieve the Commission’s vision of “Fair and inclusive workplaces with equal opportunity for all.” Below are some of our performance highlights in achieving the agency’s strategic goals for fiscal year 2023.

The EEOC continued to successfully combat and prevent employment discrimination through the strategic enforcement of laws within our jurisdiction by:

- › Using administrative enforcement and litigation to promote broad compliance with federal workplace anti-discrimination laws, including:
 - Securing more than \$665 million for victims of discrimination, including:

FY 2023 RECOVERY FOR VICTIMS

OF EMPLOYMENT DISCRIMINATION



tion
aces

- **\$440.5 million** for **15,143** victims of employment discrimination in the private sector and state and local government workplaces through mediation, conciliation, and settlements

- **\$22.6 million** for **968** individuals in litigation

- **\$202 million** for **5,943** federal employees and applicants

- Approximately \$440.5 million for 15,143 victims of employment discrimination in the private sector and state and local government workplaces through mediation, conciliation, and settlements.
- Just over \$22.6 million for 968 individuals in litigation.
- More than \$202 million for 5,943 federal employees and applicants.
- Successfully managing an increased demand for services from the public, including:
 - Receiving 81,055 new discrimination charges, an increase of nearly 10.3% compared to fiscal year 2022.
 - Handling more than 522,132 calls from the public through the agency contact center, an almost 10% increase from fiscal year 2022, and 86,008 emails, an increase of more than 25% from fiscal year 2022.
- Successfully resolving 46.7% of conciliations.
 - Among the successful conciliations, 43.1% involved one or more Strategic Enforcement Plan priority areas.
- Filing 143 lawsuits, more than a 50% increase from fiscal year 2022, including 86 suits on behalf of individuals, 32 non-systemic suits with multiple victims, and 25 systemic suits involving multiple victims or discriminatory policies.
- Resolving 98 lawsuits and achieving favorable results in 91% of all federal district court resolutions.

The EEOC filed

143 lawsuits,
more than a **50% increase**
from fiscal year 2022, including

86 suits on behalf of
individuals,

32 non-systemic suits
with multiple victims, and

25 systemic suits
involving multiple victims or
discriminatory policies.

- Continuing to build on our successful mediation program, including:
 - Conducting 7,471 successful mediations resulting in \$201.2 million in benefits for charging parties.
 - Conducting 471 federal sector mediations resulting in \$9.1 million for federal employees and applicants.
- Resolving 8,669 federal sector hearing requests and securing approximately \$181.6 million in relief for federal applicants and employees through the EEOC’s hearings program.
- Resolving 3,730 federal sector appeals, including:
 - Appeals addressing the merits of employees’ discrimination claims, with 78 findings of discrimination in fiscal year 2023.
 - Securing \$21.1 million in monetary relief as ordered in EEOC’s federal appellate decisions.

- Issuing 64 federal sector decisions implicating one or more Strategic Enforcement Plan priorities, including numerous decisions addressing equal pay or other wage discrimination issues.
- › Working to ensure that complaints against federal agencies and charges of discrimination against state, local or private employers are handled promptly and efficiently by:
 - Managing the increased inventory of charges of discrimination filed against state, local or private employers that resulted from a 10.3% increase in new charges filed with the agency compared to fiscal year 2022. The number of pending charges at the end of fiscal year 2023 was 51,100, a slight decrease from the 51,399 pending charges at the end of fiscal year 2022.
 - Reducing the federal sector hearings inventory for the sixth consecutive year, achieving a reduction of 26.3% in fiscal year 2023, with 5,642 cases pending at the end of the fiscal year.
 - Resolving 2,207 federal sector appeals that were or would have been more than 450 days old at the end of the fiscal year. As a result, fiscal year 2024 began with less than 8% of the total pending inventory consisting of cases over 450 days old.
- › Upgrading the Commission’s data collection, analysis, and reporting capabilities, which will enable the agency to use modern data analytics to facilitate evidence-based decision making, including:
 - Launching eeoc.gov/data, the agency’s online resource for data and analytics, providing access to the EEOC’s publicly available workforce demographic data, easy-to-explore datasets, and visualizations on specific topics.
 - Enhancing *EEOC Explore*, a web-enabled, data query and mapping tool that promotes transparency, facilitates access, and encourages greater use of the EEOC’s publicly available data through user-friendly dashboards. Also, it provides new data visualizations to illustrate employment discrimination data in a simple and visually accessible way.
 - Enhancing the federal sector [Annual Report Dashboard](#) on the EEOC website, which reports agency-level complaint data. It allows users to view key complaint data from the EEOC’s Statistical Report of Discrimination, including counseling, complaints, investigations, closures and costs, and alternative dispute resolution (ADR).

The EEOC made significant efforts to prevent employment discrimination and advance equal employment opportunities through education and outreach, including:

- › Conducting 3,318 in-person and virtual no cost outreach and fee-based training events for 314,199 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace.
- › Informing the public about the Pregnant Workers Fairness Act through webinars, training, infographics, videos, other educational materials, and appearances on nationally syndicated and local radio stations in Spanish and English that reached over 37 million listeners.
- › Increasing outreach to vulnerable workers and developing and enhancing partnerships with organizations that work with vulnerable workers, including:

- Reaching 5 million workers new to the U.S. workforce by partnering with U.S. Citizenship and Immigration Services (USCIS).
- Conducting 1,125 partnership events reaching 107,032 individuals which extended our reach into underserved communities.

› Using education and outreach to improve language accessibility in furtherance of the EEOC's Equity Action Plan goal of improving access to EEOC resources for people whose primary language is not English or who have limited proficiency in reading or accessing digital resources, including:

- Increasing resources for language services to provide interpretation and translation services in over 200 languages during intake, investigations, mediations, and outreach, and translating key agency documents into Spanish, Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Russian, Tagalog, and Vietnamese.
- Developing an animated video that illustrates ways to file a charge with the EEOC with voice overlay in English, Spanish, Arabic, Chinese, Haitian Creole, Korean, Russian, Tagalog, and Vietnamese.
- Conducting nationally syndicated radio media tours in Spanish reaching 3.5 million Spanish speaking listeners.
- Posting over 170 additional webpages on www.eeoc.gov in languages other than English: 10 in simplified Chinese, Haitian Creole, Korean, Russian, Tagalog, and Vietnamese, 14 in Spanish, 28 in Arabic, and 60 in traditional Chinese. In total, the EEOC's translated webpages have been visited 3,066,794 times in fiscal year 2023, over one million more times than in fiscal year 2022.

› Increasing digital media products to enhance the public's understanding of the equal employment opportunity laws and their rights and responsibilities under those laws, resulting in the [EEOC's website](#) having: more than 12 million users, an 11.1% increase over fiscal year 2022; 17.8 million user sessions, an 11.4% increase over fiscal year 2022; over 31.7 million page views, a 9.3% increase over fiscal year 2022; and a 5.4% increase in mobile traffic on the website.

› Launching social media campaigns to provide members of the public greater access to information about their rights and responsibilities, including:

- Commemorating the 60th anniversary of the March on Washington for Jobs and Freedom with more than 30 posts over five days highlighting EEOC milestones and ongoing efforts.

The EEOC conducted

3,318

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nationwide with information about employment discrimination and their rights and responsibilities in the workplace.

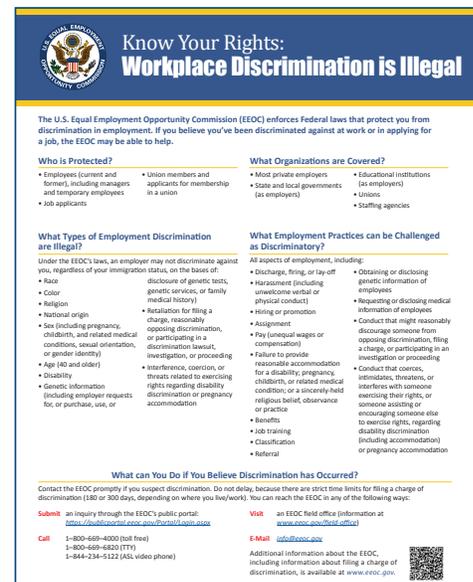
The campaign content also promoted events related to the March on Washington anniversary, including the EEOC Chair’s conversation with Ambassador Andrew Young and a panel presentation co-hosted by the EEOC and the Federal News Network, featuring EEOC Chair Charlotte Burrows and other agency and White House leaders as they discussed the March and its lasting legacy.

- Educating the public about the PWFA with over 30 posts, reaching more than 300,000 social media users.
- Marking the 60th Anniversary of the Equal Pay Act, through an Instagram-focused campaign, #LevelthePayingField, in which EEOC leaders, other public officials, charging parties, celebrities, and the public made short videos explaining the importance of equal pay. The EEOC reached new audiences through this campaign.

➤ Prioritizing outreach to the small business community, including:

- Conducting 194 small business outreach events and events with Significant Partner-Businesses reaching 39,066 attendees.
- Promoting the EEOC [Small Business Resource Center](#) and the EEOC Training Institute to help businesses easily access information about employer responsibilities.
- Receiving an “A” rating in the [Small Business Administration Ombudsman’s Report to Congress for fiscal year 2021](#), which was published in fiscal year 2024, for responsiveness to small business concerns.

➤ Updating the “[Know Your Rights: Workplace Discrimination is Illegal](#)” poster to make clear that harassment is a prohibited form of discrimination; clarify that sex discrimination includes discrimination based on pregnancy, childbirth, and related conditions, sexual orientation, or gender identity; and include information about the protections under the newly enacted PWFA. These updates also improve access to information by including a QR code, providing the poster in audio format, and increasing availability in different languages.



➤ Publishing new and updated technical assistance documents to assist EEOC stakeholders, including:

- [Assessment of Software, Algorithms, and Artificial Intelligence for Disparate Impact Under Title VII of the Civil Rights Act of 1964](#);
- [What You Should Know About the Pregnant Workers Fairness Act](#);
- [Visual Disabilities in the Workplace and the Americans with Disabilities Act](#);
- [Hearing Disabilities in the Workplace and the Americans with Disabilities Act](#);
- [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#);
- [Promising Practices for Preventing Harassment in the Federal Sector](#); and
- [Youth@Work](#) materials to include important information related to human trafficking.



The EEOC strove for organizational excellence through our people, practices, and technology by:

- › Continuing to modernize agency data collections and data dissemination activity to align with the Federal Data Lifecycle Framework and ensure compliance with the provisions of Title VII, Paperwork Reduction Act (PRA), Information Quality Act (IQA), Foundations for Evidence-Based Policy-making Act (Evidence Act), Confidential Information Protection and Statistical Efficiency Act (CIPSEA), and Federal Information Security Modernization Act (FISMA).
- › Partnering with the Department of Interior’s Multi-Agency SES Candidate Development Program to provide a succession management resource that selects and trains aspiring senior leaders.
- › Continuing to streamline the recruitment process to improve time-to-hire rates and reach and maintain authorized staffing plan levels, including filling 493 new positions and ending the fiscal year with 2,331 employees on board. All hires were made within the 80-day deadline, utilizing special hiring flexibilities, such as Schedule A appointments for persons with disabilities, veteran appointments, the Pathways Program; college graduate hiring authority; law clerks; and interagency lateral transfers.
- › Developing employees and addressing skills gaps for our mission-critical occupations to improve effectiveness and organizational results and to increase employee retention.

SUMMARY OF FISCAL YEAR 2023 ACHIEVEMENTS IN PRIORITY AREAS

In fiscal year 2023, the EEOC focused on the following broad areas — addressing systemic discrimination in all forms and on all bases; preventing and combating workplace harassment; advancing racial justice; preventing and remedying retaliation; advancing pay equity; advancing diversity, equity, inclusion, and accessibility in the workplace to promote equal opportunity; addressing the use of technology, including artificial intelligence, machine learning, and other automated systems in employment decisions; and ensuring the EEOC has the resources needed to effectively enforce the law and serve the public. Below are a few highlights of the agency’s accomplishments in each of these areas.

The EEOC addressed systemic discrimination in all forms and on all bases by:

- › Resolving more than 370 systemic investigations on the merits, obtaining more than \$29 million in monetary benefits for workers subjected to systemic discrimination, and securing targeted, equitable relief in 100% of successful systemic conciliations.
- › Resolving 14 systemic lawsuits in fiscal year 2023, obtaining just over \$11.7 million for 806 workers subjected to systemic discrimination as well as significant equitable relief.
- › Filing 25 lawsuits challenging systemic discrimination, comprising 17.5% of all merits suits filed in fiscal year 2023 (see descriptions in Appendix D). Of these 25 systemic cases, 11 were “pattern or practice” cases. The fiscal year 2023 systemic filings were almost double the number of systemic suits filed in each of the past three fiscal years, and the largest number of systemic filings since 2018.
- › Resolving several significant federal sector class cases involving a discriminatory pattern, practice, or policy with a broad impact on federal employees and applicants, obtaining tens of millions of dollars along with equitable relief in the process.

The EEOC prevented and combatted workplace harassment by:

- › Issuing resource documents aimed at preventing and addressing unlawful workplace harassment, including a technical assistance document on [*Promising Practices for Preventing Harassment in the Federal Sector*](#) and an updated [*Proposed Enforcement Guidance on Harassment in the Workplace*](#) for public input. The EEOC continues to work towards publishing a final guidance document in spring 2024.
- › Processing thousands of federal sector harassment complaints, and making formal findings of discrimination in dozens of federal sector cases alleging harassment, and obtaining significant resolutions for federal employee complainants.
- › Resolving 35 lawsuits alleging harassment on various bases for nearly \$9.8 million in monetary relief benefiting 184 individuals, including three systemic cases.
- › Engaging in outreach and education to prevent and combat workplace harassment, including 398 outreach, education, and training events involving the topic of harassment reaching 28,368 attendees.

The EEOC advanced racial justice during fiscal year 2023 in the following ways:

- › Resolving significant cases alleging racial discrimination during the administrative process, including systemic cases.
- › Resolving 19 lawsuits alleging race or national origin discrimination for nearly \$4.9 million in relief benefiting 89 individuals, including 2 systemic cases.
- › Filing 26 lawsuits (6 systemic, 8 class, and 12 individual) alleging race and/or national origin discrimination. Of these 26 cases filed, 18 alleged race discrimination, 6 alleged both race and national origin discrimination, and 2 alleged national origin discrimination.
- › Conducting education and outreach events, to promote racial justice and confront systemic barriers in the workplace, including 220 racial justice events reaching 24,188 attendees.
- › Supporting Executive Order 13985: [*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*](#), by integrating the requirements in the Order into the EEOC's partnership and outreach strategy, hosting regional listening sessions, and identifying partnerships that allow the agency to extend its reach into underserved communities.
- › Supporting Executive Order 14041: [*White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities \(HBCU\)*](#) by developing a strategic plan with five targeted goals to increase opportunities for HBCUs to participate in and benefit from federal programs. The EEOC plan identified progress made toward achieving these goals and highlighted continued efforts to partner with HBCUs regarding procurement opportunities, outreach, training, workforce development, and recruitment of HBCU students and graduates through several programs.

The EEOC prevented and remedied retaliation by:

- › Resolving significant retaliation cases during the administrative process, including systemic cases.
- › Identifying and remedying unlawful retaliation in numerous cases in the federal sector.
- › Successfully resolving 34 lawsuits containing retaliation claims for nearly \$8.3 million in relief benefiting 167 individuals, including 3 systemic cases.
- › Filing 56 lawsuits alleging retaliation.
- › Conducting 188 retaliation outreach events reaching 26,695 attendees.

The EEOC advanced pay equity by:

- › Resolving significant compensation discrimination cases during the administrative process, including systemic cases.
- › Successfully resolving nine lawsuits involving compensation discrimination, including a systemic case.
- › Filing five lawsuits raising compensation discrimination claims, three of which alleged that women were paid less than their male counterparts.
- › Conducting 125 equal pay outreach events, reaching 13,814 attendees.
- › Commemorating the 60th anniversary of the EPA by releasing resources to the public, including:
 - An [equal pay data highlight](#);
 - A [fact sheet](#) on notable EEOC litigation involving pay discrimination; and
 - An equal pay social media video campaign called “[#LevelThePayingField](#).”



The EEOC played a critical role in advancing diversity, equity, inclusion, and accessibility in the workplace to promote equal opportunity by:

- › Collaborating with the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM), among other agencies, to implement [Executive Order \(EO\) 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#), including:
 - Operationalizing the Chief Diversity Officers Executive Council to advance the national strategy for DEIA across the federal government. The Council is chaired by the Director of OPM, and co-vice-chaired by the EEOC Chair and the OMB Deputy Director for Management.
 - Convening a special meeting for the federal sector EEO/DEIA community at which the EEOC Chair and Vice Chair provided insights on EEO/DEIA policies and programs after the Supreme Court’s holding in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina*.

- Issuing resource documents in support of the EO's objectives, including:
 - [*Building for the Future: Advancing Equal Employment Opportunity in the Construction Industry.*](#)
 - [*Promising Practices for Preventing Harassment in the Federal Sector.*](#)
 - [*Second Chances Part I — Federal Employment for Workers with Past Arrests or Convictions.*](#)
 - [*Second Chances Part II — History of Criminal Conduct and Suitability for Federal Employment.*](#)
 - [*Protections Against Employment Discrimination for Service Members and Veterans.*](#)
 - [*What to Do if You Face Antisemitism at Work.*](#)
- Working with the White House and OPM to offer barrier analysis training to support federal hiring efforts under the Bipartisan Infrastructure Law to help agencies understand potential hiring barriers to underserved communities.

- Serving on the implementing committee for Executive Order 13988: [*Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*](#) (EO 13988), the White House Gender Policy Council, and the interagency working group for the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI).
- Participating in Interagency Working Groups, including an LGBTQ+ Equity DEIA Working Group; an Interagency Policy Committee to Counter Antisemitism, Islamophobia, and Related Forms of Discrimination and Bias, which resulted in the [*National Strategy to Counter Antisemitism*](#); and a new [*Gender Based Violence Federal Interagency Working Group*](#).
- Continuing to support the [*Hiring Initiative to Reimagine Equity \(HIRE\)*](#), a multi-year collaborative effort launched by the EEOC and OFCCP, to highlight barriers and promising practices on a variety of topics.

- Working to ensure equity for workers who face discrimination based on pregnancy, childbirth, or related medical conditions by implementing the PWFA, which was signed into law on December 29, 2022, and requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. The PWFA promotes the economic security and health of pregnant and postpartum workers by providing them with access to support on the job to keep working.

- To implement the PWFA, the EEOC issued a [*Notice of Proposed Rulemaking \(NPRM\)*](#) on August 11, 2023, with a comment period that closed on October 10, 2023, and began accepting PWFA charges on June 27, 2023, the day the law became effective.
- The EEOC conducted radio media tours to inform the public about the PWFA, reaching over 37 million listeners on nationally syndicated radio and local radio stations.



› Providing education and outreach to stakeholders on AI and algorithmic fairness in hiring, including:

- Hosting 119 AI and algorithmic fairness outreach events reaching 11,735 attendees.
- EEOC Chair Charlotte A. Burrows' participation as a panelist and speaker in 11 outreach events focusing on AI and algorithmic fairness in hiring, including a South by Southwest (SXSW) conference panel titled, "[Is AI the New HR? Protecting Civil Rights at Work.](#)"
- Conducting several Training Institute workshops to educate employers about the risks associated with AI in the workplace, reaching 978 individuals.
- Featuring a session on Use of Artificial Intelligence at the annual EXCEL conference.
- Hosting a panel discussion on the topic of Artificial Intelligence and Algorithmic Fairness at the 2023 EEOC-FEPA/TERO Conference, during which the EEOC presented training on identifying the use of artificial intelligence in employment decisions.
- Participating in cross-agency work on AI and Employment and a State Department-sponsored Joint U.S.-U.K. Workshop to Advance Cooperation on Artificial Intelligence Governance.

During fiscal year 2023, the EEOC strengthened the enforcement capacity of the agency in the following ways:

› Ensuring that the agency had sufficient staff to address its expanding workload by filling 493 new positions and ending the year with 2,331 employees.

- The majority of these positions were front-line staff (investigators, investigative support assistants, mediators, and attorneys, among other positions).

› Improving service to the public by enhancing the agency's ability to communicate with and provide accurate and timely information to stakeholders by:

- Successfully recruiting, hiring, and training new contact representatives at the EEOC's Contact Center, to ensure that attrition did not result in a decrease in staffing.
- Serving a very high volume of EEOC stakeholders by providing a wide range of EEOC-related information through the EEOC's 1-800 toll free telephone number, 1-844 ASL video phone number, and the general EEOC email inbox, info@eoc.gov.
- Fully leveraging the state-of-the-art Telephony Platform for the EEOC's 1-800 toll free telephone number that launched in fiscal year 2022, which features an updated Interactive Voice Response (IVR) system in both English and Spanish by:
 - Providing EEOC-related information to more than 124,000 callers to the 1-800 number using the text messaging system; and
 - Providing real-time customer satisfaction surveys, which will provide the EEOC with feedback necessary to provide ongoing improvements to the customer satisfaction levels of EEOC stakeholders seeking information from the EEOC's Contact Center.

The EEOC filled
493
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and ending the
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2,331
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THE EEOC'S PERFORMANCE MEASUREMENT PROCESS

The Government Performance and Results Modernization Act of 2010 (5 U.S.C. 306, as amended) requires executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular No. A-11 from OMB instructs agencies on the necessary elements required in an agency's strategic plan and the requirements to publish a new strategic plan with the beginning of each new term of an administration. The [U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2022–2026](#) (Strategic Plan) established 3 overarching strategic goals and 15 performance measures to gauge the agency's progress in meeting these goals. The EEOC conducts periodic performance measure reviews. During these reviews, program office representatives report on the progress made to achieve the agency's performance measures.

The EEOC reports on performance measures each year. In the agency's Annual Performance Plan (APP), issued as part of OMB's budget request, the EEOC identifies the level of planned performance to achieve in the fiscal year, along with performance goals and key milestones that align with the EEOC's Strategic Plan and agency priorities. In the agency's Annual Performance Report, issued in coordination with the agency's Congressional Budget Justification, the EEOC reports on progress achieving the goals and objectives in the agency's Strategic Plan and APP, along with performance and program results achieved for the previous fiscal year.

DETAILED RESULTS ACHIEVED IN FISCAL YEAR 2023 UNDER THE STRATEGIC PLAN PERFORMANCE MEASURES

OVERVIEW OF THE STRATEGIC PLAN GOALS, OBJECTIVES, AND PERFORMANCE MEASURES

In accordance with the Government Performance and Results Modernization Act of 2010, the Commission approved the EEOC's [Strategic Plan](#) on August 16, 2023. To do so, the agency engaged in a comprehensive assessment of its programs and priorities. As stated above, under this Strategic Plan, the EEOC focuses on three strategic goals to achieve its critical mission to prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all and to pursue its vision of fair and inclusive workplaces with equal opportunity for all.

- › **Strategic Goal I**, to combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities, reflects the EEOC's primary mission of preventing and remedying unlawful employment discrimination and advancing equal employment opportunity for all through: 1) the administrative (investigation and conciliation) and litigation enforcement mechanisms applicable to private employers, labor organizations, employment agencies, and state and local government employers, that Congress entrusted to the EEOC; and 2) the adjudicatory and oversight mechanisms for federal employers that Congress entrusted to the EEOC.

There are two objectives and seven performance measures for Strategic Goal I.

- › **Strategic Goal II**, to prevent employment discrimination and advance equal employment opportunities through education and outreach, reflects the EEOC's obligation to deter employment discrimination before it occurs. Educational and outreach programs, projects, and events are also cost-effective law enforcement tools because they promote understanding of the law and voluntary compliance. All parties benefit when the workplace is free of discrimination, and everyone has access to equal employment opportunity.

There are two objectives and four performance measures for Strategic Goal II.

› **Strategic Goal III**, to strive for organizational excellence through our people, practices, and technology, seeks to improve management functions with a focus on people, service to the public, information technology, infrastructure enhancement, and accountable financial stewardship. These areas are cross-cutting and require integration and coordination to promote organizational excellence from internal and external perspectives.

There are two objectives and four performance measures for Strategic Goal III.

The agency's progress on the strategic goals, objectives, and related performance measures is discussed below.

STRATEGIC GOAL I: Combat and Prevent Employment Discrimination through the Strategic Application of the EEOC's Law Enforcement Authorities

The agency adopted two strategic objectives to further the goal:

- › **Strategic Objective I.A.:** The agency has a broad impact on preventing and remedying employment discrimination while providing meaningful relief for victims of discrimination; and
- › **Strategic Objective I.B.:** The agency exercises its enforcement authority fairly, efficiently, and based on the circumstances of each charge or complaint.

The EEOC also identified and is implementing seven key strategies. The strategies for achieving Strategic Objective I.A. are:

- › **Strategy I.A.1:** Rigorously and consistently implement the Strategic Enforcement Plan (SEP) to focus resources on the EEOC's priorities, integrating agency responsibilities and activities.
- › **Strategy I.A.2:** Use administrative and litigation mechanisms to identify and eradicate discriminatory policies and practices, including systemic practices.
- › **Strategy I.A.3:** Use the EEOC's decisions and oversight activities to eradicate discriminatory policies and practices in federal agencies.
- › **Strategy I.A.4:** Seek effective remedies to end discriminatory practices and deter future discrimination.
- › **Strategy I.A.5:** Seek remedies that provide meaningful relief to individual victims of discrimination.

The strategies for achieving Strategic Objective I.B. are:

- › **Strategy I.B.1:** Rigorously and consistently implement charge management for private sector and state and local government charges, aligned with the SEP.
- › **Strategy I.B.2:** Rigorously and consistently implement case management for federal sector hearings and appeals aligned with the SEP.

The EEOC has developed Performance Measures 1 through 7 to track the agency’s progress in pursuing these strategies.

Strategic Objective I FY 2023 Performance Summary		
Measures	7 Total	Identifier
Targets Met or Exceeded	5	■
Targets Partially Met*	2	◆
Targets Not Met	0	●

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

Performance Measure 1 for Strategic Objective I.A.: By fiscal year 2025, 90% of EEOC conciliations and litigation resolutions contain targeted, equitable relief and that level is maintained through fiscal year 2026.

	FY 2022	FY 2023
Target	86–88%	87–89%
Results	91.4%	98.1%
■	Target Exceeded	Target Exceeded

The EEOC negotiates resolutions of charges after an investigation has determined that there is reasonable cause to believe that unlawful employment discrimination has occurred. Because every investigation is dependent on the specific facts of each case, it is neither appropriate nor feasible to set a target for the number of reasonable cause determinations the agency makes. However, it is appropriate to set a goal for the type of relief that should be sought in resolutions of cases once reasonable cause has been found.

Performance Measure 1 encourages the EEOC to seek relief that goes beyond monetary damages for individual victims of discrimination. While it is vital that the EEOC seeks meaningful relief for individuals, the Commission’s ultimate goal must be to protect all employees and jobseekers from unlawful discrimination.

The fiscal year 2023 target for Performance Measure 1 was for at least 87%–89% of the EEOC’s conciliations and litigation resolutions to contain targeted, equitable relief. Targeted, equitable relief includes any non-monetary and non-generic relief that explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include, for example, customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate.

In fiscal year 2023, the agency far exceeded the targeted range, reporting 927 administrative and legal resolutions with targeted, equitable relief out of 945 resolutions, or 98.1%.

Performance Measure 2 for Strategic Objective I.A.: In each year through fiscal year 2026, the EEOC continues to favorably resolve at least 90% of enforcement lawsuits.

	FY 2022	FY 2023
Target	90%	90%
Results	94.8%	90.8%
■	Target Exceeded	Target Exceeded

Performance Measure 2 encourages the EEOC’s litigation program to continue to strive for excellence by maintaining its record of successful resolutions. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement. Achieving success for this measure will ensure that the EEOC continues to exercise its prosecutorial discretion responsibly, while allowing the agency to take on challenging issues and litigate complex cases, including cases of systemic discrimination. This measure is significant because achieving success in cases raising priority issues under the Strategic Enforcement Plan (SEP) is often challenging and resource-intensive, especially in cases involving emerging or developing issues and systemic cases.

The fiscal year 2023 target for Performance Measure 2 was for the agency to favorably resolve 90% of its enforcement lawsuits. As of fiscal year-end 2023, the agency had exceeded the target by favorably resolving 89 out of 98, or 90.8%, of its enforcement lawsuits.

Performance Measure 3 for Strategic Objective 1A.: In each year through fiscal year 2026, the EEOC increases its capacity to conduct investigations of systemic discrimination through training and other resources.

Sub-Measure 3a.: In each year through fiscal year 2026, the EEOC will provide training to all field staff on identifying and investigating systemic discrimination, and at least 90% of investigators and trial attorneys will participate in systemic training each year.

	FY 2022	FY 2023
Target	Training provided, at least 90% participation.	Training provided, at least 90% participation.
Results	The agency provided training to all lead systemic investigators, systemic coordinators, and many trial attorneys at its annual systemic training conference in August 2022. Six Districts presented training on identifying systemic discrimination in FY 2022 to all their enforcement staff. At least 90% of investigators and attorneys participated in the systemic-related trainings.	Systemic training was provided to all enforcement and litigation staff in February, April, and May 2023. The agency provided training to all field staff on identifying and investigating systemic AI-related discrimination in May 2023, with an estimated 90% (at least) of investigators and trial attorneys attending. Additional training for systemic staff was conducted in December 2022, February 2023, March 2023, May 2023, July 2023, and during the fourth quarter of FY 2023.
■	Target Exceeded	Target Exceeded

Sub-Measure 3b.: By fiscal year 2026, 90% of systemic cause investigations reviewed meet or exceed criteria established in the [Quality Enforcement Practices Plan](#) (QEP).

	FY 2022	FY 2023
Target	88%	88.5%
Results	92.7%	92.5%
■	Target Exceeded	Target Exceeded

Sub-Measure 3c.: By fiscal year 2026, every District will have at least two dedicated Enforcement Unit systemic staff members.

	FY 2022	FY 2023
Target	At least two dedicated Enforcement Unit staff members by FY 2026.	At least two dedicated Enforcement Unit staff members by FY 2026.
Results	In FY 2022, the agency worked toward the target goal of at least two dedicated Enforcement Unit systemic staff members by FY 2026.	The agency continued to work toward the FY 2026 goal of at least two dedicated Enforcement Unit systemic staff members.
	Target Partially Met*	Target Partially Met*

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

Performance Measure 3 emphasizes expanding the EEOC's capacity to conduct systemic investigations, resulting in a coordinated, strategic, and effective approach to systemic enforcement. Refocusing efforts on cases that have a broad impact on an industry, profession, company, or geographic region will allow the EEOC to increase its impact on dismantling discriminatory patterns, practices, or policies. The Commission is committed to tackling systemic employment discrimination in all forms and on all bases. Eliminating systemic barriers to equal opportunity in the workplace allows the EEOC to leverage its work to achieve the greatest impact. Providing training to EEOC staff on identifying and investigating systemic cases is critical to the success of these efforts.

The EEOC has numerous tools to combat systemic discrimination and harassment, including outreach and education, technical assistance, and enforcement, and uses all of them to achieve change on a broad scale. A robust systemic program is an important part of these efforts and allows the EEOC to advance equal employment opportunity on a national, regional or industry level while helping substantial numbers of employees at the same time.

The fiscal year 2023 targets for Performance Measures 3 through 3c were for at least 90% participation rate in provided trainings, for 90% of systemic investigations to meet or exceed the criteria established in the QEP, and for each District to have at least two dedicated systemic staff members.

Throughout the fiscal year, the agency held many systemic trainings, including an in-person systemic training conference. Systemic training was provided to all Office of Field Programs and Office of General Counsel staff in February (two sessions), April, and May 2023. The agency provided training to all field staff on identifying and investigating systemic AI-related discrimination in May 2023, with an estimated attendance rate of at least 90% by investigators and attorneys. Additional training was conducted in December 2022, February, March, May, and July 2023 and during the fourth quarter of fiscal year 2023. The annual systemic training conference is invaluable to provide specialized skills training, exchange ideas, and strengthen the working relationships among agency offices, which is essential for this vital program to succeed. In addition, the EEOC held an in-person specialized training for recently promoted lead systemic investigators. By the end of the fiscal year, there were 5 Districts with 2 dedicated Enforcement Unit systemic staff members and 10 Districts with 1 dedicated Enforcement Unit systemic staff member.

Performance Measure 4 for Strategic Objective I.A.: By fiscal year 2026, the EEOC will make significant progress toward enhanced monitoring of conciliation agreements, leading to a more robust compliance program.

Sub-Measure 4a.: Each year, the EEOC will report on enhancements to its compliance monitoring program for conciliation agreements.

	FY 2022	FY 2023
Target	Report issued.	Report issued.
Results	In FY 2022, systemic conciliation agreements were monitored through annual submissions of Measures of Effectiveness reports.	In FY 2023, the EEOC continued to review existing compliance monitoring procedures and explore potential future enhancements.
	Target Partially Met*	Target Partially Met*

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

Performance Measure 4 recognizes that compliance reviews are critical to ensure parties fully comply with EEOC’s conciliation agreements. When the EEOC finds reasonable cause to believe discrimination has occurred, the agency issues a determination and invites the parties to engage in informal efforts to resolve the charge, known as conciliation. Successful conciliation agreements routinely include relief for the aggrieved individuals, as well as targeted, equitable relief that explicitly addresses the discriminatory employment practices at issue in the case and is designed to prevent similar violations in the future. Effective compliance monitoring is critical to the EEOC’s ability to ensure workplaces are free from discrimination after the EEOC makes a finding of discrimination.

With an emphasis on progress, Performance Measure 4 will lead to enhanced compliance monitoring, including streamlined and standardized procedures, improved tracking and internal reporting mechanisms, and related training for EEOC field staff. Collaboration, evaluation, and system improvements are critical to this performance measure, and reporting on enhancements will ensure meaningful progress.

The fiscal year 2023 target for Performance Sub-Measure 4a was for the agency to issue a report on enhancements to its compliance monitoring program for conciliation agreements. During fiscal year 2023, the EEOC examined existing technological compliance monitoring capabilities and evaluated systemic conciliation monitoring and measures of effectiveness for future enhancements to compliance monitoring for all conciliation agreements. These feedback measures assist the EEOC in determining whether the relief implemented was successful in achieving the desired change in the workplace and bringing employers into compliance with the statutes enforced by the Commission.

The agency’s evaluation and plan for an enhanced compliance program will be completed in fiscal year 2024, and a report will be issued by the end of the fiscal year.

Performance Measure 5 for Strategic Objective I.B.: By fiscal year 2026, 74% of federal agencies subject to oversight activities or compliance reviews change their employment practices based on EEOC recommendations.

	FY 2022	FY 2023
Target	70%	71%
Results	78%	80.3%
	Target Exceeded	Target Exceeded

Performance Measure 5 recognizes that because the federal government is the largest employer in the United States, reducing unlawful employment discrimination in the federal sector is an integral part of combatting employment discrimination in the nation’s workplaces. Moreover, as the largest employer in the United States, the federal government has tremendous influence over the employment practices of private and public employers across the nation. Thus, the promotion of equal employment opportunity in the federal government can positively impact all employees and jobseekers.

Each year, the EEOC conducts program evaluations of a sample of federal agencies, focused on an array of issues relevant to the agency. The evaluations are summarized, with the EEOC recommending changes in the agency’s employment practices, if needed. These recommendations include steps federal agencies can take to correct any discriminatory practice identified by the evaluation. Agencies provide the EEOC with their compliance plans in response to the reports. For the baseline year of fiscal year 2022, the EEOC reviewed the compliance plans issued in fiscal year 2020 and determined whether they were implemented successfully and, if not, what corrective action was appropriate. Based on the EEOC’s assessment of compliance, a baseline for the number or percent of agencies successfully changing practices was established for subsequent years.

The fiscal year 2023 target for Performance Measure 5 was for 71% of the federal agencies subject to oversight and compliance reviews to change their employment practices based on EEOC recommendations. The percent of agencies substantially implementing the EEOC’s recommendations was 80.3%.

Performance Measure 6 for Strategic Objectives II.A. and II.B.: For each year through fiscal year 2026, a significant proportion of completed investigations, conciliations, hearings, and federal appeals meet or exceed established quality criteria.

Sub-Measure 6a.: By fiscal year 2026, at least 90% of the EEOC’s charge investigations and conciliations meet or exceed criteria established in the [Quality Enforcement Practices Plan](#).

	FY 2022	FY 2023
Target	88%	88.5%
Results	92.7%	93.1%
■	Target Exceeded	Target Exceeded

Sub-Measure 6b.: Each year through fiscal year 2026, at least 90% of the EEOC’s federal sector hearings and appeals meet criteria established in the Federal Sector [Quality Practices Plan](#).

	FY 2022	FY 2023
Target	88%	88.5%
Results	94.6%	94.6%
■	Target Exceeded	Target Exceeded

Performance Measure 6 builds on the EEOC’s previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. In September 2015, the Commission approved a plan for [Quality Enforcement Practices for Effective Investigations and Conciliations](#), known as the QEP. The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan.

In fiscal year 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in fiscal year 2017. In fiscal year 2018, the EEOC used those

benchmarks to begin projecting future targets. The EEOC continues to use the fiscal year 2018 baseline for its target projections through fiscal year 2026. The increased goals for quality reviews in this plan will strengthen opportunities to constructively resolve cases for workers and employers through investigation and conciliation.

Performance Measure 6 also provides targets for quality work in the federal sector. The [Federal Sector Quality Practices Plan](#) (FSQP) was approved by the Commission in January 2017, and includes quality components for hearings and appeals. The FSQP also includes quality criteria for the Commission’s oversight of federal agencies when reviewing affirmative employment and barrier analysis plans, evaluating federal agency complaint processes, and offering technical assistance to federal agencies. During fiscal year 2018, the agency collected baseline data on the quality criteria set forth in the FSQP, in a manner similar to what was done to implement the QEP. Following the collection of baseline data based on hearings and appeals file reviews and federal agency compliance reviews, the agency established benchmarks for fiscal year 2019 and subsequent years, continuing through fiscal year 2026. The fiscal year 2023 targets for Performance Measure 6 through 6b were for at least 88.5% of the EEOC’s charge investigations and conciliations and federal sector hearings and appeals to meet or exceed criteria established in the QEP and FSQP.

By the end of fiscal year 2023, the agency had conducted thorough reviews of closed charges to assess the quality of investigations and charge processing resolutions. Specifically, over 600 completed investigations (approximately 1% of the EEOC’s fiscal year 2022 resolutions) were reviewed, as part of the agency’s quality file reviews, sampling closed charges from each of the EEOC’s 53 offices. The quality file reviews resulted in an overall quality rating of 93.1%, exceeding the fiscal year 2023 goal of 88.5%, for Sub-Measure 6a.

Also, during fiscal year 2023, the agency’s hearings program evaluated the quality of Administrative Judge decisions and orders, with a focus on legal analysis, accuracy, and writing ability/clarity. Based on these evaluations, the EEOC determined that the goal for Sub-Measure 6b was achieved with an average of 92.6% of the federal sector hearings cases and an average of 96.6% of appeals successfully meeting the criteria established in the FSQP. When the achievements of these two programs were calculated, the combined average goal for both federal sector programs exceeded the FSQP requirement of 88.5%, resulting in 94.6% compliance for fiscal year 2023.

Performance Measure 7 for Strategic Objectives II.A. and II.B.: By fiscal year 2026, EEOC will enhance its intake services to potential Charging Parties, Respondents, and Representatives.

Sub-Measure 7a.: By fiscal year 2023, the EEOC will evaluate its intake services, determine baseline levels of service, and identify technological solutions and other resources to improve and expand accessibility to those services.

	FY 2022	FY 2023
Target	Evaluation completed.	Evaluation completed.
Results	Completed evaluation involved evaluating the agency’s Intake Unit functions and staff duties.	The evaluation of intake functions was completed in FY 2023, with emphasis on enhancing intake services and removing potential barriers to submitting inquiries, filing charges, and the agency’s processing of charges.
	Target Met	Target Met

Sub-Measure 7b.: From fiscal year 2024–2026, the EEOC will make yearly progress in improving availability of intake interview appointments.

	FY 2022	FY 2023
Target	Yearly progress made.	Yearly progress made.
Results	Progress was made.	In FY 2023, progress was made in the areas of evaluation, analysis, and identification of improvement areas.
■	Target Met	Target Met

Performance Measure 7 recognizes the importance of intake to the EEOC charge filing process. Intake is the first step in the investigative process. Sub-Measures 7a and 7b also are in line with the Government Accountability Office’s October 2022 report on the EEOC’s enforcement and outreach efforts, which recommended that the agency track intake timeframes to help assess service to the public.

In fiscal year 2023, the targets for Performance Measures 7 through 7b were for the evaluation of intake services to be completed with goals set for the following fiscal year. During the fiscal year, the EEOC evaluated intake services with regard to Sub-Measure 7a, determined baseline levels of service, and identified technological solutions and other resources to improve those services. Specifically, the EEOC worked to review and enhance its current intake process to more effectively and efficiently fulfill the agency’s mission. This involved evaluating improvements related to achieving greater consistency in the agency’s intake-related work; soliciting input from internal and external stakeholders; and obtaining valuable information that will allow the agency to develop a process that increases technological solutions to the overall intake process flow. The EEOC envisions that a new and innovative intake process will reduce the length of time for service delivery, remove language barriers, and streamline the interview process.

In addition, several technological solutions were either launched or development was started during fiscal year 2023, including the capability to track the length of the intake process in the fourth quarter of 2023. With regard to sub-measure 7b, the agency focused on evaluation, analysis, and identification of improvement areas during the fiscal year.

STRATEGIC GOAL II: Prevent Employment Discrimination and Advance Equal Employment Opportunities through Education and Outreach.

The agency adopted two strategic objectives to further the goal:

- › **Strategic Objective II.A.:** Members of the public are aware of employment discrimination laws and know their rights and responsibilities under these laws; and
- › **Strategic Objective II.B.:** Employers, federal agencies, unions, and staffing agencies have the information and guidance necessary to advance equal employment opportunity, prevent discrimination, and effectively resolve EEO issues.

The EEOC also identified and is implementing ten key strategies. The EEOC’s strategies for achieving Strategic Objective II.A are:

- › **Strategy II.A.1:** Leverage technology and use innovative strategies to expand EEOC’s reach to diverse populations.
- › **Strategy II.A.2:** Target outreach to vulnerable workers and underserved communities.

The strategies for achieving Strategic Objective II.B are:

- › **Strategy II.B.1:** Leverage technology and media to expand the EEOC’s reach to employers and other covered entities and to ensure broad awareness of EEOC’s litigation and other enforcement efforts, to the extent they may be made public.
- › **Strategy II.B.2:** Promote promising practices that employers can adopt to prevent discrimination in the workplace.
- › **Strategy II.B.3:** Target outreach to small, new, and disadvantaged/underserved employers.
- › **Strategy II.B.4:** Foster partnerships linking federal agencies to shared EEO resources and services.

Correlated strategies under Strategic Objective II include:

- › **Strategy II.A.3/II.B.5:** Provide up-to-date, accessible guidance and training on the requirements of employment discrimination laws.
- › **Strategy II.A.4/II.B.6:** Increase the knowledge of targeted audiences through focused, innovative collaborations with internal and external stakeholders.
- › **Strategy II.A.5/II.B.7:** Provide the infrastructure needed to support the development and delivery of online outreach and education.
- › **Strategy II.A.6/II.B.8:** Ensure support services that promote the accessible delivery of outreach and education.

The EEOC has developed Performance Measures 8 through 11 to track the agency’s progress in pursuing these strategies.

Strategic Objective II FY 2023 Performance Summary		
Measures	4 Total	Identifier
Targets Met or Exceeded	4	■
Targets Partially Met*	0	◆
Targets Not Met	0	●

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

Performance Measure 8 for Strategic Objectives II.A. and II.B.: By fiscal year 2026, the EEOC leverages technology, analytics, and innovative outreach strategies to provide members of the public greater access to information about their rights and responsibilities.

	FY 2022	FY 2023
Target	The agency will implement and report on at least four projects in which it has leveraged technology, analytics, and innovative outreach strategies to increase access to information to vulnerable communities consistent with the Strategic Enforcement Plan (SEP).	The agency will implement and report on at least four projects in which it has leveraged technology, analytics, and innovative outreach strategies to increase access to information to vulnerable communities consistent with the SEP.
Results	The EEOC implemented at least four projects in which it leveraged social media, videos, and translated webpages to increase access to information to vulnerable communities consistent with the SEP. Specifically, it implemented social media campaigns on race and color discrimination, pregnancy, and Youth@Work; posted Spanish language videos and an American Sign language video; and posted an additional 18 translated webpages in 6 languages, 52 new documents in Spanish, and 18 press releases in Spanish.	During FY 2023, the EEOC implemented at least four projects in which it leveraged social media, videos, and translated webpages to increase access to information to vulnerable communities consistent with the SEP. Specifically, it coordinated updates and revisions to the Know Your Rights Poster, implemented social media campaigns on pregnancy, equal pay, and reasonable accommodations for individuals with disabilities, and added additional translated webpages.
■	Target Exceeded	Target Exceeded

Performance Measure 8 focuses on using technology, analytics, and innovative outreach strategies to strengthen and expand the impact of the EEOC’s education and outreach activities in reaching vulnerable communities consistent with the EEOC’s SEP. This will be accomplished by utilizing analytics and metrics to directly measure the impact of each effort to reach communities. If the effort is successful, it should be incorporated into the EEOC’s efforts moving forward. If the effort does not reach the intended audience — balancing the level of effort with the results, then the technology or strategy should be modified. By using this process, the EEOC can continue to grow and expand its ability to reach vulnerable communities with information critical to expanding equal employment opportunity.

The fiscal year 2023 target for Performance Measure 8 was for the EEOC to implement and report on at least four projects in which it has leveraged technology, analytics, and innovative outreach strategies to increase access to information to vulnerable communities consistent with the SEP.

During the fiscal year, the agency increased access to information by updating the agency’s [“Know Your Rights”](#) poster, which was released in October 2022. Covered employers are required by federal law to prominently display the poster at their work sites. The poster summarizes the laws enforced by the EEOC and explains to employers their legal responsibilities under those laws. It also describes workers’ rights and explains how to contact the EEOC for assistance if an employee or an applicant wants to file a charge of discrimination. A further updated Know Your Rights Poster was posted in June 2023 to reflect changes required by the Pregnant Workers Fairness Act (PWFA). The EEOC included a QR code to the agency’s “How to File a Charge” page on the poster so individuals could more easily access that information, particularly vulnerable populations who are viewing a physical copy of the poster and may not have easy access to a



computer. The poster is available in English and was translated into and made available in 8 languages — Spanish, Arabic, Chinese (simplified and traditional), Haitian Creole, Korean, Russian, Tagalog, and Vietnamese, with audio files, for the first time, in English and Spanish. Previously, the poster had only been available in English, Spanish, Arabic, and Chinese.

The agency implemented several social media campaigns, one of which focused on reasonable accommodations for individuals with disabilities to coincide with the 50th Anniversary of the Rehabilitation Act. Another campaign was aimed at workers who may be unaware of their rights to equal pay. Because June 21, 2023, marked the 60th Anniversary of the Equal Pay Act, the EEOC initiated a type of social media campaign that it had never previously undertaken. As part of the Instagram-focused campaign, EEOC leaders, other public officials, charging parties, celebrities, and the public were asked to make short videos explaining why equal pay is important to them. In the two weeks after the campaign launched, the agency reached 23,000 accounts, including 20,000 non-followers, allowing the EEOC to reach people who do not generally see the agency's content. As a result, the agency reported a 10% increase in followers.

Because the PWFA was enacted on December 29, 2022, creating and distributing information aimed at vulnerable workers who were unaware of the new law or reluctant to exercise their rights was an important priority in fiscal year 2023. The EEOC created a number of informational products to inform workers and employers about the new law and their rights and responsibilities under the PWFA, including infographics, a poster for health care providers to post in patient waiting rooms, Know Your Rights videos, and a webinar for employers. The agency distributed information about the PWFA through a variety of means, including social media, print, and online media outlets, and to subscribers of EEOC news, reaching millions of people — potentially hundreds of millions.

The EEOC posted an additional 162 new pages of content in languages other than English, including adding materials in traditional Chinese, bringing the total amount of content to over 600 webpages. Consistent with the SEP, providing additional access to information to individuals with limited English proficiency will enable the EEOC to reach vulnerable workers in their native language.

Performance Measure 9 for Strategic Objectives II.A. and II.B.: By fiscal year 2026, participants in outreach, training, and technical assistance programs indicate either an improvement in an employment policy, practice, or procedure (employer representatives), or an increased knowledge of the laws the EEOC enforces (individuals) as a result of their participation.

	FY 2022	FY 2023
Target	Begin development of mechanism for reporting on agency-wide outreach events and feedback.	Develop mechanism for gathering participant feedback.
Results	Development initiated and implemented through the EEOC Training Institute’s evaluation of prior survey measures and issuance of new FY 2022 surveys at the EEOC’s 25th annual Examining Conflicts in Employment Laws (EXCEL).	Through its Outreach Training and Engagement Division (OTED), the agency developed a mechanism for gathering participant feedback using surveys from national training participants as test populations. EEOC’s Training Institute continued to implement the feedback from all (in-person and virtual) workshops, courses, conferences, and Customer Specific Training (CSTs) for private sector, state, and local government employers, federal national courses, and federal agency training sessions, and the 26th Annual EXCEL Conference held on July 31–August 2, 2023. In addition, District offices held listening sessions with external stakeholders and stakeholder feedback provided insight into results achieved.
■	Target Met	Target Met

Under the prior Strategic Plan, the agency’s outreach and education efforts were in part measured by the number of sustained partnerships established and maintained with organizations that represented: 1) vulnerable or underserved communities, and 2) small and new businesses. The current Strategic Plan focuses on the qualitative impact of the outreach provided to the EEOC’s partners and the public. While not all participants will make a change to a policy or increase their knowledge of the laws that the EEOC enforces, this measure can provide the agency with information about common gaps in knowledge, as well as effective ways to communicate with audiences. By using this information in planning and implementing outreach efforts, the agency expects to have a positive impact on preventing discrimination and advancing equal employment opportunity.

The fiscal year 2023 target for this measure was to develop a mechanism for gathering participant feedback to be used for future planning and outreach efforts. During the fiscal year, the agency developed a mechanism for gathering participant feedback using a survey of national training participants as test populations. Data collection began in January 2023 and included measures of knowledge before and after training. The current national course average is that 72% of learners experienced a measurable increase in knowledge after training.

Performance Measure 10 for Strategic Objectives II.A. and II.B.: By fiscal year 2026, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.

	FY 2022	FY 2023
Target	Begin development of priority lists of existing guidance and training materials for review and development.	Create cross functional group and begin review and update of at least two resources or guidance documents on priority list.
Results	N/A**	In FY 2023, the agency updated four EEOC technical assistance/resource documents; completed four plain language training materials and resource documents; and initiated two priority guidance documents.
		Target Exceeded

**N/A — Not applicable for FY 2022 reporting.

Performance Measure 10 will ensure that the EEOC’s sub-regulatory guidance documents and resource materials are updated to use plain language. The target for fiscal year 2023 was to establish a cross-functional group and begin review and update of at least two resource or guidance documents on the priority list. The agency’s enforcement work in the private and public sectors, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws that the EEOC enforces and how to comply with them. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials provide more tangible assistance to those with rights and responsibilities under such laws. These materials may require a vote of the Commission and may include a range of guidance material, best practices, Q&A’s, website resources, outreach materials, and fact sheets.

In fiscal year 2023, the EEOC issued the following new or updated agency technical assistance documents:

- › [Hearing Disabilities in the Workplace and the Americans with Disabilities Act \(ADA\)](#), issued January 4, 2023;
- › [COVID-19 technical assistance materials](#), updated May 15, 2023;
- › [Selected Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII](#), issued May 18, 2023; and
- › [Visual Disabilities in the Workplace and the ADA](#), updated July 26, 2023.

The EEOC also updated or created the following agency resources and training materials to provide more understandable, plain language information for stakeholders about the laws enforced by the EEOC and the rights and responsibilities of stakeholders:

- › [ASL Video](#) to explain the Hearing Disabilities-related technical assistance referenced above, issued April 3, 2023.
- › [Know Your Rights](#) poster, issued on Oct. 19, 2022, and then again on July 27, 2023 (to incorporate the PWFA).
- › [Youth@Work](#) Human Trafficking page, launched on July 27, 2023.

Performance Measure 11 for Strategic Objective II.A.: Develop a federal government-wide network and repository to share EEO resources and leading practices that are occurring across the federal government.

	FY 2022	FY 2023
Target	Develop framework for plan for network and repository.	Complete plan for network and repository, including stakeholder input.
Results	Successfully developed a framework for network and repository.	In FY 2023, the EEOC, through its Outreach Training and Engagement Division (OTED), created a DEIA repository outline, with content including leading practices, position descriptions, and training. The EEOC Education Consortium (EdCon) was developed in part to provide educational materials for federal sector EEO practitioners. The repository outline will be housed on the EEOC EdCon site, and the entire website will be updated, in addition to the creation of the repository, to centralize all the EEO and EdCon specific resources.
■	Target Met	Target Met

Performance Measure 11 builds on the leadership and guidance the EEOC provides to federal agencies on all aspects of their EEO programs. As part of this role, the EEOC ensures federal agency compliance with federal sector regulations; provides technical assistance to federal agencies concerning EEO complaint adjudication; monitors and evaluates federal agencies’ affirmative employment programs; produces an annual report on federal sector complaint processing, appellate case processing, and compliance; produces reports on significant issues and government-wide trends in the federal sector; develops and distributes federal sector educational material; and conducts training for stakeholders. The EEOC embraces and recognizes the value of proactive prevention. Thus, in addition to taking remedial actions when agencies fail to comply with the EEOC’s appellate orders, regulations, or directives, the EEOC continues and enhances its practice of providing technical assistance to agencies on a routine basis before problems arise.

This measure leverages the EEOC’s existing work and partnerships to develop a government-wide network and repository for EEO resources and leading practices. The goal of the new network and repository is to facilitate better communication across agencies and create a space for the sharing of practices that will positively impact equal employment opportunity in the federal workplace.



The fiscal year 2023 target for Performance Measure 11 was to complete a plan for a network and repository, including stakeholder input. During fiscal year 2023, the agency through its federal sector Outreach Training and Engagement Division (OTED) created a DEIA repository outline, with content including leading practices, position descriptions, and training. The EEOC Education Consortium (EdCon) was developed in part to provide educational materials for federal sector EEO practitioners. The repository outline will be housed on the EEOC EdCon website, and the entire website will be updated, in addition to the creation of the repository, to centralize all the EEO and EdCon specific resources. The repository and website update aim to showcase materials created by the EEOC and additional federal agencies with expertise in DEIA and with extensive EEO knowledge. The outline has been presented to stakeholders for review and feedback. OTED's EdCon Team has also successfully created a network with over 900 members.

The materials and resources for the repository are currently being collected. The website will be continuously updated with new materials and current information. Stakeholders including the EdCon Advisory Board, consisting of members from all cabinet agencies, have and will continue to be included in the process. OTED will continue to grow the EdCon contact list and its social media platforms.

STRATEGIC GOAL III: Strive for Organizational Excellence Through Our People, Practices, and Technology.

The agency adopted two strategic objectives to further the goal:

- › **Strategic Objective III.A.:** The EEOC achieves a culture of accountability, inclusivity, and accessibility.
- › **Strategic Objective III.B.:** Resources align with priorities to strengthen intake, outreach, education, enforcement, and service to the public to protect and advance civil rights in the workplace.

The EEOC also identified and is implementing eleven key strategies. The agency's strategies for achieving Strategic Objective III.A. are:

- › **Strategy III.A.1:** Recruit, develop, and retain talented employees.
- › **Strategy III.A.2:** Advance performance management to maximize organizational improvement.
- › **Strategy III.A.3:** Enhance diversity, equity, inclusion, and accessibility in the workplace.
- › **Strategy III.A.4:** Develop and support innovation and collaboration to advance employee engagement and morale.
- › **Strategy III.A.5:** Promote a culture of continuous improvement.
- › **Strategy III.A.6:** Foster constructive employee and labor management relations.
- › **Strategy III.A.7:** Strive to be a model employer and to promote equal employment opportunity.
- › **Strategy III.A.8:** Develop and implement a robust leadership and succession plan.

The three strategies for achieving Strategic Objective III.B. are:

- › **Strategy III.B.1:** Expand the use of technology to better serve the public and improve productivity.
- › **Strategy III.B.2:** Leverage the use of data, analytics, and information management to support, evaluate, and improve the agency’s programs and processes.
- › **Strategy III.B.3:** Prioritize and actively manage available fiscal resources to best achieve the agency’s mission.

The EEOC has developed Performance Measures 12 through 15 to track the agency’s progress in pursuing these strategies.

Strategic Objective III (Management Objective) FY 2023 Performance Summary		
Measures	4 Total	Identifier
Targets Met or Exceeded	3	■
Targets Partially Met*	1	◆
Targets Not Met	0	●

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

Performance Measure 12 for Strategic Goal III.A.: Effectively allocate people and resources to accomplish agency mission goals, within budgetary limitations.

	FY 2022	FY 2023
Target	Staff the agency at its authorized Full Time Equivalent (FTE) levels and increase the total number of employees to effectively enforce EEOC laws and achieve the Agency’s mission. Enhance efforts to recruit, hire, train, develop and retain a broadly diverse workforce, including veterans, members of underrepresented groups, and individuals with disabilities, that is as effective as possible in serving America’s racially, ethnically, and culturally diverse population of workers.	Maintain the EEOC’s authorized FTE levels through hiring and retention and the use of nontraditional talent pools and ensure the hiring process is accessible to underrepresented groups. Promote the EEOC as a model of diversity, equity, inclusion, workplace flexibility, accessibility, and excellence.
Results	The agency enhanced efforts to recruit, hire, train, develop and retain a broadly diverse workforce in fiscal year 2022. The agency used various recruitment strategies, including partnering with the U.S. Peace Corps to obtain applicants to allow individuals to be hired under special hiring authorities; 30% veterans’ preference hiring; and other special hiring flexibilities, such as Schedule A appointments for persons with disabilities.	The agency worked to maintain the EEOC’s authorized FTE levels throughout FY 2023, while using various tools to recruit and retain talent, primarily with front-line positions: 30% veterans’ preference hiring, Pathways, College Graduate Hiring Authority, Attorney Honors Program, and other special hiring flexibilities, such as Schedule A appointments for persons with disabilities. The agency met its authorized FTE level while focusing on filling mission-critical, front-line positions.
■	Target Partially Met*	Target Met

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

Performance Measure 12 focuses on recruiting, developing, and retaining a diverse and talented workforce with a goal of reaching and maintaining authorized FTE levels by fiscal year 2026 (subject to budget availability) with an emphasis on front-line staff. This performance measure takes a holistic approach, using various workforce strategies to restore and maintain staffing levels comparable to a decade ago, recognizing that the ability to add staff is contingent on final fiscal year spending bills. The fiscal year 2023 target for Performance Measure 12 was to staff the agency at authorized FTE levels by the end of the fiscal year. At fiscal year-end, the agency was staffed with over 2,300 full-time permanent employees, which met the authorized FTE level while focusing on filling mission-critical, front-line positions.

Performance Measure 13 for Strategic Goal III.A. and III.B.: Feedback surveys and other mechanisms provide measures of satisfaction for EEOC stakeholder experiences.

	FY 2022	FY 2023
Target	Improve eeoc.gov feedback surveys, adjusting the measures and targets, as necessary. Utilize additional feedback surveys and other mechanisms to obtain data regarding process changes that were adopted in response to the pandemic.	Expand feedback surveys and other mechanisms to obtain data and to provide measures of satisfaction for additional services, such as the charge filing experience and digital services. Review the results at the end of the fiscal year to set targets for next year.
Results	<p>The agency continued to conduct feedback surveys throughout the fiscal year, including workgroup sessions and electronic survey reviews, to support continued access to EEOC services provided to the public.</p> <p>In Q1 of FY 2022, new e-versions of participant surveys were issued as part of an independent evaluation conducted in coordination with academia and the EEOC's ADR Program. Additionally, the Training Institute evaluated prior survey measures and issued new FY 2022 surveys at the EEOC's 25th annual Examining Conflicts in Employment Laws (EXCEL) Training Conference held August 23–25, 2022. The results of the FY 2022 EXCEL Training Conference evaluation were reviewed and analyzed to provide feedback and set goals for next year's conference.</p>	The agency continued to conduct and expand the use of feedback surveys throughout the fiscal year, including workgroup sessions and electronic survey reviews, to support continued access to EEOC services provided to the public.
■	Target Met	Target Met

Performance Measure 13 focuses on obtaining feedback on services provided to the EEOC's stakeholders. It supports Strategic Objective III.B., to align resources with agency priorities by strengthening intake, outreach, education, enforcement, and service to the public, by obtaining and evaluating feedback from the targeted audiences the Commission serves. This feedback then provides measurement of the agency's delivery of services and allows improvements to be targeted to areas identified by stakeholders. The EEOC recognizes the importance of examining the effectiveness of the Commission's work, particularly the efficacy of intake, outreach, education, guidance, and technical assistance documents, to constantly improve the agency's ability to serve the public and prevent and remedy discrimination.

The fiscal year 2023 target for Performance Measure 13 was for the agency to expand feedback surveys and other mechanisms to obtain data and to provide measures of satisfaction for additional services, such as the charge filing experience and digital services, the results of which will be evaluated and used to set targets for next year.

During the fiscal year, the EEOC implemented automated “post-call” service quality surveys for callers to the EEOC’s 1-800 number. These surveys provide public service feedback that enable the EEOC to engage in targeted, ongoing improvements. In addition, in June 2023, the EEOC again conducted its annual internal qualitative assessment of mediation participants, and 96% of participants reported that they would use the EEOC’s mediation program in the future.

Additionally, the EEOC Training Institute continued to implement feedback surveys for all in-person and virtual workshops, courses, conferences, and Customer Specific Training (CSTs) for private sector, state, and local government employers, federal national courses, and federal agency training sessions. The Training Institute implemented feedback surveys for the 26th Annual EXCEL Conference held in-person July 31 through August 2, 2023. The Institute solicited feedback from over 8,500 registrants, the results of which will be considered in setting goals for the next fiscal year.

Performance Measure 14 for Strategic Goal III.B.: Build and deploy charge/case management systems for Litigation and Federal Sector program offices. Complete deployment, monitor and improve effectiveness of digital charge/case management system for program offices.

	FY 2022	FY 2023
Target	Complete the deployment of the agency’s modernized charge/case management system (ARC) for the private sector and state and local programs.	Complete the deployment of the agency’s modernized charge/case management system (ARC). Develop baselines and measure the effectiveness of the modernized charge/case management system.
Results	Deployment completed.	The agency continued its comprehensive revamp of EEOC’s digital charge/case management platform (ARC). New litigation and litigation appeals modules were deployed in ARC during fiscal year 2023. In addition, prioritizing specific enhancements and fixes was a key area of focus; necessary to complete prior to the development of baselines and measuring the effectiveness of ARC.
	Target Met	Target Partially Met*

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

With the first portion of the Technology Modernization Fund (TMF) award, the agency developed modernized charge management services for EEOC private sector enforcement staff and its 90 state and local government FEPAs. In January 2022, the new Agency Records Center (ARC) system went live for 145 EEOC and FEPA offices and more than 2,000 users. This deployment was the culmination of 22 months of work, during which the EEOC charge management modernization team defined and developed a charge management solution to enable private sector charge management processes.

The second, and final, portion of TMF funding was received in mid-2022, supporting the remaining two domains that will be serviced by ARC.

Performance Measure 14 focuses on the EEOC’s progress toward completing the modernization and full utilization of the agency’s charge/case management system and related constituent services. In fiscal year 2023, ARC litigation case management and ARC litigation appeals were delivered to agency users. In fiscal year 2023, the EEOC also prioritized enhancements to the private sector; the state, local and tribal program; the systemic program; and litigation functions — to improve usability, increase reporting capabilities, and resolve known issues. Completing these enhancements and fixes in fiscal year 2023 will allow the agency to develop baselines and measure effectiveness.

Development of services to support the agency’s federal sector hearing and appeals processes is underway in fiscal year 2024. As the EEOC completes the modernization of its charge/case management systems, the agency will seek to maximize its investment in ARC and to provide improved constituent services by re-platforming and modernizing its ARC-linked public-facing portals. The first new portal, E-File for Attorneys, was deployed in December 2023.

Performance Measure 15 for Strategic Objective III.B.: The budget process prioritizes funding for the EEOC’s strategic goals.

	FY 2022	FY 2023
Target	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement, outreach and education, and management priorities. Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement, outreach and education, and management priorities. Meet all submission deadlines.
Results	<p>The EEOC’s FY 2023 Congressional Budget was submitted to Congress on March 28, 2022.</p> <p>The EEOC’s final FY 2022 Operating Plan was approved by the Chair on March 15, 2022.</p> <p>The EEOC’s FY 2024 Performance Budget was submitted to OMB on September 12, 2022.</p>	<p>The EEOC’s FY 2024 Congressional Budget was submitted to Congress on March 13, 2023.</p> <p>The EEOC’s final FY 2023 Operating Plan was approved by the Chair on January 10, 2023.</p> <p>The EEOC’s FY 2025 Performance Budget was submitted to OMB on September 11, 2023.</p>
■	Target Met	Target Met

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

The fiscal year 2023 targets for Performance Measure 15 were to meet all deadlines required to submit the EEOC’s Fiscal Year 2024 Congressional Budget Justification and the 2023 Operating Plan and prepare the EEOC’s Fiscal Year 2025 Performance (OMB) Budget that aligns resources with the Strategic Plan. These documents were all submitted in a timely manner and clearly explained how resources aligned with strategic priorities. The final fiscal year 2023 Operating Plan was approved by the Chair on January 10, 2023. The agency’s Fiscal Year 2024 Congressional Budget Justification was submitted to Congress on March 13, 2023. The Fiscal Year 2025 Performance Budget was submitted to OMB on September 11, 2023.

RELATED PROGRAM RESULTS AND ACTIVITIES

FY 2023 EEOC ADMINISTRATIVE ENFORCEMENT



STRATEGIC GOAL I: COMBAT AND PREVENT EMPLOYMENT DISCRIMINATION THROUGH THE STRATEGIC APPLICATION OF THE EEOC'S LAW ENFORCEMENT AUTHORITIES

A. Providing Public Service through the Information Intake Group

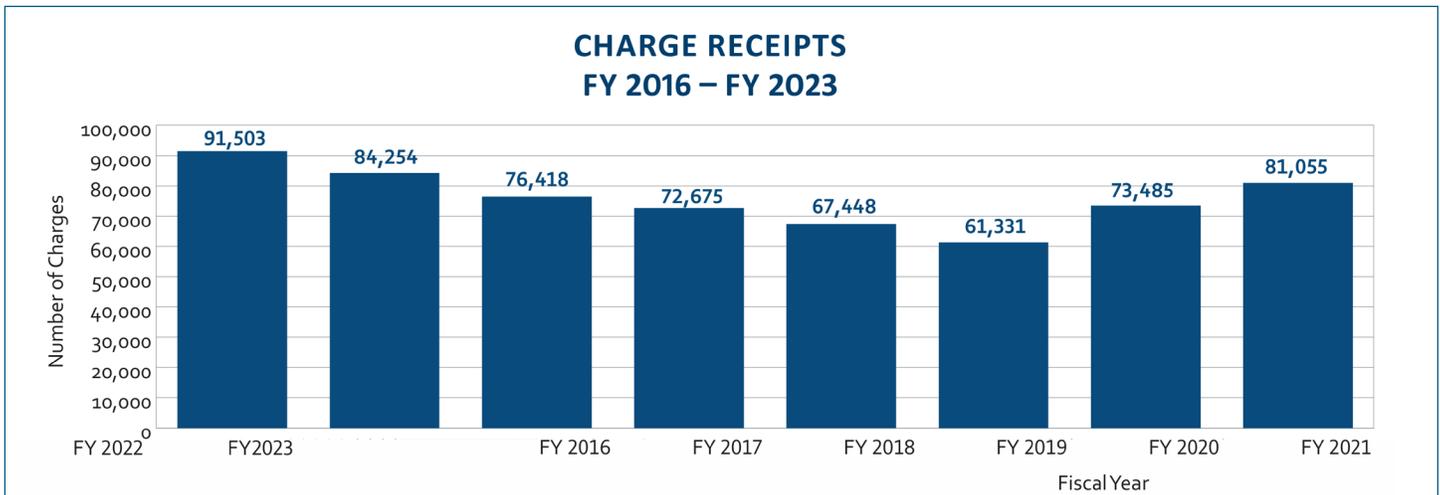
The Information Intake Group (IIG) is the agency's point of contact for members of the public who use the agency's toll-free number, general information e-mail address, and direct ASL videophone service for general inquiries. In fiscal year 2023 the IIG received over 522,000 phone calls (an almost 10% increase from fiscal year 2022), approximately 1,284 calls through an American Sign Language videophone line (an almost 43% increase from fiscal year 2022), and more than 86,000 emails (a more than 25% increase from fiscal year 2022). During fiscal year 2023, the IIG's Interactive Voice Response provided responsive information via SMS text messaging to over 124,000 callers to the EEOC's 1-800 number without requiring those callers to speak to an IIG contact representative. Callers to the EEOC's toll-free number who elected to speak to a person were assisted by IIG contact representatives who use an extensive knowledge database to respond, in both English and Spanish, to these calls. In fiscal year 2023, over 79% of calls and emails answered by the IIG contact representatives were fully resolved without requiring referral to other staff in EEOC field offices. The EEOC continues to be one of few federal agencies providing direct ASL video service for the Deaf and Hard of Hearing community. The IIG also uses an interpretation service so that the EEOC can assist people in over 200 languages.

B. Strengthening the Enforcement Capacity of the Agency in the Private Sector

In fiscal year 2023, the agency again prioritized ensuring that it had sufficient resources and tools to continue to prevent and remedy employment discrimination. First and foremost, that required ensuring that the agency had sufficient staff necessary to address its expanding workload. During fiscal year 2023, the agency filled 493 new positions and ended the year with 2,331 employees on board. Notably, the majority of these positions were front-line staff (investigators,

investigative support assistants, attorneys, and mediators, among other positions). As a result of this hiring effort, the EEOC was able to address critical service and morale issues by restoring staffing losses in key areas.

The addition of new employees in mission critical positions also better positioned the agency to provide quality service to the public and ensure timely and appropriate resolution of discrimination charges. The investment in additional staff was critically important in fiscal year 2023, as the EEOC received 81,055 new charges, an increase of almost 10.3% compared to fiscal year 2022. Despite increased charge receipts, the EEOC ended the fiscal year with 51,100 pending charges, a slight decrease from the 51,399 pending charges in fiscal year 2022.



Having additional staff to focus on inventory management enhances service to the public and allows staff additional time and resources to devote to developing and resolving meritorious charges of discrimination. In fiscal year 2023, the agency resolved 18% of charges with outcomes favorable to the charging party, also known as merit factor resolutions. In addition, the EEOC resolved a total of 81,180 charges, secured over \$440.5 million in monetary relief for individuals during the administrative process, and obtained targeted, equitable relief in 98.48% of all conciliation agreements in the administrative process.

With the additional staff hired in fiscal year 2023, the agency was also better equipped to successfully address the hundreds of thousands of calls, inquiries, and charges from workers seeking assistance with potential complaints of discrimination. In addition to the calls and emails received by the IIG discussed above, in fiscal year 2023, the EEOC received 233,704 inquiries in field offices, a 6.9% increase from the prior fiscal year. Of the 233,704 inquiries, 184,753 (approximately 79%) of those inquiries were filed through the online intake and appointment scheduling system.

In fiscal year 2023, the agency resolved

18% of charges

with outcomes favorable to the charging party, also known as merit factor resolutions.

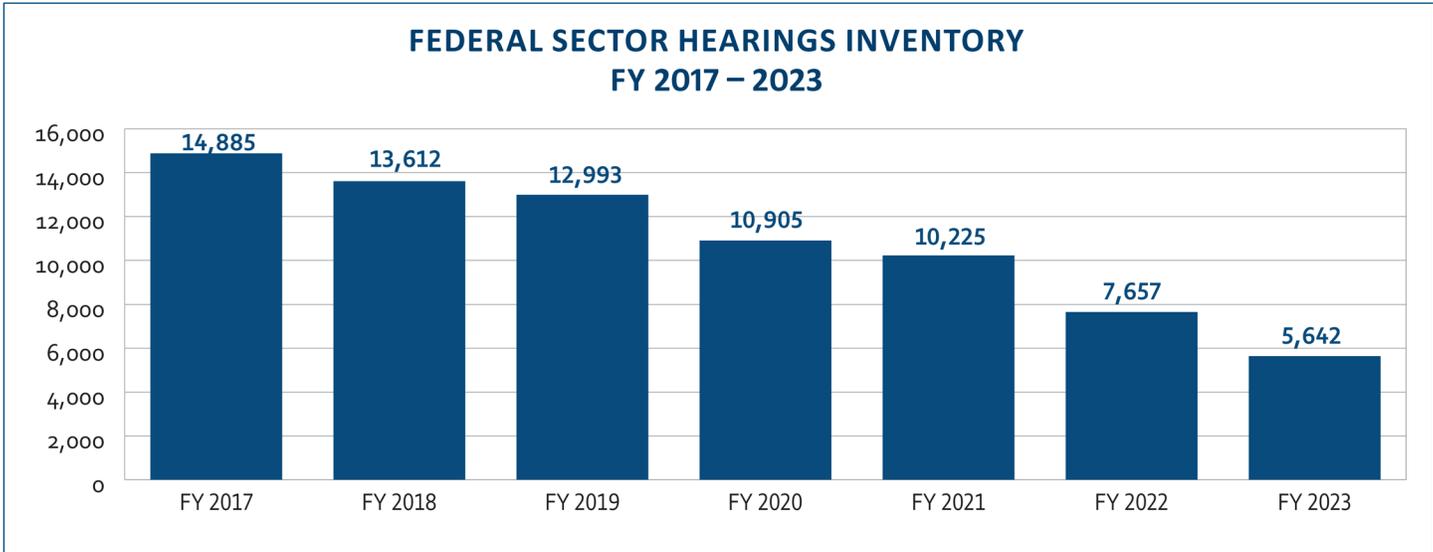
C. Strengthening the Enforcement Capacity of the Agency in the Federal Sector

In addition to the agency’s private sector enforcement activities, the EEOC has adjudicatory responsibilities in the federal EEO complaints process. This involves hearings before administrative judges on complaints of discrimination by federal employees or applicants, as well as adjudication of appeals from federal agency final decisions on employment

discrimination complaints. Strengthening the agency’s ability to effectively combat employment discrimination in the federal government was also a priority for the agency during fiscal year 2023.

In fiscal year 2023, the federal sector hearings program continued making strides in managing its inventory of hearing requests. The EEOC successfully decreased the pending inventory of hearing receipts for the sixth consecutive year — a reduction of 26.3%, from 7,657 at the end of fiscal year 2022 to 5,642 at the end of fiscal year 2023. By implementing strategies to increase efficiency, the federal hearings program resolved 8,669 hearing requests in fiscal year 2023, securing more than \$181.6 million in benefits for federal workers (a 45% increase from fiscal year 2022). Notably, this relief included over \$85 million in settlements of significant class action cases. During fiscal year 2023, the hearings program also focused on resolving older cases in the inventory and utilized case management strategies to balance field inventories through the resolution of older cases and the continued closure of incoming cases. Resolutions resulted in a 96.8% reduction of pending cases that were between 600 and 999 days old, and a 95.1% reduction of pending cases that were over 1,000 days old. The focus on aged cases also resulted in a 25% reduction in the average age of the overall pending federal hearings inventory.

The federal hearings program resolved
8,669 hearing requests
in fiscal year 2023, securing more than
\$181.6 million
in benefits for federal workers (a 45% increase from fiscal year 2022).



To maintain quality while also managing the inventory of federal hearing cases, the agency continued to use metrics, which were originally implemented in fiscal year 2019, to assess and measure quality. Additionally, the EEOC’s Public Portal continued to yield efficiencies in case processing in the federal sector because complainants can use the portal to submit



their hearing requests, upload documents, view the status of their complaints, and file appeals. The EEOC Public Portal also allows federal sector complainants to indicate their interest in alternative dispute resolution to resolve their complaints.

The EEOC's federal sector appellate program adjudicates appeals from federal agency final decisions on employment discrimination complaints, including those following a decision by an EEOC administrative judge, and ensures agency compliance with orders issued on those appeals. The EEOC also adjudicates appeals from decisions made in federal collective bargaining agreement grievances alleging employment discrimination, reviews decisions by the Merit Systems Protection Board (MSPB) addressing allegations of discrimination, and actions originating under Section 304 of the Government Employees Rights Act of 1991. The appeals process is governed by EEOC regulations at 29 C.F.R. Parts 1614 and 1603 and Management Directive 110 (MD-110). In addition to vindicating the rights of individual federal complainants, the EEOC's appellate decisions serve to educate federal sector complainants, agencies, and the public and private sectors about the law, guide agencies in their efforts to become model workplaces, and advance the public interest in eradicating discrimination in federal employment.

The EEOC ensures that its federal appellate adjudicatory functions are fair to all parties and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. At the same time, the EEOC recognizes its responsibility to effectively manage the appellate inventory to ensure that decisions are issued as expeditiously as possible.

In fiscal year 2023, the EEOC's federal sector appellate program focused its resources on resolving the oldest appeals, as well as those that vindicate employees' legal rights and/or preserve their access to the EEO complaint process. Using these approaches, the EEOC resolved 3,730 appeals in fiscal year 2023, including 2,207 appeals that were, or would have been, more than 450 days old at the end of the fiscal year. As a result, fiscal year 2024 began with less than 8% of total pending inventory consisting of cases over 450 days old. Furthermore, cases under 200 days old accounted for about half of the total pending inventory, with the average age of an open appeal at 240 days.

During fiscal year 2023, the EEOC docketed 4,343 federal sector appeals, a 3% increase over the prior fiscal year when 4,212 appeals were docketed. To address its growing inventory, the EEOC resolved 1,489 appeals within 180 days of their receipt. Many of these resolutions were initial appeals from agency procedural dismissals that terminated complainants' participation in the EEO process. The EEOC's federal sector appellate program attorneys reversed nearly 35% of those procedural dismissals and ordered the agency to continue processing the EEO complaint. The EEOC's federal sector appellate program has focused on quickly addressing appeals involving procedural dismissals of complaints, which is critical to effectively preserving access to the EEO complaint process.

The EEOC's federal sector program also vigorously implemented case management strategies to more effectively allocate resources. These strategies prioritized the screening and categorization of cases early in the appellate process, including cases determined to have significant impact. This early screening process was greatly aided by the full implementation of the FedSEP digital portal, in which agencies can upload the documentation necessary to process an appeal, as well as the Public Portal, which enables complainants to request appeals, upload selected documents, and manage their personal and representative's contact information. In addition, through training and educational outreach, the EEOC has partnered with federal agencies to speed up submissions of records, perfect defective records, and reduce wasted efforts spent on records not ripe for adjudication. These technological innovations make the appellate process more transparent for all parties and reduce the EEOC's reliance on and costs for support staff to prepare and scan paper documentation received from the parties.

In addition, the EEOC's federal sector appellate program advanced a number of class certifications in fiscal year 2023, including [*Rosamaria F. v. Dept. of Homeland Security \(CBP\)*](#), EEOC Appeal No. 2023003476 (Aug. 30, 2023) (the EEOC upheld class-certification under the Pregnancy Discrimination Act of 1978), and [*Willa B., et al. v. Dept. of the Air Force*](#),



EEOC Appeal No. 2023000892 (Apr. 5, 2023) (the EEOC upheld class-certification where agency failed to reasonably accommodate deaf and hard of hearing employees with American Sign Language (ASL) interpreters and Communication Access Realtime Translation (CART) services).

During fiscal year 2023, several recurring issues arising under the Rehabilitation Act were also addressed, including [*Levi P. v. Dept. of Homeland Security \(CBP\)*](#), EEOC Appeal No. 2021004021 (Jan. 26, 2023) (The EEOC found agency failed to establish direct threat where complainant’s medical evidence showed no contraindications for work in law enforcement and no limitations to use of firearm or otherwise performing duties of the position); and [*Cyrus H. v. Dept. of Homeland Security \(CBP\)*](#), EEOC Appeal No. 2022000047 (June 15, 2023) (The EEOC found the agency failed to reasonably accommodate the complainant when it did not excuse complainant from overtime, noting that attendance and timing, including overtime, are methods by which essential functions are accomplished, and thus subject to undue hardship analysis).

The EEOC’s federal sector appellate program continued to use designated subject matter experts and attorneys to identify and work on impactful appeals while maintaining strict inventory control. This staff configuration continues to enhance the agency’s ability to address the EEOC’s legal priorities proactively and quickly as they arise. For example, sanctions expert attorneys, who have built up an extensive body of precedential decisions on the imposition of sanctions, assisted with [*Joey B. v. U.S. Postal Service*](#), EEOC Appeal No. 2021004116 (Dec. 8, 2022) (The EEOC reversed AJ sanction of hearing dismissal for failure to comply with AJ orders, finding AJ should have given complainant opportunity to cure or imposed lesser sanction). In the alternative when sanctions might not be warranted, as a part of a proactive prevention effort, these subject matter experts have assisted with the development of a body of cases that involve referrals to the agency’s federal sector programs division. For example, [*Cary J. v. Dept. of Health and Human Services*](#), EEOC Appeal No. 2022000261 (Feb. 15, 2023) (The EEOC declined default judgment where agency issued the final decision 110 days late; noting agency’s explanation for delay — office realignment caused loss of its contract decision writers — the matter was referred to the federal sector programs division for monitoring of agency’s regulatory compliance). The objective is to focus on problems at the agency level before they rise to the level of creating liability on the part of the federal government.

D. Continued Use of Technology to Improve Services to the Public

The EEOC expanded upon its commitment to building a digital workplace to increase its efficiency and deliver timely service to the public during fiscal year 2023. The EEOC’s Public Portal continued to be a critical factor in the agency’s ability to serve both private and public sector parties, along with the use of Microsoft Teams unified communications, and other cloud-based communication services. Having a unified communication platform is saving the agency over \$1.2 million annually, which is being reinvested in other needed IT services.

The EEOC is focusing on the modernization of our Public Portals, which are over a decade old. This modernization will enhance security and accessibility, expand language offerings, clarify and simplify portal content, and expand services through a customer-focused perspective. Our first modernized portal, E-File for Attorneys, was developed in fiscal year 2023 for deployment in December 2023. The EEOC also enhanced our current portals during fiscal year 2023 by improving accessibility and providing all email communications to charging parties in both English and Spanish.

Additionally, in fiscal year 2023, the EEOC migrated applications within its legacy Document Management System to SharePoint. These efforts fully resolved an open OIG finding regarding “out-of-date infrastructure supporting legacy EEOC systems and services,” closing out this multi-year risk finding.

In fiscal year 2021, the agency deployed a new user-friendly electronic Freedom of Information Act (FOIA) tracking system and in fiscal year 2022, worked to improve the system’s process function, enabling staff to respond to FOIA requests with increased efficiency. In fiscal year 2023, the FOIA tracking system began using the Login.gov multi-factor

authentication method that is used for publicly accessible federal websites. The modernized system is a first for the EEOC and serves as a model for implementation on the agency’s other public services, such as the Public Portal and the Respondent Portal.

E. Recovery for Victims of Discrimination

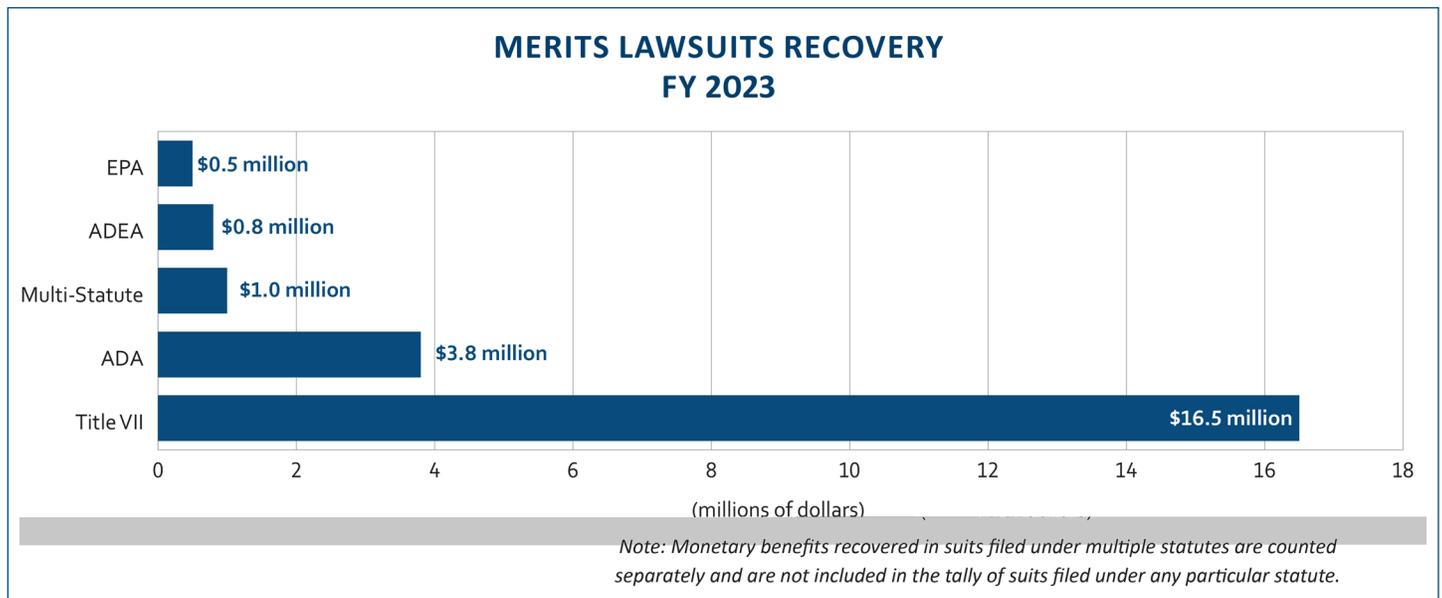
In fiscal year 2023, the EEOC continued prioritizing resource allocation to tasks that have the maximum impact on fulfilling the agency’s mission. Through the strategic use of resources, the EEOC secured more than \$665 million for victims of discrimination in private, state and local government, and federal workplaces. This included:

- › Approximately \$440.5 million for victims of employment discrimination in the private sector and state and local government workplaces through mediation, conciliation, and settlements during the administrative process.
- › Over \$22.6 million for 968 individuals as a direct result of litigation resolutions.
- › More than \$202 million for 5,943 federal employees and applicants.

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

F. Challenging Discrimination in Federal District Court

The EEOC’s field legal units filed 143 merits lawsuits in fiscal year 2023. Merits lawsuits are direct suits or interventions alleging violations of the substantive provisions of the statutes enforced by the EEOC and suits to enforce administrative settlements. This year marked the largest number of merits lawsuit filings by the EEOC since fiscal year 2019, when 144 suits were filed. Fiscal year 2023 lawsuits include 86 suits seeking relief for individuals, 32 non-systemic suits with multiple victims, and 25 systemic suits. These filings alleged violations covering multiple bases, including retaliation (56), sex (50), disability (43, including 6 involving hearing impairments), race (24), age (12), religion (10), and national origin (8). The issues raised most frequently in these suits were discharge (65), reasonable accommodation (43), hiring (including referral, recall, assignment, and job classification) (36), constructive discharge (34), and harassment (50). Three suits included recordkeeping claims. Six lawsuits filed involved sexual orientation-based discrimination, and one involved discrimination based on gender identity. In addition, the fiscal year 2023 filings included a claim of harassment based on



genetic information and three pandemic-related suits, one addressing COVID-19 as a disability and two involving religious accommodation of employees who sought an exemption from a vaccination requirement. In addition to merits suits, the Office of General Counsel (OGC) filed 15 subpoena enforcement actions. At the end of fiscal year 2023, the EEOC had 227 merits cases on its active district court docket, of which 47 (20.7%) were non-systemic multiple victim cases and 48 (21.1%) involved challenges to systemic discrimination.

In fiscal year 2023, the EEOC resolved 98 merits lawsuits in the federal district courts for a total monetary recovery of nearly \$22.6 million. The EEOC achieved a favorable result in 91% of all district court resolutions, and a total of 968 individuals received monetary relief as a direct result of EEOC litigation resolutions. Favorable results include cases decided by court order and concluded through a consent decree or a settlement agreement in litigation.

Addressing systemic employment discrimination on all protected bases is a top priority for the EEOC.

The 25 systemic lawsuits filed by the EEOC in fiscal year 2023 challenge various types of systemic discrimination. Of these 25 systemic cases, 11 were “pattern or practice” cases — which are generally the most complex, large-scale, and resource-intensive of the agency’s systemic litigation. These filings were almost double the number of systemic suits filed in each of the past three fiscal years, and the largest number of systemic filings since fiscal year 2018. The systemic suits filed in fiscal year 2023 included: hiring claims based on sex, race, national origin, age, and disability; harassment claims based on sex and race; claims of failure to accommodate based on disability; disability claims based on unlawful application of a qualification standard; discharge claims based on disability, race, color, and retaliation; and a sex-pay claim (see descriptions in Appendix D). This past fiscal year, the EEOC resolved 14 systemic cases, obtaining just over \$11.7 million for 806 victims of systemic discrimination and significant equitable relief. The EEOC’s litigation program achieved a remarkable 100% success rate in its systemic case resolutions in fiscal year 2023.

Advancing racial justice also continues to be a top priority for the EEOC. The agency filed 26 lawsuits alleging race and/or national origin discrimination in fiscal year 2023, representing 18.2% of all merits suits filed. These new suits challenge various employment issues, including discriminatory hiring, discharge, harassment, and unequal terms and conditions of employment. At the end of fiscal year 2023, a total of 45 cases on the active docket were cases involving race or national origin discrimination, accounting for 19.8% of all active merits suits. This past fiscal year, the EEOC also resolved 19 lawsuits alleging race and/or national origin, recovering \$4.9 million in monetary relief benefiting 89 individuals, including two systemic cases.

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EEOC’s litigation program achieved a
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in its systemic case resolutions in
fiscal year 2023.

Below are examples of significant fiscal year 2023 lawsuit resolutions that advance racial justice, including systemic and class cases:

› In *EEOC v. The Whiting-Turner Contracting Company*, No. 3:21-cv-00753 (M.D. Tenn. May 3, 2023), the EEOC alleged that a construction contractor subjected the two charging parties and other Black employees working as laborers at a construction site to racial harassment and retaliated against the charging parties. A white crew leader referred to Black employees as “boy,” “m__ f__,” and “you”; porta potties and buildings were riddled with racially offensive graffiti, such as the n-word and KKK references; and Black employees were assigned the most physically difficult work while white employees were given more desirable assignments. Black employees reported the harassment, but the employer did not investigate; instead, a white assistant superintendent told one of the Black employees to “let it go” and that the crew leader was “old-fashioned.” The charging parties complained about the racially offensive conduct multiple times and were discharged the same day they complained to a manager in a team meeting. The 2-year consent decree provides for \$1.2 million to 31 claimants, along with equitable relief.

A white crew leader referred to Black employees as “boy,” “m__ f__,” and “you”; porta potties and buildings were riddled with racially offensive graffiti, such as the n-word and KKK references; and Black employees were assigned the most physically difficult work while white employees were given more desirable assignments.

› In *EEOC v. Orange Treeidence OPCO, LLC d/b/a Riverwalk Post Acute, Providence Group, Inc., and Providence Administrative Consulting Services, Inc.*, No. 5:22-cv-00425 (C.D. Cal. Sept. 27, 2023), the EEOC alleged that operators of a skilled nursing facility subjected the charging party and a class of Black employees to racial harassment and retaliated against the charging party after she complained. The charging party and other Black employees were subjected to racially explicit comments, including the n-word, from management, staff, and residents of the facility; the comments were often made in front of managers and supervisors. The charging party complained about the harassment verbally and in writing, but defendants did not address the situation. Charging party was subsequently suspended from work and terminated. The 3-year consent decree provides for \$865,000 to the charging party and six claimants and equitable relief.

› In *EEOC v. Hooters of Louisiana, LLC, Blue Sky Management Company, LLC, and Gibson, Greco, and Wood, Ltd.*, No. 2:23-cv-2864 (E.D. La. Sept. 5, 2023), the EEOC alleged that the defendants subjected the two charging parties and a class of other Black servers, hostesses, and bartenders to harassment based on their race and failure to recall/rehire because of their race and in retaliation for their complaints about race-based harassment and discriminatory recall/hiring practices. The harassment included continuous demeaning and offensive racist remarks about the employees’ speech and their hair from the white General Manager. In March 2020, at the outset of the pandemic, the defendant laid off 33 of its 40 employees, including its 7 Black employees. Defendants later recalled or hired a total of 26 employees, none of whom were Black. None of the laid-off employees were ever recalled — either because of their race or in retaliation for complaining about discrimination. The 3-year consent decree provides for \$650,000 in damages to six claimants, as well as equitable relief.

› In *EEOC v. Packaging Corporation of America Central California Corrugated, LLC and Schwarz Partners, LP*, No. 2:20-cv-01948 (E.D. Cal. Nov. 9, 2022), the EEOC alleged that the company subjected the two charging parties to harassment based on their race, African American, when a shift leader and other coworkers continuously used racial slurs, including the n-word; taunted charging parties with makeshift nooses and swastika graffiti; left a drawing of a confederate flag with the statement, “Long Live the Confederacy”; used racially offensive language over defendants’ plant radio; and charging parties’ cars were vandalized. After one charging party reported the harassment, HR conducted an inadequate investigation, ignoring any evidence of harassment and failing to interview either of the charging parties or the alleged harasser, before closing the investigations for “insufficient evidence.” The 3-year consent decree provides for \$385,000 to the two charging parties, as well as equitable relief.

...a shift leader and other coworkers continuously used racial slurs, including the n-word; taunted charging parties with makeshift nooses and swastika graffiti; left a drawing of a confederate flag with the statement, “Long Live the Confederacy”; used racially offensive language over defendants’ plant radio; and charging parties’ cars were vandalized.

› In *EEOC v. Alden Short, Inc., & Hinson Jennings, LLC*, No. 3:18-cv-2125 (N.D. Tex. April 5, 2023), the EEOC alleged that a property manager specializing in low-income housing and its payroll entity subjected three charging parties, office workers at defendants’ management facility, to a hostile work environment based on their national origin, Mexican. Defendants’ top management officials, including their owner and chief operating officer, made disparaging remarks related to charging parties’ national origin, including comments such as “cheap Mexican help,” “lawnmowers,” and “deadbeat Mexicans.” The 3-year consent decree provides for \$85,000 in damages to the charging parties and enjoins discrimination based on national origin.

Combating all forms of workplace harassment remains an important priority of the agency. In fiscal year 2023, the EEOC filed 50 lawsuits challenging workplace harassment: 29 cases raised claims of hostile work environment based on sex, 16 based on race, 5 based on national origin, 1 based on disability, 1 based on religion, and 6 based on retaliation. Twenty-two harassment suits were individual cases, 25 were class cases, and 3 were systemic cases. In total, just over 35% of all lawsuits filed by the agency included an allegation of harassment. The EEOC successfully resolved 35 harassment suits in fiscal year 2023. Five of these resolutions involved allegations of systemic harassment. The EEOC recovered nearly \$9.8 million for 184 individuals subjected to harassment through its litigation program, including three systemic cases.

In addition to the lawsuits summarized above resolving claims of harassment based on race, below are examples of significant fiscal year 2023 lawsuit resolutions alleging sexual or sex-based harassment, which represents the largest category of harassment charges filed with the EEOC:

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- › In *EEOC v. AMTCR, Inc., AMTCR Nevada, Inc., AMTCR California, LLC*, No. 2:21-cv-01808 (D. Nev. Jan. 5, 2023), the EEOC alleged that affiliated entities that own and operate 21 McDonald's franchises subjected the male and female employees to sexual harassment, resulting in the constructive discharge of some employees. The charging party, a teen, was subjected to sexual comments and advances, and unwanted touching. After the charging party and his mother complained to management, no corrective action was taken; instead, a manager said charging party should take the conduct as a compliment. Other male and female employees, some teens, were subjected to groping, sexually explicit comments, and sexual requests from coworkers and managers. One male general manager conditioned hire on the acquiescence of male applicants to dates and sexual activity. The 3-year consent decree provides for \$1,997,500 to 41 individuals, along with equitable relief.
 - › In *EEOC v. Focus Plumbing, LLC, Focus Electric, LLC, Focus Concrete, LLC, Focus Fire Protection, LLC, and Focus Framing, Door, & Trim, LLC, d/b/a Focus Companies Group of Nevada*, No. 2:22-cv-01758 (D. Nev. Oct. 12, 2022), the EEOC alleged that construction firms subjected the two charging parties and other monolingual Spanish-speaking female laborers to sexual harassment and retaliation when male supervisors and coworkers subjected them to sexual assaults, sexual propositions, and sexually explicit requests and comments. Some employees were threatened with rape and discharge for rejecting the sexual advances and others were offered more desirable work assignments and better hours for acquiescing. After complaining to HR about the sexually offensive conduct, charging parties were reassigned and subjected to further harassment and more physically demanding work, ultimately forcing them to resign. The 2½-year consent decree provides for \$500,000 to four individuals, as well as equitable relief.
 - › In *EEOC v. McDonald Oil Company*, No. 1:21-cv-00407 (S.D. Ala. Jan. 25, 2023), the EEOC alleged that an owner and operator of gas station/convenience stores subjected the two charging parties and other female employees to sexually explicit comments, sexual requests, unwelcome sexual touching, and physically threatening conduct by a male employee. The female employees complained to various managers, and managers witnessed the male employee's conduct, but no corrective action was taken. When the male employee sent photos of his penis to a store manager, the manager complained to the district manager, who finally terminated the employee (after permitting him to work two additional shifts). The 3-year consent decree provides for \$400,000 in compensatory damages to three individuals and equitable relief.
 - › In *EEOC v. Chipotle Services, LLC and Chipotle Mexican Grill, Inc.* No. 2:22-cv-00279 (W.D. Wash. Sept. 14, 2023), the EEOC alleged that defendants, operators of a chain of fast-food Mexican restaurants, subjected charging party and a class of female employees, including a teen, to sexual harassment, resulting in constructive discharges. The sexual harassment included sexually suggestive comments, requests, and unwelcome touching by a male service manager and a male crew member, and the sexual assault of an underage employee by the service manager. Defendants were aware of the harassment but failed to address the situation. As a result, charging party and

The sexual harassment included sexually suggestive comments, requests, and unwelcome touching by a male service manager and a male crew member, and the sexual assault of an underage employee by the service manager.



one claimant were constructively discharged. The 3-year consent decree provides for \$400,000 to three individuals and equitable and relief.

In fiscal year 2023, lawsuits alleging disability discrimination accounted for 34.3% of total filings and 33.7% of total resolutions. Of the 33 ADA lawsuit resolutions, 19 (57.6%) involved denials of reasonable accommodation. Some notable examples of ADA lawsuit resolutions involving reasonable accommodation and other disability discrimination issues include:

- ▶ In *EEOC v. Scottsdale Healthcare Hospitals d/b/a HonorHealth*, No. 2:20-cv-01894 (D. Ariz. Sept. 15, 2023), the EEOC alleged that providers of medical care at hospital and medical facilities failed to provide reasonable accommodations to charging party and other employees with disabilities and discharged or constructively discharged employees because of their disabilities or need for accommodation. Charging party, who worked for defendant as a registered nurse, sustained a right arm injury that resulted in a permanent 15-pound lifting restriction. Defendants told her she had 30 days to secure a new job after which she would be terminated. Charging party applied to numerous positions for which she was qualified but was not selected, and defendants terminated her when she was unable to secure a position within the allotted timeframe. The suit was resolved for \$1.75 million to approximately 100 claimants, and other injunctive relief.
 - ▶ In *EEOC v. North Memorial Health*, No. 22-cv-00777 (D. Minn. Jan. 12, 2023), the EEOC alleged that an operator of hospitals and related facilities failed to provide charging party with a reasonable accommodation for her disability and denied her employment because of her disability. Charging party, who has a hearing disability and uses hearing aids, has some speaking ability and also communicates by ASL and reading lips. She applied through a third-party staffing firm for a greeter/escort position at a defendant hospital and told the staffing firm she could do the job without an accommodation but suggested using cards with images and maps to assist in communicating with visitors. The staffing firm informed defendant of charging party's hearing impairment and the possible accommodations she suggested and recommended that defendant permit her to work in the position for a few days as a trial run. Defendant told the firm it could not move forward with her application. The 2-year consent decree provides for \$180,000, as well as equitable relief.
 - ▶ In *EEOC v. Hiland Dairy Foods Co., LLC*, No. 5:21-cv-00483 (W.D. Okla. Jan. 3, 2023), the EEOC alleged that a producer and distributor of dairy products denied charging party a job because of his vision impairment, nondegenerative cone dystrophy, a condition that causes decreased vision clarity when looking straight ahead, a reduced ability to see colors, and an increased sensitivity to light. In March 2017, charging party was hired as a dairy plant worker contingent on a third-party medical exam. After a nurse administered a vision test to charging party, a doctor, who never met with charging party, determined he was legally blind and color blind, causing defendant to withdraw the conditional job offer. Charging party explained to defendant how he could do the job despite his vision impairment, but defendant would not change its decision. The 5-year consent decree provides charging party \$140,000, as well as injunctive relief.
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During fiscal year 2023, the EEOC resolved a range of cases involving pregnancy discrimination, including:

- ▶ In *EEOC v. Symphony Deerbrook, L.L.C. d/b/a Symphony of Joliet*, No. 1:21-cv-02978 (E.D. Ill. April 12, 2023), the EEOC alleged in this Title VII/ADA lawsuit that defendant, a nursing home, rehabilitation center, and long-term care facility, engaged in various forms of pregnancy discrimination when defendant required employees to disclose their pregnancies and obtain a doctor's note indicating



they could work without restrictions, while not imposing similar requirements on employees with nonpregnancy medical conditions; failed to accommodate pregnancy-related work restrictions while accommodating the restrictions of nonpregnant employees; classified pregnant employees discharged due to work restrictions as ineligible for rehire; and denied pregnant employees reemployment following the birth of a child. There were also claims that the doctor’s note requirement constituted an unlawful medical examination under the ADA and that defendant failed to retain records related to requests for reasonable accommodations. The 2½-year consent decree provides \$400,000 to 11 claimants, along with equitable relief.

- › In *EEOC v. Arubaanse Luchtvaart Maatschappij N.V., d/b/a Aruba Airlines*, No. 1:23-cv-20597 (S.D. Fla. Feb. 15, 2023), the EEOC alleged that an airline terminated charging party because of her pregnancy. Charging party was hired in October 2017 as a financial analyst, learned in April 2018 she was pregnant, and over the next two months presented defendant with doctor’s notes regarding complications with her pregnancy. Despite her doctor’s instructions to be on full bedrest, charging party continued to work due to the company’s general director’s disparaging remarks about her being pregnant. The airline terminated charging party in June 2018, ostensibly for poor performance. The HR director, however, told charging party that the general director said the airline needed someone “healthy to work,” and the company would try and reinstate her when she was finished with her pregnancy. The 4-year consent decree provides for \$75,000 in compensatory damages to charging party, and also provides for non-monetary relief.
- › In *EEOC v. A.V.I. Sea Bar & Chophouse LLC d/b/a Seabar & Chophouse and Corporate Caterers of Wichita*, No. 2:21-cv-02428 (D. Kan. Apr. 13, 2023), the EEOC alleged that a restaurant and catering business terminated charging party because of her pregnancy. Charging party, a restaurant hostess, learned shortly after she started working for the defendant that she was pregnant and began experiencing pregnancy-related swelling of her feet and back pain due to the standing required by her job. Her manager permitted her to use a stool as needed, but when one of defendant’s co-owners visited the restaurant, she commented that charging party’s use of a stool did not look good and prohibited charging party from using the stool. Charging party presented a doctor’s note requesting a stool at the hostess stand due to her swelling and back pain during pregnancy, and defendant immediately terminated her. The 3-year consent decree provides for \$55,000 for charging party, and equitable relief.

In fiscal year 2023, the EEOC resolved nine lawsuits alleging compensation discrimination in violation of Title VII and/or the EPA. Examples include:

- › In *EEOC v. Verona School District*, No. 3:22-cv-39 (W.D. Wisc. June 16, 2023), the EEOC alleged that defendant, a public school district in Wisconsin, paid nine female special education teachers less than a male special education teacher and paid a female school psychologist less than a male school psychologist. The female special education teachers all had much more experience than the male teacher and two of the female teachers, but not the male, were nationally board-certified in special education. The male special education teacher, who was hired in June 2019, earned \$80,924 during the 2021–22 school year, while more senior female teachers earned between \$63,816 and \$75,755 that year. For the 2020–2021 school year, the female school psychologist earned \$70,449 while the male earned \$87,595. The 4-year consent decree provides the ten claimants \$450,000 and defendant will raise claimants’ salaries, in addition to equitable relief.

› In *EEOC v. Mechanical Design Systems, Inc.*, No. 8:22-cv-02463 (D. Md. May 9, 2023), the EEOC alleged that a provider of HVAC design and installation services paid charging party and another female project manager less than their male counterparts because of their sex. Charging party began working for defendant in January 2017, providing clerical support to two project managers (male and female). When the male project manager left the company in June 2017, charging party assumed his project manager duties. In the summer of 2018, defendant assigned a male to a project manager position at a salary significantly higher than that paid to charging party and the other female project manager. Although the male had worked for defendant in the field, he lacked experience in, or familiarity with, defendant's management systems and practices. The 3-year consent decree provides for \$210,000 to charging party and the other claimant, defendant will raise the wages and compensation of the remaining female project manager to that of her male counterpart, and equitable relief.

› In *EEOC v. Jerry's Chevrolet, Inc., and Jerry's Motor Cars, Inc., t/a Jerry's Toyota*, No. 21-cv-02464 (D. Md. Nov. 30, 2022), a Title VII/EPA lawsuit, the EEOC alleged that an auto dealership paid a female worker less than a man doing the same work and terminated her for complaining about the wage disparity. Defendants hired charging party in June 2018, and the male in December 2018. In May 2019, defendants assigned the male to work as a dispatcher at a semimonthly salary of \$1,787.50 plus a monthly bonus of \$300. In October 2019, defendants assigned charging party to a dispatcher job at a semimonthly salary of \$1,400 with no bonus. Charging party and the male performed the same duties. In September 2020, after learning of the pay disparity, charging party complained to the director of HR and requested a greater salary. Defendants discharged charging party a week later, allegedly for violating work rules. The 2-year consent decree provides for \$62,500 to the charging party and also provides for equitable relief.

The EEOC achieved many other significant resolutions in lawsuits involving discrimination based on various protected bases, including sex, age, and religion. Examples include:

Sex

› In *EEOC v. R&L Carriers, Inc., and R&L Carriers Shared Services, LLC* No. 1:17-cv-00515 (S.D. Ohio April 24, 2023), the EEOC alleged that national freight trucking carriers denied dockworker positions to women because of their sex. In addition to data showing a statistically significant underrepresentation of female dockworkers/loaders, statements attributable to the employer indicated the employer believed women should not be employed as loaders. Also, comparisons of contemporaneous male and female applicants showed that men were hired for loader positions over more qualified women. The 3-year consent decree provides for \$1.25 million to about 200 women who unsuccessfully applied for loader positions between 2010 and 2017 (about 200 individuals) and enjoins failing to hire women as loaders because of their sex.

Age

› In *EEOC v. iTutorGroup, Inc.; Tutor Group Limited; and Shanghai Ping'An Intelligent Education Technology Co. Ltd.*, No. 1:22-cv-02565 (E.D.N.Y. Sept. 8, 2023), the EEOC challenged the use of application software that automatically rejected female applicants over the age of 55 and male applicants over the age of 60.

Religion

- › In *EEOC v. United Airlines, Inc., and Airline Pilots Association International*, No. 20-cv-9110 (D.N.J. Nov. 8, 2022), the EEOC alleged that United Airlines (UA), refused to accommodate charging party's religious beliefs, resulting in his discharge. Charging party, a practicing Buddhist, had worked as a UA pilot for over 30 years when he was diagnosed with alcohol dependency, causing him to lose the medical certificates issued by the Federal Aviation Administration (FAA) allowing him to fly. The airline's occupational substance abuse treatment program, known as HMS, coordinates the identification, treatment, and return to work process for affected pilots, and requires regular attendance at Alcoholics Anonymous (AA). Charging party objected to the religious components of AA meetings (e.g., held in churches and begun with a prayer conceiving of a monotheistic God as a Supreme Being) and requested to substitute a Buddhism-based peer support group. The airline refused, and charging party was unable to obtain a new FAA medical certificate permitting him to fly again. The 27-month consent decree provides for \$305,000 to the charging party and requires the employer to reenroll charging party in the HMS program and accept his participation in the identified recovery program in lieu of AA.

In addition to the significant resolutions above, the EEOC also prevailed on both ADA and Title VII claims adjudicated in jury trials during fiscal year 2023, including:

- › In *EEOC v. Drivers Mgmt., LLC and Werner Enterprises, Inc.*, No. 8:18-cv-00462 (D. Neb. Sept. 1, 2023), an ADA lawsuit, the EEOC alleged that defendants, related entities operating an international shipping and logistics company, rejected charging party's 2016 application because he is deaf. Charging party applied in 2016 to be an over-the-road truck driver for defendants after obtaining his commercial driver's license at a Werner-owned driving school. Because he is deaf, before obtaining his commercial license, charging party first received a hearing exemption from the Department of Transportation's Federal Motor Carrier Safety Administration. The agency began issuing hearing exemptions in 2013, allowing deaf individuals to apply for and obtain commercial driver's licenses. Despite the exemption program, defendants claimed that charging party was not a qualified individual under the ADA because he could not safely complete defendants' in-house training program. Defendants also claimed they did not reject charging party's application on the basis of his deafness but because they did not believe they could safely train him. Before the trial, the court had granted EEOC's partial motion for judgment as a matter of law, finding that causation was undisputed and then submitted only one issue to the jury: whether charging party could perform the essential functions of the job with or without reasonable accommodations. Following a 5-day trial, the jury awarded \$75,000 in compensatory damages and \$36,000,000 in punitive damages.
- › In *EEOC v. Coastal Drilling East, LLC*, No. 2:21-cv-01220 (W.D. Pa. Sept. 5, 2023), the EEOC alleged that a national provider of geotechnical construction services subjected charging party to a hostile work environment due to his race, Black, resulting in his constructive discharge. Charging party, who was hired in March 2019 as a rig hand, was subjected to racially derogatory language, including repeated use of the n-word, by his coworkers and a supervisor and was confronted with nooses

Following a 5-day trial, the jury awarded \$75,000 in compensatory damages and \$36,000,000 in punitive damages.



from his coworkers; the defendant managers were aware of the racially hostile conduct and took no corrective action. Charging party was laid off in November 2019, the company invited him to return to work in January 2020, but he declined due to the racially hostile work environment. The company claimed that any racially hostile conduct was not severe or pervasive; that charging party never reported any racially hostile conduct to management or human resources; and that charging party resigned for personal reasons. Following a 5-day trial, the jury returned a verdict for the EEOC, awarding charging party \$24,375 in compensatory damages, with the court later awarding \$56,093.03 in backpay, prejudgment interest, and an offset for negative tax consequences.

G. Challenging Discrimination in the Federal Appellate Courts

In addition to its nationwide litigation program at the district court level, the EEOC maintains an active appellate program in the federal courts of appeals. In fiscal year 2023, the EEOC filed 10 briefs on appeal in Commission cases as well as 34 amicus briefs in the federal appellate courts. The EEOC prevailed in notable appellate decisions this fiscal year. For example, in *EEOC v. Charter Communications, LLC*, 75 F.4th 729 (7th Cir. 2023), the EEOC alleged that the employer refused to provide a temporary schedule accommodation to a sales representative with cataract-related night blindness that made it unsafe for him to drive home from work in the dark, in violation of the ADA. The district court granted summary judgment to the employer on the ground that the employee did not need any accommodation to perform an essential job function once he arrived at work. The Seventh Circuit reversed and clarified that its prior precedent did not, as the district court believed, hold that the ADA requires accommodation only if the employee's disability affects his ability to perform essential job functions once the employee is at work. That case "should not be read as holding that the ADA imposes no duty to offer reasonable accommodations that affect safety or pain that an employee may be motivated to overcome." Turning to the case at hand, the court "decline[d] to adopt a bright-line rule" regarding accommodations that enable employees with disabilities to get to work and held that "if a qualified employee's disability interferes with his ability to get to work, the employee *may* be entitled to a work-schedule accommodation if commuting to work is a prerequisite to an essential job function, such as attendance in the workplace, and if the accommodation is reasonable under all the circumstances." Because commute-related cases "present problems that arise from the *combination* of employee choices and employer choices," the proper analysis must "emphasize employee responsibility for the factors within the employee's control, without losing sight of the employer's control over work schedules." Applying this analysis, the court concluded that a jury could find the employee's requested accommodation—a second thirty-day extension of his shift change while he tried to move closer to the workplace—to be a reasonable accommodation.

H. Continued Focus on Conciliation

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

The agency is committed to resolving charges in conciliation as one of the most effective means to prevent and remedy discrimination in the workplace. In fiscal year 2023, the EEOC successfully resolved 46.7% of conciliations, which represented a 2 percentage point increase from the 44.4% rate in fiscal year 2022. The EEOC recovered \$45 million for victims of discrimination through conciliation and pre-determination settlements in fiscal year 2023.

I. Continued Focus on Alternative Dispute Resolution

ADR is an effective and efficient tool to resolve charges of discrimination. The EEOC's ADR program provides an opportunity for those filing charges of discrimination and employers to convene and discuss their respective positions with a neutral mediator. Successful mediations resolve charges early in the process, benefiting both workers and employers.

In fiscal year 2023, the agency successfully resolved 7,471 of the 10,404 mediations conducted, resulting in over \$201.2 million in benefits to charging parties. Notably, mediators in the EEOC's ADR program also conducted 193 federal sector mediations, securing more than \$4.7 million in benefits for federal sector complainants. The program continues to receive overwhelmingly positive feedback from participants.

During fiscal year 2023, the EEOC also continued to focus on providing outreach to respondents to highlight the benefits of the ADR program. EEOC field offices conducted a total of 338 ADR employer events.

Building upon the technology enhancements implemented in fiscal year 2022, the EEOC was able to timely collect electronic survey responses from its mediators and mediation participants concerning their experiences mediating charges via video platforms. The survey results indicated overwhelming satisfaction with the EEOC's mediation program during fiscal year 2023. Participants continued to view the EEOC's voluntary mediation program as highly effective, fair, and neutral, and expressed strong satisfaction with the process. The surveys continued to show near unanimity regarding participants' willingness to participate in the mediation program in the future. Specifically, 96% of participants (98.6% of employers and 92% of charging parties) indicated they would be willing to participate in the EEOC's mediation program again if they were a party to an EEOC charge.

STRATEGIC GOAL II: PREVENT EMPLOYMENT DISCRIMINATION AND ADVANCE EQUAL EMPLOYMENT OPPORTUNITIES THROUGH EDUCATION AND OUTREACH

A. Prioritizing Private Sector Outreach

Outreach and education are essential tools for the EEOC as it works to promote inclusive workplaces and prevent employment discrimination before it occurs. In fiscal year 2023, the EEOC conducted 3,318 no-cost outreach events and fee-based trainings for 314,199 individuals nationwide, providing information about the laws enforced by the EEOC.

In fiscal year 2023, the EEOC conducted targeted outreach to ensure meaningful access to EEOC services. For example, the EEOC conducted 220 racial justice events reaching 24,188 individuals and 188 race and color outreach events reaching 21,386 individuals. In support of the interagency working group for the White House Initiative on Asian Americans Native Hawaiians and Pacific Islanders (WHIAANHPI), the EEOC conducted 95 events reaching 4,241 individuals.

The EEOC also conducted 224 outreach events in communities in which individuals may be reluctant to come forward to report employment discrimination,

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such as farm worker and migrant communities, and reached 21,173 participants at these events. These outreach efforts supported Executive Order 13985: [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) (EO 13985), extending the EEOC's reach into underserved and vulnerable communities. Through targeted outreach, the EEOC also reached communities with low literacy skills, hosting 316 events and reaching 26,107 individuals. Additionally, the EEOC held 243 listening sessions on a variety of topics across the country, keeping the agency informed of emerging issues and trends in employment, and reaching 31,663 individuals.

During fiscal year 2023, the EEOC continued to build upon its efforts to advance the aims of Executive Order 14041: [White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities](#) (HBCU). For example, the EEOC developed a strategic plan with five targeted goals to enhance communication and collaboration with HBCUs. The strategic plan identifies areas of progress made toward achieving these goals and highlights continued efforts to recruit HBCU students and graduates. The EEOC engages in outreach to HBCUs through several initiatives, such as the EEOC's [Youth@Work](#) program, technical assistance/engagement workshops, and fostering collaborative relationships with HBCUs at the annual Equal Justice Works Career Conference. In fiscal year 2023, the EEOC continued to build upon its effort to advance the aims of Executive Order 14041 and the HBCU PARTNERS Act by broadening its engagement, partnership, and collaboration with federal, state, local, and Tribal partners to better support HBCUs. These efforts include recent partnerships with the Department of Labor (DOL) to host HBCU Presidents Listening Sessions and the EEOC's participation in the National HBCU Week Conference. In fiscal year 2023, the EEOC conducted 31 outreach events to HBCUs that reached 1,626 individuals.

The EEOC also engaged in outreach to combat discrimination based on sexual orientation and gender identity. The EEOC conducted 162 LGBTQI+ events, reaching 31,534 individuals, in support of the White House Gender Policy Council and multiple executive orders, including Executive Order 13988: [Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#) (EO 13988); Executive Order 13985: [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) (EO 13985); and Executive Order 14075: [Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals](#) (EO 14075).

During fiscal year 2023, the EEOC participated in the Interagency Policy Committee to Counter Antisemitism, Islamophobia, and Related Forms of Discrimination and Bias, which resulted in the [National Strategy to Counter Antisemitism](#), and a new [Gender Based Violence Federal Interagency Working Group](#). The EEOC conducted 91 religious discrimination events reaching 7,941 individuals; 55 Antisemitism events reaching 4,378 individuals; and 21 Islamophobia events reaching 2,337 individuals.

In fiscal year 2023, the EEOC also focused outreach and education on priorities identified in the agency's [Strategic Enforcement Plan for Fiscal Years 2017–2021](#) (FY 2017–FY 2021 SEP), which remained in effect through fiscal year 2023. In September 2023, the EEOC released its [Strategic Enforcement Plan for Fiscal Years 2024–2028](#) (FY 2024–2028 SEP); beginning in fiscal year 2024, outreach and education will focus on the priorities identified in the FY 2024–2028 SEP.

Outreach and Education — Strategic Enforcement Plan Priorities

	Events ¹	Attendees
Recruitment and Hiring	198	25,053
Vulnerable and Underserved Workers	704	75,640
Addressing Selected Emerging or Developing Issues		
Discriminatory Qualification Standards and Inflexible Leave Policies	206	34,653
Accommodating Pregnancy Limitations	112	14,930
LGBTQI+	162	31,534
Complex Employment Relationships	52	5,472
Backlash Discrimination	65	6,592
Equal Pay	128	13,956
Access to the Legal System (includes retaliation, recordkeeping violations, waivers, mandatory arbitration)	134	12,291
Systemic Harassment (includes sexual harassment)	283	24,556
Total	2,044	244,677

B. Outreach Targeted to Small, New, and Disadvantaged Business

The EEOC also prioritized outreach, education, and technical assistance to small, new, and disadvantaged businesses. Given their size and limited resources, these businesses are often less able to take advantage of commercial training programs and less likely to have in-house human resources professionals to assist them with compliance. In fiscal year 2023, EEOC hosted 194 small business outreach events and events with Significant Partner-Businesses reaching 39,066 attendees. The EEOC’s outreach to small, new, and disadvantaged businesses included providing access to on-demand interpreters and document translation services in over 200 languages, and the [“Preventing Discrimination is Good Business”](#) fact sheet is available in 30 different languages.

The EEOC continued to promote its public website containing the online [Small Business Resource Center](#), a comprehensive resource providing small businesses tools to understand the federal anti-discrimination laws and to prevent employment discrimination in their workplaces. The site features answers to frequently asked questions, guidance for making employment decisions in common scenarios, and pointers for developing good workplace policies. It has tips for small businesses on various potential workplace discrimination issues to help businesses avert problems before they arise. It also provides quick access to the names and contact information of the EEOC’s Small Business Liaisons in the EEOC’s field offices. These liaisons answer questions from small business owners as they institute policies and practices to comply with the law.

The U.S. Small Business Administration (SBA) Office of the National Ombudsman’s Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman’s most recent report, the [2021 Annual Report to Congress](#), was published in fiscal year 2024 and gave the EEOC an “A” rating across-the-board, the highest possible rating, reflecting the SBA’s recognition of the EEOC’s strong commitment to assist this important sector of the economy.

1. Events addressing multiple Strategic Enforcement Plan Priorities are counted under each priority.



C. Outreach to Fair Employment Practices Agencies and Tribal Employment Rights Offices

The EEOC routinely engages with state and local FEPAs and TEROs to provide training, conduct joint outreach, and other activities that help to enhance our partnerships and benefit the public. For example, throughout the country, the EEOC and FEPAs worked together to educate various audiences about employment discrimination. Event topics included “Know Your Rights” presentations for immigrant workers and other vulnerable communities such as Native Americans/ Alaska Natives; sexual orientation and gender identity/LGBTQI+; race discrimination affecting African Americans, AAPI communities and tribal communities; and pregnancy discrimination. In addition, the EEOC provided TEROs with detailed training on the EEOC’s Public Portal so that when they encounter a member of the public with a potential employment discrimination case, they may assist the person in beginning the charge filing process by using the EEOC’s Public Portal. Videos of the EEOC’s history with FEPAs and TEROs may be found on the [State and Local](#) and [Tribal Programs](#) webpages as well as an animated video that highlights the various ways members of the public may contact the EEOC to file charges of discrimination. FEPA and TERO agencies and offices extend the EEOC’s reach nationwide in ensuring unlawful employment discrimination is addressed.

D. Providing Employers with Fee-Based Training

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

In fiscal year 2023, the Institute trained 21,442 individuals at 290 events, ranging from 1-hour to 5-hour workshops, including 173 Customer Specific Training (CST) programs for private sector and state and local government employers (10,769 attendees), which included Respectful Workplaces employee training and Leading for Respect manager and supervisor training. The workshops and CSTs are responsive to employers’ needs and address rights and obligations in the workplace. These programs provide detailed information about applicable laws, potential liabilities, and activities that relate to employment discrimination, with the aim of helping participants identify, address, and prevent workplace discrimination. These workshops also enabled EEOC field offices to partner together, pool their creative ideas and resources, and maximize revenue potential. In fiscal year 2023, the Institute conducted 29 national (1-, 2-, 3-, and 5-hour) workshops with 6,617 attendees. These workshops received excellent evaluations from attendees.

The agency held its 26th Annual Examining Conflicts in Employment Laws (EXCEL) Training Conference for federal sector and private sector EEO practitioners. This year was the first time the conference was held in person since the start of the COVID-19 pandemic. The EXCEL Training Conference gathered EEO, HR, and ADR practitioners from private, state, local, and federal organizations for four days of education, training, and professional development. The agency held three plenary sessions, one specialty track, and over 70 open workshops covering topics such as the Pregnant Workers Fairness Act, disability accommodations, the use of artificial intelligence in the workplace, among other significant employment law and EEO compliance issues. The conference started with an opening plenary session by the Chairs of the EEOC, the U.S. Merit Systems Protection Board, and the U.S. Federal Labor Relations Authority. A record number of attendees including participants, volunteers, and speakers from the federal and private sectors rated EXCEL as outstanding. The conference received outstanding feedback and gave participants the needed EEO knowledge and skills to enhance their performance and meet the evolving demands of today’s workplace while also generating approximately \$625,500 in net revenue.

E. Continued Emphasis on Outreach and Education in the Federal Sector

Outreach and education in the federal sector are equally important to the EEOC's efforts to promote broad compliance with federal workplace anti-discrimination laws. In fiscal year 2023, the EEOC built upon its robust education and outreach program that focuses on both free and fee-based education and training opportunities in the federal sector and leveraged the use of technology to strengthen and expand the impact of its education and outreach activities. In total, the EEOC delivered nearly 200 federal sector outreach, education, and training events, and provided more than 18,000 federal sector employees and equal employment opportunity (EEO) professionals with information about employment discrimination and their rights and responsibilities in the workplace.

This year, the EEOC through its Federal Sector Education Consortium (EdCon) grew to a 1,000+ member community of practice. The EEOC offered free learning opportunities, networking events, and a federal mentoring program to engage federal practitioners and leaders. The EEOC also implemented Office of Federal Operations' (OFO) strategic communication and social media plans to ensure EEO news was delivered to a broad federal demographic.

In fiscal year 2023, the EEOC received 50 requests from federal partners for no-cost outreach. Outreach presentations focused on varied topics and were delivered in several ways, including single presentations, panel discussions, and workshops. To promote increased access and cost-saving, seminar events were recorded and then shared on OFO's [YouTube channel](#) to allow easy access to those unable to attend the session live. This year, EEOC staff delivered 14 no-cost webinars and 12 podcasts to the federal community on various current and novel EEO and DEIA issues. In fiscal year 2023, the EEOC conducted 47 national learning opportunities that reached 1,624 federal learners and led 40 CST courses that reached approximately 1,552 federal employees.

In fiscal year 2023, the EEOC also continued collaborating with other federal agencies to form strategic partnerships and engage in outreach activities for the federal sector. For example:

- › The EEOC manages an interagency consortium, Federal Exchange of Employment and Disability (FEED), with DOL and OPM. Through FEED, the EEOC and partner agencies conducted quarterly events for federal sector disability practitioners.
- › Agency staff assisted the White House with implementation of [Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility \(DEIA\) in the Federal workforce](#). With the White House Domestic Policy Council (DPC), OMB, and OPM, the EEOC conducted government-wide outreach, collaborated on developing government-wide resources, hosted weekly office hours, and provided learning sessions to assist in agencies' implementation of the Executive Order.

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- › EEOC staff actively participated as Advisory Board members for the Federal Dispute Resolution (FDR) Conference. In this role, the EEOC provided strategic guidance and direction in the creation of the EEO track at FDR’s annual conference.
 - › The EEOC hosted an annual meeting with agency general counsels across the federal government. This meeting was attended by approximately 200 individuals and served as a gateway to strengthen outreach and communication between EEOC and agency counsel who regularly represent the federal government during the EEO process.
 - › Recognizing that smaller agencies have limited resources and different challenges than larger agencies, the EEOC continued to meet with the Small Agency Council to address the unique needs of small federal agencies.

F. Providing Strong Leadership and Oversight for Federal Agencies

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

The EEOC embraces and recognizes the value of proactive prevention. Thus, in addition to taking remedial actions when agencies fail to comply with the EEOC’s appellate orders, regulations, or directives, the EEOC continued and enhanced its practice of providing technical assistance to agencies on a routine basis before problems arose. The EEOC established a goal to conduct 55 technical assistance visits with agencies and issue a feedback letter within 180 days of each visit. During fiscal year 2023, the EEOC conducted 68 technical assistance visits with agencies and timely issued 97% of feedback letters to federal agencies. The EEOC also conducted a two-part webinar series on “[Demystifying the Technical Assistance Visit](#)” and “[Leveraging the Technical Assistance Visit Feedback Letter](#).”

In fiscal year 2023, the EEOC engaged with the U.S. Office of Personnel Management Human Resources Solutions to develop competency models and conduct competency gap analyses for the GS-0260 Equal Employment Opportunity (EEO) Specialist. The EEOC also implemented several learning opportunities for EEO Specialists to bridge the gap to enhance professional development and stakeholder outcomes.

In fiscal year 2023, the EEOC also continued its efforts to ensure that 75% of agencies have a compliant anti-harassment policy. The baseline was established in fiscal year 2018 when only 48% of agencies had compliant policies. During technical assistance visits, EEOC staff discussed the status of their anti-harassment policies with agencies and later sent written feedback letters with detailed recommendations. In fiscal year 2023, the EEOC continued to work with agencies, and 80.3% of the 203 agencies that received feedback now have compliant anti-harassment policies.

Additionally, in fiscal year 2023, the EEOC continued its work to ensure that 90% of agencies have compliant reasonable accommodation procedures. The baseline was established in fiscal year 2018 when only 16% of agencies had fully compliant procedures. EEOC staff discussed the status of the procedures with agencies during technical assistance meetings and provided written feedback to agencies upon request. In fiscal year 2023, the EEOC’s compliance enforcement team also intervened with agencies as necessary. As a result of the agency’s efforts in this area, in fiscal year 2023, 91.92% of the 198 agencies that received feedback now have compliant reasonable accommodation procedures.



The Commission revised its federal sector complaint processing regulations, 29 C.F.R. Part 1614, to explicitly provide for the digital transmission of EEO complaint and appellate documents. Updates will enable complainants, agencies, and the EEOC to communicate and transmit hearing and appeal documents using digital and electronic methods and the EEOC's electronic Public Portal, as alternatives to using first class and certified mail.

In fiscal year 2023, the EEOC published five reports on significant issues and government-wide trends in the federal sector:

- › [*Timeliness of Merit Final Agency Decisions in the Federal Sector*](#) (September 2023);
- › [*Second Chances Part I — Federal Employment for Workers with Past Arrests or Convictions*](#) (September 2023);
- › [*Second Chances Part II — History of Criminal Conduct and Suitability for Federal Employment*](#) (September 2023);
- › [*Promising Practices for Preventing Harassment in the Federal Sector*](#) (April 2023); and
- › [*Alternative Dispute Resolution in the Federal Sector*](#) (March 2023).

The EEOC also published quarterly issues of the [*Digest of EEO Law*](#), a summary of important EEOC cases, in fiscal year 2023. The EEOC periodically publishes articles on topics of interest for federal sector EEO programs. These resources are published on the EEOC's website, so all interested parties have access to the summaries and links to the full decisions.

G. Providing Guidance to Our Stakeholders

Outreach and education are critical tools to prevent discrimination, and the EEOC works with hundreds of thousands of employees and employers every year to educate them on their legal rights and responsibilities. Since the start of the pandemic in March 2020, the EEOC has worked to provide technical assistance to stakeholders about the workplace civil rights implications of the COVID-19 pandemic. During fiscal year 2023, the EEOC provided high-quality, easy to understand education and outreach in the private, state and local, and federal sectors in response to the pandemic. This included:

- › Updated [*What You Should Know about COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws*](#), to address the workplace EEO implications of the end of the COVID-19 public health emergency, Long COVID, and continuing concerns about workplace harassment of individuals with disabilities.
- › Participating in the Interagency Long COVID Coordination Council.
- › Numerous presentations and speaking events regarding COVID-19 and the civil rights laws the EEOC enforces.

Another priority of the EEOC during fiscal year 2023 was to educate the public regarding the application of civil rights laws enforced by the EEOC and the use of algorithmic decision making by employers. As part of its Algorithmic Fairness Initiative, the agency issued a technical assistance document, [*Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964*](#), which clarifies that Title VII applies to employers' use of automated systems to make or inform selection decisions, discusses how an employer might determine whether its use of such systems has a disparate impact on the basis of race, sex, or other characteristics protected by Title VII, and other compliance considerations relative to disparate impact on a prohibited basis. The agency also issued [*Visual Disabilities in the Workplace and the ADA*](#), which includes a discussion of visual disabilities and algorithmic or AI decision-making tools.

In addition, during fiscal year 2023, the EEOC updated or created several web pages including:

- › [EEOC Disability-Related Resources](#)
- › [Pregnancy Discrimination and Pregnancy-Related Disability Discrimination](#)
- › [Youth@Work website with important information related to human trafficking](#)

The EEOC took the following regulatory actions in fiscal year 2023:

Action	Description	Location
Amendments to the Federal Sector EEO Complaint Processing Regulations to Explicitly Provide for the Digital Transmission of EEO Documents, and to Address the Use of the Commission’s Electronic Portal	This final rule includes revisions that will enable complainants, federal agencies, and the EEOC to communicate and transmit hearing and appeal documents using digital and electronic methods, and the EEOC’s electronic Public Portal, as alternatives to using first class and certified mail.	88 Federal Register 57879 (Aug. 24, 2023)
Final Rule on 2023 Adjustment of the Penalty for Violation of Notice Posting Requirements	This final rule adjusts for inflation the civil monetary penalty for violation of the notice-posting requirements in Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Genetic Information Non-Discrimination Act.	88 Federal Register 17372 (Mar. 23, 2023)

STRATEGIC GOAL III: STRIVE FOR ORGANIZATIONAL EXCELLENCE THROUGH OUR PEOPLE, PRACTICES, AND TECHNOLOGY

A. Rebuilding and Strengthening the Enforcement Capacity of the Agency

The EEOC has a critical role to play in addressing many of the urgent issues facing our nation. The EEOC requires sufficient resources and tools to continue to prevent and remedy employment discrimination, both now and in the future. In fiscal year 2023, the agency continued to prioritize ensuring that it had sufficient staff to address its expanding workload, which included a goal of 2,300 employees on board by September 30, 2023. The EEOC successfully exceeded its fiscal year 2023 hiring goal, with 2,331 employees on board as of the end of the fiscal year. The EEOC filled 493 positions, all of which were made within the agency’s 80-day time-to-hire goal. Of the 493 positions, 178 were backfills and 315 were new positions which included selection of internal and external candidates.

During fiscal year 2023, in order to strengthen the enforcement capacity of the agency, managers were encouraged to establish and recruit for developmental positions to support workforce and succession planning initiatives through various hiring flexibilities such as 30% veterans’ preference hiring, HBCUs recruitment initiatives, military spouse non-competitive hiring, partnering with the U.S. Peace Corps to obtain applicants, and Schedule A appointments for persons with disabilities. As discussed previously, the agency also implemented strategies to retain the EEOC’s talent to compensate for separations due to retirements, transfers, and departures, including retaining talent through the Pathways Program, College Graduate Hiring Program, and law clerk recruitment. The EEOC used an enterprise-wide approach to recruit candidates through these programs to meet overall office needs and align with the Biden Administration’s executive orders to promote diversity, equity, inclusion, and accessibility (with paid interns), which is contributing to the agency’s long-term retention efforts.



B. Hiring a Diverse Workforce

The EEOC can best accomplish its mission with a productive, inclusive, and diverse workforce. In fiscal year 2023, the EEOC continued to fully embrace the principles of equal employment in the agency's own workplace, recognizing that doing so creates an environment that enhances the EEOC's overall effectiveness by fostering a culture of inclusion and respect and increasing the cultural competency and familiarity of the EEOC's workforce with diverse demographic groups within the United States. Of the new hires in fiscal year 2023, 42% (207) were individuals with a disability and 7% (34) were individuals with a targeted disability. Moreover, 27% of the EEOC's workforce identified as individuals with disabilities and approximately 9% identified as individuals with targeted disabilities. The agency benchmark for individuals with disabilities and targeted disabilities is 12% and 2%, respectively. Among federal agencies, the EEOC also has the highest percentage of veterans that are classified as 30% or more disabled. As of the end of fiscal year 2023, approximately 28% of the agency's employees were veterans. Of those 661 veterans, 79% (522) have a disability. Of the veterans who have a disability, 80% (418) are classified as 30% or more disabled veterans. This data indicates consistent and tremendous progress in the implementation of the agency's affirmative action plan aimed at individuals with disabilities.

The EEOC plays a critical role in demonstrating the value of diversity and inclusion in the workplace. Living out the concepts and principles of equal employment is essential not only to serve as a model, but also to strengthen the workplace to accomplish more for the agency's stakeholders and the public. The EEOC is working to ensure that the agency's positions are appropriately structured and staffed with a high quality, diverse workforce to effectively accomplish the agency's mission.

In fiscal year 2023, the agency's new hires represented the diversity of the [nation's civilian labor force](#) (CLF). In this regard, the EEOC exceeded the availability in the CLF for several race, ethnicity, and gender groups for new hires overall. Of the new hires, the EEOC exceeded the CLF for women overall (58.64%), Hispanic men (8.53%), Hispanic women (11.30%), Black men (14.29%), Black women (22.39%), Asian men (3.66%), Asian women (2.77%), Native Hawaiian or Other Pacific Islander men (.21%), American Indian and Alaska Native men (.21%), American Indian and Alaska Native women (.81%), two or more races male (2.13%), and two or more races female (.41%). Moreover, in fiscal year 2023, approximately 71% of the EEOC's workforce is age 40 and above, and about 44% is age 50 and above.

The EEOC also fostered a culture of inclusion and respect during fiscal year 2023, and supported collaboration and strategic innovation among all employees by:

- › Increasing the number of staff in the Office for Civil Rights, Diversity & Inclusion (OCRDI), including by adding a diversity, equity, inclusion & accessibility director; investigations & compliance division director; diversity, equity, inclusion & accessibility management and program analyst; special emphasis program manager; and a third disability program manager. In addition, the EEOC

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- › Organizing and overseeing affirmative employment initiatives, including Voluntary Employee Organizations (VEOs). VEOs are employee affinity and resource groups that are formally recognized by the EEOC. The EEOC provides support to the efforts of VEOs that help cultivate a supportive, welcoming, and inclusive work environment. The EEOC supported four active VEOs: Asian American Native Hawaiian Pacific Islander Network (AANHPI Network), Administrative Judges Association (AJA), Blacks in Government (BIG), and EEOC Pride.

C. Employee Training and Development in the EEOC

The EEOC continues to show commitment to our employees' growth by supporting and providing ongoing training opportunities. In fiscal year 2023, the agency approved \$3.7 million in training programs for employees at all grade levels. The agency continued its alignment of training programs to the agency's priorities and assessed both technical and non-technical training programs, utilizing the decision matrix tool that includes training programs and catalog descriptions. The agency also highlights the importance of training by disseminating weekly communications to employees with information on training courses, an EEOC Events Calendar, Individual Development Plan (IDP) data calls for training and tuition assistance, Learning Management System (LMS) training, internal and external development opportunities with OPM, the Partnership for Public Service, Graduate School USA, and also acquired LinkedIn Learning and Rosetta Stone learning platforms, among others. In addition, the EEOC partnered with the Department of Interior to host a Senior Executive Service Candidate Development Program (SESCDP). These training and development improvements will successfully assist career development at all levels within the EEOC's workforce.

In fiscal year 2023, the EEOC continued its partnership with OPM's Human Resources Solutions to brief the EEOC on the recommendations resulting from the skills-gap analysis of all EEOC mission-critical occupations (MCOs) — Attorney-Examiner (AJ), Trial Attorney, EEO Investigator, Mediator, EEO Specialist, and General Attorney. The study provided the EEOC with insight into the competencies critical to success in these positions. The EEOC will use this information and work with offices to guide future training and development efforts to close gaps and ensure MCOs have the competencies necessary to perform successfully and contribute to the EEOC's mission.

D. Performance Management and Recognition

Accountability remained the focus of performance management in fiscal year 2023. The agency continued to conduct numerous training sessions for EEOC employees and managers on performance related topics, with the objective of promoting and sustaining a high-performance culture and meeting EEOC organizational goals. For fiscal year 2023, employees were provided performance standards, progress reviews, and final performance ratings.

The EEOC Awards Program creates a balance between performance/rating-based awards and contribution awards that supports the strategic use of awards and recognition throughout the year and addresses workforce challenges by allocating rating-based awards in a manner that recognizes high-performing employees. The rating-based award process reflects meaningful distinction and pay differentiation based on levels of performance to ensure employees with higher ratings of record receive larger monetary awards. The contribution award process gives the EEOC the flexibility to recognize individual or group acts/achievements through a variety of means, including special act/achievement awards, on-the-spot awards, suggestion awards, time-off awards, and/or other non-monetary recognition. The Chair's Honor Award program is the EEOC's premier contribution awards program. The program recognizes employees who have distinguished themselves by making significant contributions to the agency's mission, strategic goals and objectives, and core organizational values. The Chair's Honor Awards are open to all EEOC employees, regardless of grade, position, or tenure, whose accomplishments are examples of excellence in the work we do.



E. Employee and Labor Relations

The EEOC continues to provide supervisors the necessary training and tools to address employee development and performance throughout the employee lifecycle. This year, training included topics on leave administration, conduct/performance-based actions, and performance management for new and mid-level supervisors.

Labor relations plays a significant role in ensuring employee engagement, employee satisfaction, and employee retention. The EEOC strives for proactive and collaborative engagement with the Union on draft policies and on policy implementation, when appropriate. During fiscal year 2023, EEOC leadership and the Union engaged in monthly ad-hoc meetings on labor-management matters. The Union also participated in the agency's efforts to review and enhance the EEOC's current intake process to more effectively and efficiently fulfill the agency's mission.

OTHER INFORMATION





MAJOR MANAGEMENT CHALLENGES

As this report highlights, the EEOC tracks progress toward successful completion of the agency's strategic objectives. Many of the performance measures identified in the agency's Strategic Plan and discussed throughout this report address the agency's efforts to prevent and remedy employment discrimination.

Additionally, each year, the Office of Inspector General (OIG) reports on what it has determined are the most serious management and performance challenges facing the EEOC. For a full description of the challenges identified by the OIG, see the agency's [Fiscal Year 2023 Agency Financial Report](#).

OIG's Fiscal Year 2024 Management Challenges Report identified three challenges facing the agency: Customer Service, Data and Technology Transformation and Modernization, and Digital Records Management. The EEOC implements remedial actions in response to the recommendations of the OIG. Described below is the progress the agency has made in addressing the major management challenges identified by the OIG.

CUSTOMER SERVICE

Improving customer service in the government is a priority for the current administration and the EEOC has incorporated customer service goals into its Strategic Plan for 2022–2026. In particular, the EEOC has begun considering how it can improve its intake-related systems and processes to improve both access and efficiency.

A foundational component of this work is the modernization of the agency's Public Portals, which are over ten years old. This modernization, which is made possible by the TMF-supported ARC implementation, will provide additional security, ensure clarity of portal content, expand language offerings, offer more granular data and new services, and improve interview scheduling. As a starting point, in fiscal year 2023, the EEOC developed a new e-File for Attorneys tool that now allows licensed attorneys to submit charges directly to the EEOC, replacing current manual processes. Attorney E-File, which was deployed in December 2023, follows U.S. Web Design Standards (USWDS), is fully accessible, was developed based on customer-focused requirements and feedback, and integrates with login.gov authentication.

The EEOC also improved service to the public by enhancing the agency's ability to communicate with and provide accurate and timely information to stakeholders, including through:

- › Successfully recruiting, hiring, and training new contact representatives at the EEOC's Contact Center, to ensure that attrition did not result in a decrease in staffing at the IIG;
- › Providing, through the EEOC Call Center, access to interpreter and document translation services in more than 200 languages; and
- › Fully leveraging the state-of-the-art Telephony Platform for the EEOC's 1-800 toll free telephone number that launched in fiscal year 2022, which features an updated Interactive Voice Response (IVR) system in both English and Spanish, including through:
 - Providing EEOC-related information to over 124,000 callers to the 1-800 number using the text messaging system; and
 - Providing real-time customer satisfaction surveys, which will provide the EEOC with feedback necessary to provide ongoing improvements to the customer satisfaction levels of EEOC stakeholders seeking information from the EEOC's Contact Center.



DATA AND TECHNOLOGY TRANSFORMATION AND MODERNIZATION

Over the past eight years, the EEOC has been moving its paper-based processes to online transactions and digital systems. As described previously, during fiscal year 2022, with TMF funding, the EEOC focused on the design, development, testing, and support of the agency's new charge management system, ARC. The modernized system, which went live for 145 EEOC and FEPA offices and more than 2,000 users, delivered private sector charge management from intake to closure, including transformation efforts that improved data quality and reporting and provided full charge management capabilities. The second phase of ARC, litigation and litigation appeals, was developed and deployed during fiscal year 2023. The final modules, supporting federal sector hearings and appeals services, are now under development for deployment in fiscal year 2024 and early fiscal year 2025, respectively.

For the first time in years, the agency has the necessary resources to systematically undertake a complete overhaul of its internal digital systems. Removing the considerable barriers of old technology, transforming the EEOC to support fully digital services, and providing staff and partners with a modern system has better enabled the agency to carry out its critical mission.

DIGITAL RECORDS MANAGEMENT

The EEOC Records Management Program supports the EEOC's mission by ensuring agency records are properly created, received, preserved, and available for use when needed to conduct agency business. The agency's newly-installed EEOC Records Officer, who manages the day-to-day operations of the records management program, along with Records Liaisons, have begun transitioning the agency to an all-electronic records management environment through information sharing, technology strategies, and collaboration. In fiscal year 2023, these activities included:

- › Submitting the EEOC's Annual Federal Electronic Records and Email Management Report, which is used to measure the EEOC's compliance with the National Archives and Records Administration's (NARA) records management regulations and recordkeeping requirements;
 - Based on the scoring criteria, the EEOC's Records Management Program is compliant;
 - NARA conducted an audit of the EEOC's email system that found the Commission's email system compliant with selected email recordkeeping requirements in 36 CFR 1236.22(A);
- › Issuing 25 tip sheets to help EEOC staff and contractors manage records;
- › Conducting an inventory of all headquarters and field office file rooms to identify all paper-based records and non-records that are maintained and providing field offices with records management instructions; and
- › Preparing transfer requests via the NARA Electronic Records Archives system to transfer 2,543 boxes of paper-based permanent records to NARA for permanent preservation, which will reduce the EEOC's storage costs going forward.

The EEOC received approximately 16,000 FOIA requests nationwide during fiscal year 2023. Collaboration between headquarters and district office FOIA professionals throughout fiscal year 2023 resulted in the EEOC's FOIA program ending the fiscal year with only 95 FOIA requests nationwide that were overdue. In fiscal year 2023, the FOIA staff have fully instituted their document review platform and received training on its use.



CROSS-AGENCY COLLABORATIONS

Working in partnership with other law enforcement agencies and stakeholder communities allows the EEOC to incorporate diverse perspectives, achieve savings and efficiencies, eliminate duplication of efforts, and avoid conflicting enforcement objectives. The EEOC continues to partner with the DOL, particularly DOL's Office of Federal Contract Compliance Programs (OFCCP), Employee Benefits Security Administration (EBSA), Bureau of International Labor Affairs, Women's Bureau, and Occupational Safety and Health Administration (OSHA); Department of Homeland Security, United States Citizen & Immigration Service (USCIS); Department of Education's Office of Civil Rights (OCR); the Department of Health and Human Services' OCR and National Institute for Occupational Safety and Health (NIOSH); the Small Business Administration; Department of Justice (DOJ); Department of Veterans Affairs; Department of State; Social Security Administration; state and local FEPAs and TEROs; as well as Foreign Consulates and Embassies. For example, the agency partnered with DOL Wage and Hour Division's (WHD) Women's Bureau to host a series of webinars on maternal health. The EEOC also re-established a Memorandum of Understanding with the DOL's WHD to formalize procedures for information sharing, joint investigations, training, and outreach, while ensuring the privacy and confidentiality of the information shared between the agencies. In addition to the numerous examples of EEOC's partnerships mentioned throughout this document, the EEOC also provided content on [DOL's new migrant worker.gov webpage](#).

At the request of OMB and other agencies, during fiscal year 2023, the EEOC provided important assistance on documents drafted by other federal entities. The Commission reviewed approximately 138 federal agency documents, Government Accountability Office reports, and bills proposed by Congress. The EEOC also participated in at least 23 inter-agency taskforces on issues such as LGBTQ+ equity, human trafficking, AI, equity in retirement, mental health, intellectual disabilities, HIV/AIDS, and Substance Use Disorder, including Opioid Use Disorder.

During fiscal year 2023, the EEOC's cross-agency collaboration efforts on data issues continued to expand across program offices within the EEOC as well as with other federal agencies.

The agency continued to fulfill the leadership role with the EEO Special Tabulation Consortium and oversaw the execution of the current multi-year Interagency Agreements with the U.S. Census Bureau. Authorized under 13 U.S.C. §§ 141 and 193, the Census Bureau collects survey data through the American Community Survey (ACS). The ACS is the largest general-purpose demographic survey in the United States and includes questions on individuals' occupations in combination with other demographic characteristics, such as race, sex, national origin, age, educational attainment, and income. The EEOC has found that the Census Bureau is the best entity to provide the required demographic EEO data and the ACS is the only source that can provide this information. This ongoing EEO project will use the ACS 5-year data from the 2014–2018 ACS surveys to produce a custom tabulation, and then disseminate the tabulated data for the consortium agencies. In working with the Census Bureau, the EEOC joins a consortium of over 40 subject matter experts from DOJ, DOL, and OPM that will use the summarized data to monitor and enforce civil rights laws and regulations in employment. The EEOC's Office of Enterprise Data and Analytics (OEDA), with input from the OFO and OGC, continued to chair the Consortium and manages quarterly meetings with the Census Bureau.

DATA SHARING WITH OFCCP

The EEOC has continued to share data with OFCCP to improve the effectiveness of both agencies in eradicating employment discrimination. The EEOC provides OFCCP with access to EEO-1 data to facilitate OFCCP's enforcement of Executive Order 11246, which prohibits federal contractors from discriminating in employment on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin and requires contractors to take affirmative



action to ensure equal opportunity in employment. Since fiscal year 2021, the EEOC has successfully onboarded OFCCP staff to EEOC's secure Enterprise Data Warehouse, which will allow EEOC and OFCCP staff to further improve upon methodologies and data quality for both agencies while preserving confidentiality of the data.

COLLABORATING WITH USCIS VERIFICATION DIVISION

During fiscal year 2023, the EEOC continued to collaborate with the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) to reach the large pool of employers, applicants, and employees that cycle through the nation's immigration system. This partnership effort focused on finding creative ways to inform these stakeholders that the right to work in the United States includes the right to work in fair and inclusive workplaces free of discrimination. USCIS Office of Intake and Document Production updated the Green Card and Permanent Resident mailers to include a QR Code that leads to the EEOC website. By the end of September 2023, USCIS produced over 5 million cards with the new QR Code. This interagency effort directly supports [Executive Order 14058: Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government](#), by limiting hard to navigate, complicated websites for workers who are new to the country and may have limited English proficiency, literacy, or technology skills. This interagency collaboration streamlines the customer experience by providing information related to employment from different agencies in one location, increases access to important resources, and leads to positive lasting change for vulnerable communities to access these critical services at the beginning of their U.S. employment experience.

PROGRAM EVALUATIONS

Program evaluation is an important component of the EEOC's efforts to ensure that its programs are operating as intended and achieving results. Program evaluation is a thorough examination of program design and operational effectiveness that uses rigorous methodologies and statistical and analytical tools. Evaluations also use expertise internal and external to the agency for the program under review.

Independent program evaluations have played an important role in formulating the strategic and performance goals for the EEOC's Strategic Plan. They have helped shape some of the program issues and key focus areas for improvement, thereby increasing the plan's value as a management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability. To that end, the EEOC has undertaken the following program evaluations to advance its performance-based management initiatives under the Government Performance and Results Management Act, and to improve the effectiveness of key agency programs. The findings and recommendations in these independent assessments of the agency's programs were used to guide development of the EEOC's strategic direction and goals for the next several years.

- › *Digital Process Transformation and Automation Evaluation*, KAI Partners for the EEOC Office of Inspector General, January 2023.
- › *Evaluation of the EEOC's Management of Private Sector Customer Service*, Office of Inspector General, October 2022.
- › *Evaluation of the EEOC's Social Media Program*, Hager Sharp for the EEOC Office of Inspector General, July 2021.
- › *Evaluation of the EEOC's Contracts Administration Activities*, Office of Inspector General, March 2020.



› *EEOC Federal Hearings and Appeals Processes*, The Center for Organizational Excellence, Inc. and CohnReznick LLP for the EEOC Office of Inspector General, March 2020.

› *Evaluation of the EEOC's Data Analytics Activities*, Elder Research for the EEOC Office of Inspector General, September 2018.

Consistent with the Commission's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to identify appropriate program areas for evaluation during the reporting period of the agency's [Strategic Plan](#). This on-going evaluation will ensure that the EEOC's efforts align with the agency's budget and other programmatic priorities. The EEOC will assess its progress on an ongoing basis to reaffirm its commitment to fulfilling the agency's mission.

In fiscal year 2023, the agency continued its work to address the following evaluation projects:

› **Inter-Agency Agreement between the EEOC and the National Academies for a Panel to Evaluate the Quality of Compensation Data Collected from U.S. Employers by the EEOC through the EEO-1 Form.** In 2020, the EEOC contracted with the National Academies to evaluate the EEOC's historic, first-time collection of pay data from certain private employers and federal contractors between July 2019 and February 2020. On July 28, 2022, the National Academies issued an approximately 300-page Consensus Study Report, which concluded that the data the EEOC collected may be used to prioritize investigations and the agency's allocation of resources to identify potential pay discrimination. The report also offers recommendations for improving the collection of pay data in the future. Many of the recommendations complement and were incorporated into existing efforts as part of the agency's ongoing modernization of its EEO data collections and data analytics that began in fiscal year 2022 and continued in fiscal year 2023. The EEOC will use the report from the National Academies to inform the agency's approach should it decide to again undertake pay data collection in the future.

› **Mediation Survey Modernization Project.** EEOC mediation participants continue to share their feedback by completing a survey electronically, in English, Spanish, Chinese (Simplified), and Haitian Creole. The project's benefits include fewer steps in the process of distributing the survey to participants, faster receipt of survey responses, reduced data entry, and elimination of postage. In fiscal year 2023, technological enhancements were made to allow for same day availability of survey results, data compilation, and analysis. Previously, surveys were sent weekly/bi-weekly to the participants, with results dependent upon the dates of the transmissions maintained in each office in varying Excel formats. The cross-office collaboration and experience acquired in executing targeted survey instruments, protocols, and oversight among EEOC program offices is an excellent model for other strategic applications involving customer canvassing, training/outreach assessments, and targeted programmatic evaluations.

› **The EEOC's Data and Analytics Modernization Program.** The goals of the modernization program are to: 1) enhance transparency of agency functions and operations; 2) reduce burden on our stakeholders; 3) augment agency use of modern data analytics to drive data-driven decision making; and 4) promote greater public access to data. In fiscal year 2023, the EEOC's OEDA led and participated in several modernization efforts specific to the evaluation of its data collection and reporting. With the transition of the enforcement data collection from the EEOC's IMS to ARC, OEDA worked



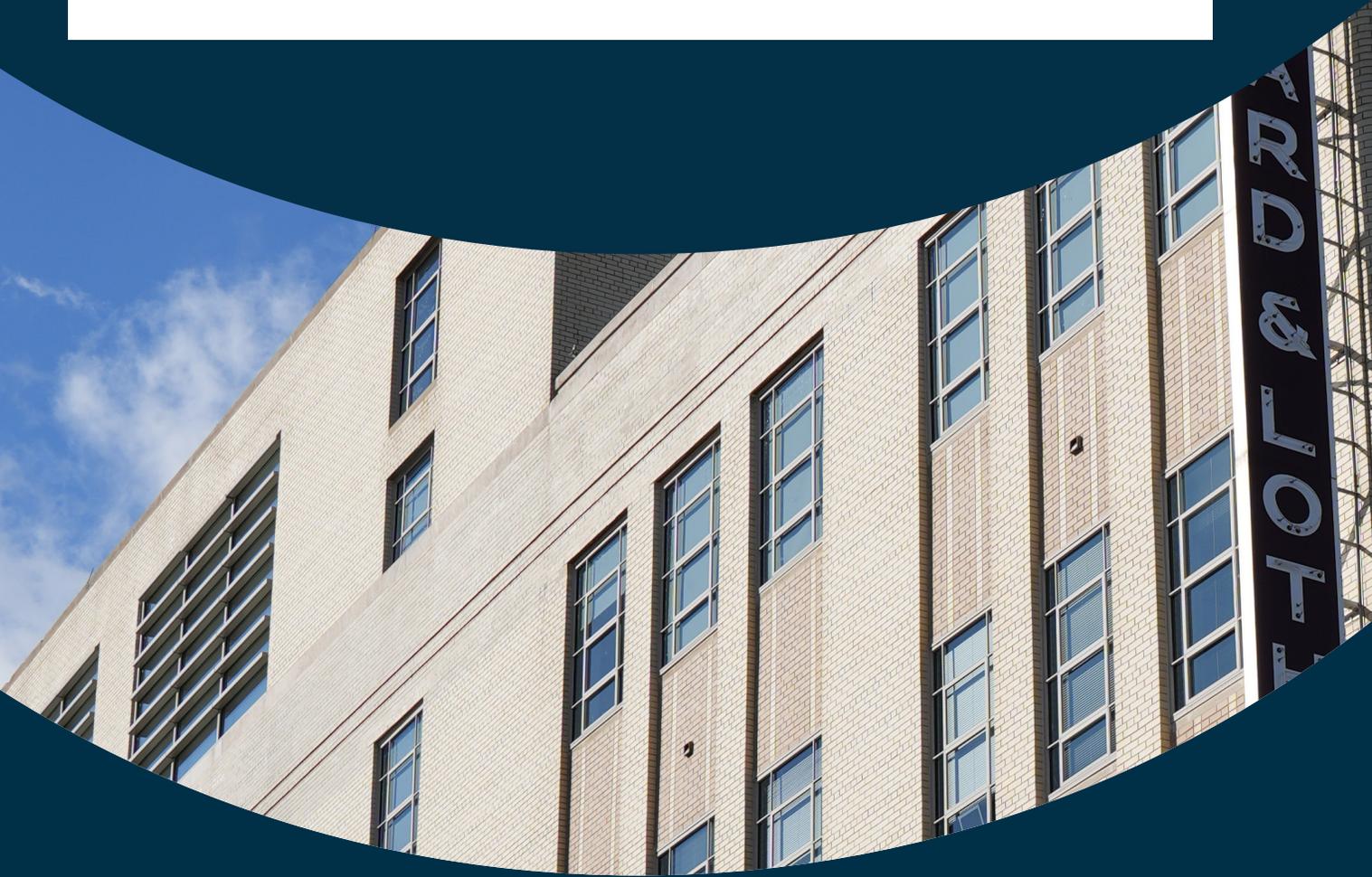
closely with EEOC's Office of Information Technology (OIT) and OFP to identify reporting errors. Inaccurate data or data collection issues were promptly reported to OIT/OFP and collaboratively corrected. In fiscal year 2023, OEDA continued to integrate ARC into its regular internal reporting processes and implement additional quality assurance measures.

DATA VERIFICATION AND VALIDATION

The agency's private sector, federal sector, and litigation programs require accurate enforcement data, as well as reliable financial and human resources information, to assess the EEOC's operations and performance results and make sound management decisions. The EEOC will continue efforts to ensure the accuracy of program information and analysis of the information. The EEOC systematically reviews the information collected in its databases for accuracy by using statistical software (e.g., SAS, PowerBI, etc.) and program reviews of a sample of records during field office technical assistance visits. Additionally, headquarters offices regularly conduct analyses to review the information collected to identify erroneous entries requiring correction to collection procedures.

The modernization of the agency's legacy IMS application to the new ARC system continues to improve the collection and validation of information for the EEOC's program data related to charge intake, investigation, mediation, conciliation, and FEPA functions — migrating away from manual activity-based data entry to automated event-driven recordation. During these modernization efforts, the EEOC has identified many areas where the agency will be able to further improve and automate current processes and related data integrity. Because several performance measures require data to assess the agency's achievements, it is significant that the EEOC can now obtain more reliable data more quickly. The EEOC's OIG continues to review the agency's data verification and validation procedures, information systems, and databases and offers recommendations for improvement. The agency uses the OIG's information and recommendations to continually improve the EEOC's systems and data.

EVIDENCE BUILDING





The EEOC recognizes the importance of data driven decision-making and the transformative role data can have to make the federal government more efficient and to better serve the nation. The EEOC is committed to building its capacity to provide mission-critical evidence and better integrate the agency's information and data policy into budget, performance, and management decision-making. As a basis for this emphasis, the EEOC is guided by:

- › The EEOC's [Strategic Plan](#) and its prioritization across the EEOC's long-term strategic goals and objectives;
- › The EEOC's [Strategic Enforcement Plan \(SEP\), Fiscal Years 2024–2028](#);
- › Foundations for Evidence-Based Policymaking Act of 2018;
- › OMB Guidance, including OMB [M-21-27](#), OMB [M-20-12](#), and OMB [M-19-23](#);
- › [Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#);
- › [Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#);
- › [Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking](#);
- › [Executive Order on Improving the Nation's Cybersecurity](#); and
- › [Executive Order 14058 on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government](#).

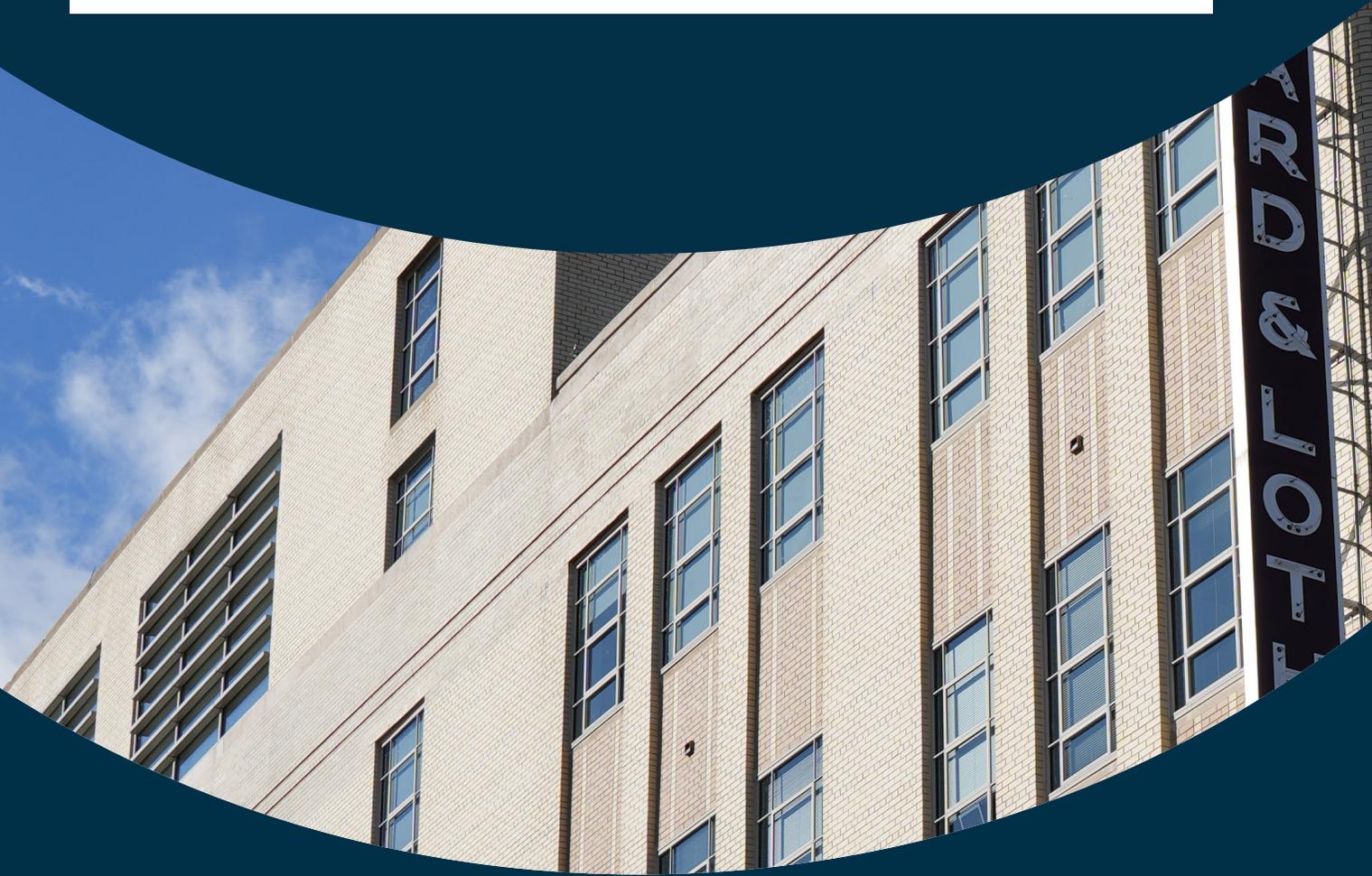
The EEOC's Data Governance Board and Chief Data Officer provide executive leadership and oversight for the development and implementation of the policies and processes that govern the collection, creation, management, use, and disclosure of the EEOC's data.

The EEOC continues to make great strides with its Data and Analytics Modernization Program. In fiscal year 2023, the program focused on enhancing the transparency of agency functions and operations, reducing burden on stakeholders, augmenting agency use of modern data analytics to drive data-driven decision-making, and promoting greater public access to data. The EEOC's Data and Analytics Modernization Program accomplishments include:

- › Administered the 2022 EEO-3 (Local Union Report) and the 2022 EEO-5 (Elementary- Secondary Staff Information Report);
- › Enhanced [EEOC Explore](#), a web-enabled, user-friendly, data query and mapping tool, to facilitate and encourage greater access to and use of EEOC data for both agency staff and members of the public;
- › Continued to modernize, enhance, and streamline the agency management workload reporting process thereby reducing burden on district office staff and utilizing the modern analysis and reporting platforms;

- 
- › Implemented improvements to eeoc.gov/data, the agency's one-stop shop for data and analytics that enables access to the EEOC's publicly available workforce demographic data, and easy-to-explore datasets, along with visualizations on specific topics;
 - › Entered into an Interagency Agreement with the Census Bureau to provide secure access to agency data for qualified researchers using its Federal Statistical Research Data Center network.

APPENDICES





APPENDIX A: ORGANIZATION AND LAWS ENFORCED

When the EEOC first opened its doors in 1965, it was charged with enforcing the employment provisions in Title VII of the landmark Civil Rights Act of 1964. The EEOC's jurisdiction over employment discrimination now includes the following areas:

- › **Title VII of the Civil Rights Act of 1964**, which prohibits employment discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), and national origin.

- › **Pregnancy Discrimination Act of 1978**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat female employees affected by pregnancy, childbirth, or related medical conditions the same as other employees who are similar in their ability or inability to work, with respect to terms and conditions of employment, including leave and benefits.

- › **Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.

- › **Age Discrimination in Employment Act of 1967**, which protects workers age 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.

- › **Title I and Title V of the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008**, which prohibits employment discrimination by private sector respondents and state and local governments against qualified individuals on the basis of disability.

- › **Section 501 of the Rehabilitation Act of 1973**, which prohibits employment discrimination on the basis of disability in the federal government.

- › **Title II of the Genetic Information Nondiscrimination Act of 2008**, which prohibits employment discrimination on the basis of an applicant's or employee's genetic information (including family medical history), generally prohibits acquisition of genetic information from applicants and employees and requires covered entities to keep such information confidential, with limited exceptions.

- › **Lilly Ledbetter Fair Pay Act of 2009**, which overturned adverse Supreme Court precedent and restored the EEOC's long-held position on the timeliness of pay discrimination claims.

- › **Pregnant Workers Fairness Act of 2022**, which requires that a covered entity provide a reasonable accommodation to a qualified worker's known limitation related to pregnancy, childbirth, or related medical conditions, absent undue hardship.



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

Additionally, through OFP's State, Local, and Tribal Program, the EEOC maintains work-sharing agreements and a contract services program with 90 state and local FEPAs for the purpose of coordinating the investigation of charges dual-filed under state and local laws and federal law, as appropriate. The EEOC partners with more than 62 TEROs to promote equal employment opportunity on or near Native American/Alaska Native reservations or Tribal lands.

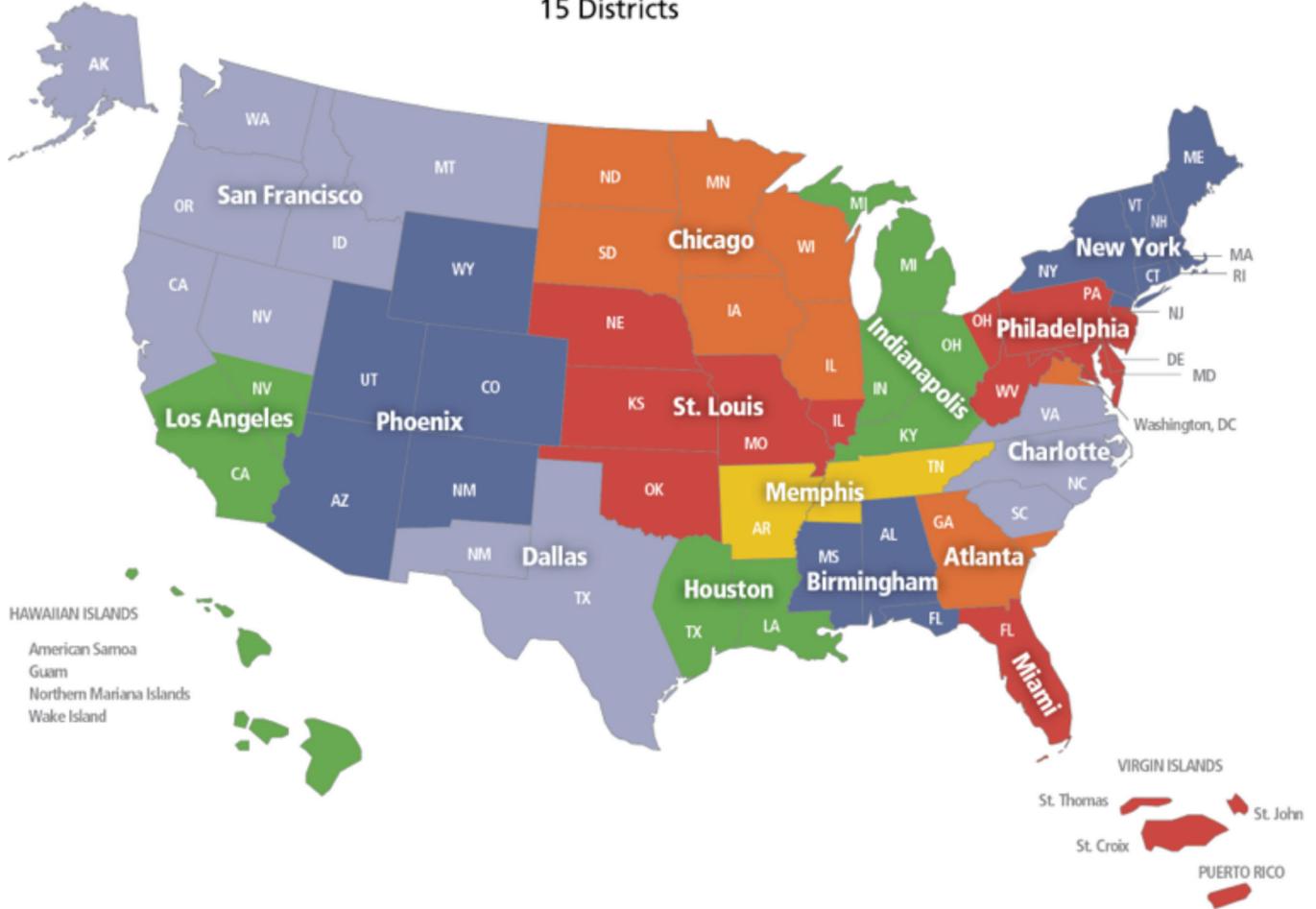
The Office of Legal Counsel (OLC) serves as counsel to the Chair, developing substantive EEO policy guidance and regulatory actions, providing technical assistance to employers and employees, and coordinating with other agencies and stakeholders regarding the statutes and regulations enforced by the EEOC. The Office of Legal Counsel also fulfills in-house counsel functions by conducting or coordinating defensive litigation on behalf of the Chair and the Commission for non-enforcement litigation legal matters and advising agency officials on administrative issues such as contracts, disclosures, ethics, fiscal law, the Privacy Act, and recordkeeping matters. OLC houses the agency's FOIA Division and its Records Management Division.

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

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

APPENDIX B: EEOC FIELD OFFICES

Equal Employment Opportunity Commission 15 Districts



For a full list of EEOC offices and a zip-code based office locator, please see: <https://www.eeoc.gov/field/index.cfm>

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



Charlotte A. Burrows, Chair

Charlotte A. Burrows was designated by President Biden as Chair of the U.S. Equal Employment Opportunity Commission (EEOC) on January 20, 2021. Chair Burrows was initially nominated to serve as a Commissioner of the EEOC in 2014 and then re-nominated in 2019. By unanimous vote, the U.S. Senate confirmed her to a second term ending July 1, 2023. On November 8, 2023, the U.S. Senate confirmed her to a third term ending July 1, 2028.

For more information about Chair Burrows, please see: www.eeoc.gov/charlotte-burrows-chair.



Jocelyn Samuels, Vice Chair

Jocelyn Samuels was designated by President Biden as Vice Chair of the U.S. Equal Employment Opportunity Commission (EEOC) on January 20, 2021. Vice Chair Samuels was initially nominated to serve as a Commissioner of the EEOC in 2020 and then re-nominated in 2021. On July 14, 2021, the U.S. Senate confirmed her to a second term ending July 1, 2026.

For more information about Vice Chair Samuels, please see:

<https://www.eeoc.gov/jocelyn-samuels-vice-chair>.



Keith E. Sonderling, Commissioner

Keith E. Sonderling was nominated to serve as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC) in 2019 and was confirmed by the U.S. Senate on September 22, 2020, for a term expiring July 1, 2024. Sonderling previously served as the EEOC's Vice Chair.

For more information about Commissioner Sonderling, please see:

<https://www.eeoc.gov/keith-e-sonderling-commissioner>.



Andrea R. Lucas, Commissioner

Andrea R. Lucas was nominated to serve as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC) in 2020 and was confirmed by the U.S. Senate on September 22, 2020, for a term expiring July 1, 2025.

For more information about Commissioner Lucas, please see:

<https://www.eeoc.gov/andrea-r-lucas-commissioner>.



Kalpana Kotagal, Commissioner

Kalpana Kotagal was nominated to serve as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC) in 2022 and was confirmed by the U.S. Senate on July 13, 2023, for a term expiring July 1, 2027.

For more information about Commissioner Kotagal, please see:

<https://www.eeoc.gov/kalpana-kotagal-commissioner>.



Karla Gilbride, General Counsel

Karla Gilbride was nominated to serve as the General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC) in 2023 and was confirmed by the U.S. Senate on October 17, 2023, for a term expiring in 2027.

For more information about General Counsel Gilbride, please see:

<https://www.eeoc.gov/karla-gilbride-general-counsel>.



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

INVESTIGATIONS

The number of investigations initiated in fiscal year 2023 based on a directed investigation or Commissioner charge and the nature of the alleged discrimination:

In fiscal year 2023, Commissioners initiated a total of 35 investigations based on Commissioner charges. The issues included:

- › Harassment based on sex and race;
- › Failure to provide insurance benefits based on disability and sex;
- › Failure to provide a religious accommodation;
- › Retaliation, coercion, and interference against workers' rights to file EEO complaints; and
- › Failure to hire on the basis of race, sex, national origin, disability, and record of disability.

In fiscal year 2023, the EEOC initiated 19 directed investigations. These investigations alleged age discrimination in advertising, hiring, discharge, constructive discharge, harassment, layoff, terms and conditions of employment, testing, waivers, recordkeeping violations, and unequal pay based on sex.

The number of ongoing investigations in fiscal year 2023, initiated by a directed investigation or Commissioner charge and the nature of the alleged discrimination:

At the close of fiscal year 2023, there were 59 ongoing investigations initiated by a Commissioner charge. These investigations alleged:

- › Failure to hire on the basis of race, sex, national origin, disability, and record of disability;
- › Discriminatory terms and conditions of employment based on national origin, race, sex, color, religion, and in retaliation for protected activity;
- › Harassment based on national origin and race;
- › Harassment based on sex and race;
- › Assignment based on race and national origin;
- › Discipline and discharge on the basis of race, sex, national origin, disability, and in retaliation for protected activity;
- › Testing that may have a disparate impact based on sex that is not job-related and consistent with business necessity;
- › Failure to promote based on race and sex;

- › Medical inquiries prohibited by the ADA and GINA; and
- › Failure to accommodate and constructive discharge based on disability and religion.

At the close of fiscal year 2023, there were 16 ongoing investigations initiated by a directed investigation. These investigations alleged age discrimination in advertising, hiring, promotion, discharge, constructive discharge, harassment, wages, waivers, terms and conditions, layoff, retaliation, and unequal pay based on sex.

LITIGATION

The number of lawsuits filed in fiscal year 2023 based on a directed investigation or Commissioner charge:

In fiscal year 2023, the EEOC filed one lawsuit based on a Commissioner charge: *EEOC v. Tesla, Inc.*, No. 4:23-cv-04984 (N.D. Cal. filed Sept. 28, 2023) (see description below). The EEOC filed two lawsuits based on a directed investigation: *EEOC v. Meathead Movers*, No. 2:23-cv-08177 (C.D. Cal. filed Sept. 29, 2023); *EEOC v. Enterprise Leasing Company of Florida, LLC*, No. 23-cv-61744 (S.D. Fla. filed Sept. 11, 2023) (see descriptions below).

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

The EEOC paid no attorneys' fees in which the defendant prevailed on the merits in fiscal year 2023.

The EEOC was likewise not ordered to pay fees as a discovery sanction in fiscal year 2023. The statutes enforced by the EEOC do not permit the award of attorneys' fees to the agency when it prevails on the merits of a matter.

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

The EEOC initiated 25 systemic suits in fiscal year 2023, 11 of which were "pattern or practice" cases:

- › *EEOC v. Leach Garner, Inc. d/b/a "Leach Garner, A Berkshire Hathaway Company,"* No. 1:23-cv-11014 (D. Mass. filed May 9, 2023), alleging that a metallurgical manufacturer and supplier violated Title VII and the EPA when it engaged in a pattern or practice of intentional discrimination against its female manufacturing employees by segregating them into lower-paying manufacturing jobs, and/or paying them less for comparable work because of their sex.
- › *EEOC v. ACARE HHC d/b/a Four Seasons Licensed Home Health Care*, No. 23-cv-5760 (E.D.N.Y. filed July 31, 2023), alleging that a home health care provider engaged in a pattern or practice of discrimination against Black and Hispanic home health attendants because of their race and/or national origin by terminating their assignment to accommodate race-based requests from patients or patient family members.
- › *EEOC v. Hooters of America*, No. 1:23-cv-722 (M.D.N.C. filed Aug. 24, 2023), alleging that a national restaurant chain violated Title VII when it failed to recall/rehire a group of African American and/or dark skin-toned individuals employed as servers, hostesses, and bartenders, after it began recalling and/or rehiring servers following a pandemic-related layoff due to their race and color.
- › *EEOC v. Mariscos El Puerto, Inc. La Catrina, LLC*, No. 2:23-cv-01309 (D. Nev. filed Aug. 24, 2023), alleging that a restaurant subjected female employees to a hostile work environment, based on their sex, and to constructive discharge and/or retaliation for engaging in protected activity. Defendant



owners, managers, supervisors, and non-supervisors subjected the female employees to sexual assaults, coerced sex acts, sexual solicitations, and inappropriate touching, including terminating a woman for refusing the owner's demand for sex, removing other women from the schedule or reducing their hours, and threatening them with violence and verbal abuse for rejecting the advances and for complaining about the harassment. Due to the harassment and retaliation, two women were constructively discharged.

- › *EEOC v. KVP, LP d/b/a Bouchon Restaurant; KRM, Inc. d/b/a Thomas Keller Restaurant Group*, No. 2:23-cv-01308 (D. Nev. filed Aug. 24, 2023), alleging that defendant, a restaurant, subjected a class of male and female restaurant workers to a hostile work environment based on sex and retaliated against the employees for engaging in protected activity. Managers, supervisors, and coworkers (men and a woman) subjected male and female employees to unwanted sexual touching and comments and demands for sex. The employer punished employees who complained about sex harassment, constructively discharging some due to the employer's failure to remedy the unlawful discrimination.
- › *EEOC v. Walmart Inc., Walmart Stores Arkansas, LLC*, No. 5:23-cv-05149 (E.D. Ark. filed Sept. 11, 2023), alleging that from December 2015 through March 2020, a large retailer violated the ADA through its Pathways Graduation Assessment Test, a self-administered, audiovisual, online training tool that defendant required its employees to complete. The complaint alleges the test screened out individuals with disabilities, that defendant failed to provide a reasonable accommodation to disabled individuals during testing (an interpreter, assistive technology for blind and visually impaired workers, and augmentative communication devices for cognitively impaired individuals), and unlawfully terminated individuals with disabilities who, because of their unmet need for reasonable accommodation, failed to score 70% or better on the test.
- › *EEOC v. Enterprise Leasing Company of Florida, LLC*, No. 23-cv-61744 (S.D. Fla. filed Sept. 11, 2023), alleging that, since January 2019, a leasing company engaged in a pattern or practice of age discrimination by refusing to hire individuals aged 40 or older for positions in the company's management trainee positions.
- › *EEOC v. Kane's Furniture*, No. 8:23-cv-02067 (M.D. Fla. filed Sept. 13, 2023), alleging that a company operating 18 furniture stores engaged in a pattern or practice of sex discrimination by refusing to hire women for jobs as delivery drivers, delivery assistants and warehouse associates, because of sex. The complaint also alleges defendant refused to hire the charging party for an open delivery driver position because of her sex and failed to file required EEO-1 reports in 2020 and 2021.
- › *EEOC v. Security Engineers*, No. 2:23-cv-01213 (N.D. Ala. filed Sept. 13, 2023), alleging that since March 1, 2017, a third-party provider of security services that operates in 14 states has engaged in a companywide pattern or practice of refusing to hire women as security officers.
- › *EEOC v. The Phoenix Center*, No. 1:23-cv-592 (S.D. Ohio filed Sept. 13, 2023), alleging that a mental health and substance use recovery center failed to hire charging party as a case manager because of her disability, a chronic migraine condition, and use of medication related to her condition. Another employee was fired for alcohol dependency. The complaint also alleges that defendant subjected applicants to unlawful pre-offer medical inquiries.

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- › *EEOC v. Aaron Thomas Company and Supreme Staffing*, No. 2:23-cv-02599 (W.D. Tenn. filed Sept. 21, 2023), alleging that a food manufacturing and packaging company and a staffing firm engaged in a pattern or practice of race discrimination by refusing to hire Black applicants for positions in its Memphis, Tennessee facilities. Additionally, on the rare occasion when the companies do hire Black workers, they are segregated into lower-paying and less desirable assignments and quickly terminated, because of race.
 - › *EEOC v. Ecoserv*, No. 6:23-cv-01321 (W.D. La. filed Sept. 22, 2023), alleging that a provider of oilfield services, including cleaning, transportation, disposal and management of oil and gas waste, engaged in a pattern or practice of refusing to hire Black applicants, female applicants, and applicants aged 40 or older for all positions at the company. The complaint also alleges defendant terminated the charging party, a human resources manager, in retaliation for her refusal to screen out Black, female, and older workers from the application process and her complaint to the company that it was unlawful to refuse to hire qualified Black workers.
 - › *EEOC v. Union Pacific Railroad*, No. 23-cv-03030 (D. Minn. filed Sept. 22, 2023), alleging that a railroad company violated the ADA when it terminated a class of conductors and locomotive engineers who failed the railroad’s unvalidated, proprietary color vision field test. Class members were qualified for their jobs, were regarded as disabled based on perceived color vision impairments, and were discriminated against through the defendant’s unlawful use of a qualification standard that screens out qualified employees despite their ability to perform the jobs at issue. There is also a claim that defendant discriminated against a group of individuals by subjecting them to unlawful disability-related inquiries that were not job-related or consistent with business necessity.
 - › *EEOC v. United Parcel Service*, No. 1:23-cv-10021 (N.D. Ill. filed Sept. 22, 2023), alleging that, since 2019, UPS has violated the ADA by refusing to hire deaf or hearing-impaired individuals for driver positions of DOT-regulated vehicles, even when the DOT Federal Motor Carrier Safety Administration has authorized those individuals to drive by granting them a hearing exemption. According to the suit, defendant’s policy is an illegal qualification standard that screens out disabled individuals despite their ability to complete training and perform the driver position with reasonable accommodation.
 - › *EEOC v. Cedar Fair, L.P. d/b/a Cedar Point and Magnum Mgmt. Corp.*, No. 3:23-cv--1843 (N.D. Ohio filed Sept. 22, 2023), alleging that the operator of an amusement park and its staffing affiliate, operating as an integrated enterprise, discriminated against older seasonal workers when, beginning in 2021, it ceased to offer out-of-town seasonal employees over the age of 29 the benefit of staying in the company’s worker dormitories, which offered below-market-rate housing and free commute to the worksite, resulting in unequal terms, conditions and privileges of employment based on age.
 - › *EEOC v. Fricker’s USA, LLC and Fricker’s Holding Company*, No. 3:23-cv-00282 (S.D. Ohio filed Sept. 25, 2023), alleging that, since February 2018, the operators of a chain of restaurants engaged in a pattern or practice of sex discrimination by refusing to hire men for front-of-house positions (servers, bartenders, and hosts) in its 24 restaurants.
 - › *EEOC v. Didlake, Inc.*, No. 8:23-cv-02618 (D. Md. filed Sept. 26, 2023), alleging that a not-for-profit organization that connects individuals with disabilities with employment opportunities and also



directly employs individuals with disabilities, violated the ADA since at least 2014, by failing to provide reasonable accommodations to the three charging parties and other deaf and hard-of-hearing maintenance and janitorial workers and maintaining inflexible leave (including 100% healed) and fitness for duty policies that resulted in denial of accommodations and termination of workers who are disabled.

- › *EEOC v. Republic Services*, No. 6:23-cv-03306 (W.D. Mo. filed Sept. 28, 2023), alleging that a nationwide waste management company engaged in a pattern or practice of sex discrimination by refusing to hire women for driver positions at its Springfield, Missouri location. The complaint also alleges that defendant refused to hire the charging party for a driver position because of her sex.
- › *EEOC v. National Telecommuting Institute*, No. 5:23-cv-01210 (W.D. Tex. filed Sept. 27, 2023), alleging that a staffing firm violated the ADA when it refused to refer blind and low vision applicants and failed to provide such individuals reasonable accommodation during the hiring process.
- › *EEOC v. Tesla, Inc.*, No. 4:23-cv-04984 (N.D. Cal. filed Sept. 28, 2023), alleging that an automobile maker subjected a class of Black workers to systemic racial harassment at its Fremont, California manufacturing plant since May 2015. The harassment includes the use of racist epithets, threats of violence, racist graffiti (including swastikas and crude sketches of lynchings), and racist insults or pranks. There is also a claim that defendant subjected a class of Black workers to retaliation for their opposition to race harassment, including termination, changes in job duties, and other adverse employment actions.
- › *EEOC v. Public Services Company of New Mexico and PNMR Services Co.* No. 1:23-cv-00848 (D. N.M. filed Sept. 27, 2023), alleging that a public utility that provides electricity to New Mexico and some adjacent counties in Texas, violated the ADA by: not permitting employees to return from leave unless they are 100% healed; placing employees in unpaid status and involuntarily removing them from their jobs if they are unable to return to work within 90 days; denying reasonable accommodations to employees who are unable to return to work within 90 days, requiring such employees to find, apply, and compete for vacant positions; discharging or constructively discharging employees because of their disabilities or need for accommodation; maintaining a discriminatory qualification standard by requiring employees returning from leave to provide a release to return to work without medical restrictions; and retaliating against employees who requested reasonable accommodation.
- › *EEOC v. Waste Industries USA*, No. 1:23-cv-04293 (N.D. Ga. filed Sept. 22, 2023), alleging that since 2015, defendants, operating as an integrated enterprise providing waste removal, recycling and landfill operation services, subjected a class of female applicants to a pattern or practice of sex discrimination by refusing to hire them for driver positions because of their sex.
- › *EEOC v. Meathead Movers*, No. 2:23-cv-08177 (C.D. Cal. filed Sept. 29, 2023), alleging that, since 2017, a moving, packing and storage company, has engaged in a pattern or practice of age discrimination by refusing to hire individuals aged 40 or older for all positions with the company, including entry-level moving, packing and customer service jobs.
- › *EEOC v. TKO Construction Services*, No. 23-cv-03010 (D. Minn. filed Sept. 28, 2023), alleging in this Title VII/ADEA case that, since 2017, a staffing firm that provides temporary labor for commer-



cial, residential, restoration, heavy industrial and energy construction firms nationwide, engaged in a pattern or practice of discrimination by maintaining a policy of refusing to hire women, Black people, and individuals aged 40 or older for placement with its clients. Defendant constructively discharged charging party, a recruiter, who quit because she could not carry out the company's illegal hiring practices and knew that if she refused, she would be terminated.

- › *EEOC v. Lori's Gifts, Inc.*, No. 2:23-cv-03175 (S.D. Ohio filed Sept. 28, 2023), alleging that an operator of hospital gift shops nationwide violated the ADA by subjecting a class of applicants with disabilities to unlawful pre-offer inquiries and qualification standards related to whether they could walk and stand for up to 5 hours and lift up to 30 pounds, and by not hiring them because of their need for reasonable accommodation. Charging party was inadvertently granted an interview for a sales associate position although she indicated she could not walk/stand for up to 5 hours, but then was not hired after she asked for an accommodation during her interview. Also, the company allegedly retaliated against charging party for requesting an accommodation and interfered with an applicant's right to not be asked pre-offer disability-related inquiries and to a reasonable accommodation.

The EEOC's success rate at the appellate level in fiscal year 2023:

On merits cases, the EEOC prevailed in one appeal and partially prevailed in the other.

APPENDIX E: GLOSSARY OF ACRONYMS

AANHPI Asian Americans, Native Hawaiians, and Pacific Islanders

ADA Americans with Disabilities Act of 1990

ADEA Age Discrimination in Employment Act of 1967

ADR Alternative Dispute Resolution

AI Artificial Intelligence

APP Annual Performance Plan

ARC Agency Records Center

ASL American Sign Language

CST Customer Specific Training

DEIA Diversity, Equity, Inclusion, and Accessibility

DOL, OFCCP U.S. Department of Labor, Office of Federal Contract Compliance Programs

DPC White House Domestic Policy Council

EDCON EEOC Education Consortium

EEO Equal Employment Opportunity

EEOC Equal Employment Opportunity Commission

EPA Equal Pay Act of 1963

EO Executive Order

EXCEL Examining Conflicts in Employment Laws

FEPA Fair Employment Practices Agency

FOIA Freedom of Information Act

GINA Genetic Information Nondiscrimination Act of 2008

GSA General Services Administration

HBCU Historically Black Colleges and Universities

IIG Intake Information Group

IMS Integrated Mission System

NPRM Notice of Proposed Rulemaking

OCRDI Office for Civil Rights, Diversity, and Inclusion

OEDA Office of Enterprise Data and Analytics

OFO Office of Federal Operations

OFP Office of Field Programs

OGC Office of General Counsel

OIG Office of Inspector General

OIT Office of Information Technology

OLC Office of Legal Counsel

OMB U.S. Office of Management and Budget

OPM U.S. Office of Personnel Management

OTED Office of Training and Engagement Division

PWFA Pregnant Workers Fairness Act

SEP Strategic Enforcement Plan

TMF Technology Modernization Fund

TITLE VII Title VII of the Civil Rights Act of 1964

TERO Tribal Employment Rights Offices

USCIS U.S. Citizenship and Immigration Services

WHIAANHPI White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders



APPENDIX F: INTERNET LINKS

EEOC Homepage: <https://www.eeoc.gov/>

EEOC Statistics: <https://www.eeoc.gov/statistics>

EEOC Strategic Plan for FY 2022–2026: <https://www.eeoc.gov/eeoc-strategic-plan-2022-2026>

Strategic Enforcement Plan for FY 2024–2028: <https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028>

Meetings of the Commission: <https://www.eeoc.gov/meetings>

Newsroom/Press Releases: <https://www.eeoc.gov/newsroom/search>

Digest of EEO Law: <https://www.eeoc.gov/digest>

EEOC Explore: <https://www.eeoc.gov/data/data-tools-and-products>

EEOC OFO’s YouTube Channel: <https://www.youtube.com/channel/UCUYqgTshvYPcLzPvKUuZsA>

EEOC FY 2023 Performance Budget: <https://www.eeoc.gov/fiscal-year-2023-congressional-budget-justification>

EEOC Performance Budgets: <https://www.eeoc.gov/eeoc-budget-archives>

EEOC Performance and Accountability Reports: <https://www.eeoc.gov/eeoc-annual-reports-archives>

Small Business Resource Center: <https://www.eeoc.gov/employers/small-business>

EEOC Training Institute: <https://www.eeoc.gov/training-institute>

Youth@Work: <https://www.eeoc.gov/youthwork>



APPENDIX G: ACKNOWLEDGMENTS

The EEOC's Fiscal Year 2023 Annual Performance Report is a collaborative endeavor on the part of many EEOC employees. The Commission would like to acknowledge and thank them for their hard work and commitment in successfully preparing this report.

WE WELCOME YOUR COMMENTS

Thank you for your interest in the EEOC's Fiscal Year 2023 Annual Performance Report. We welcome your comments on how we can make this report more informative.

Please send your comments to:

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