

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SERVING THE NATION FOR 45 YEARS



FY 2012

Congressional Budget Justification

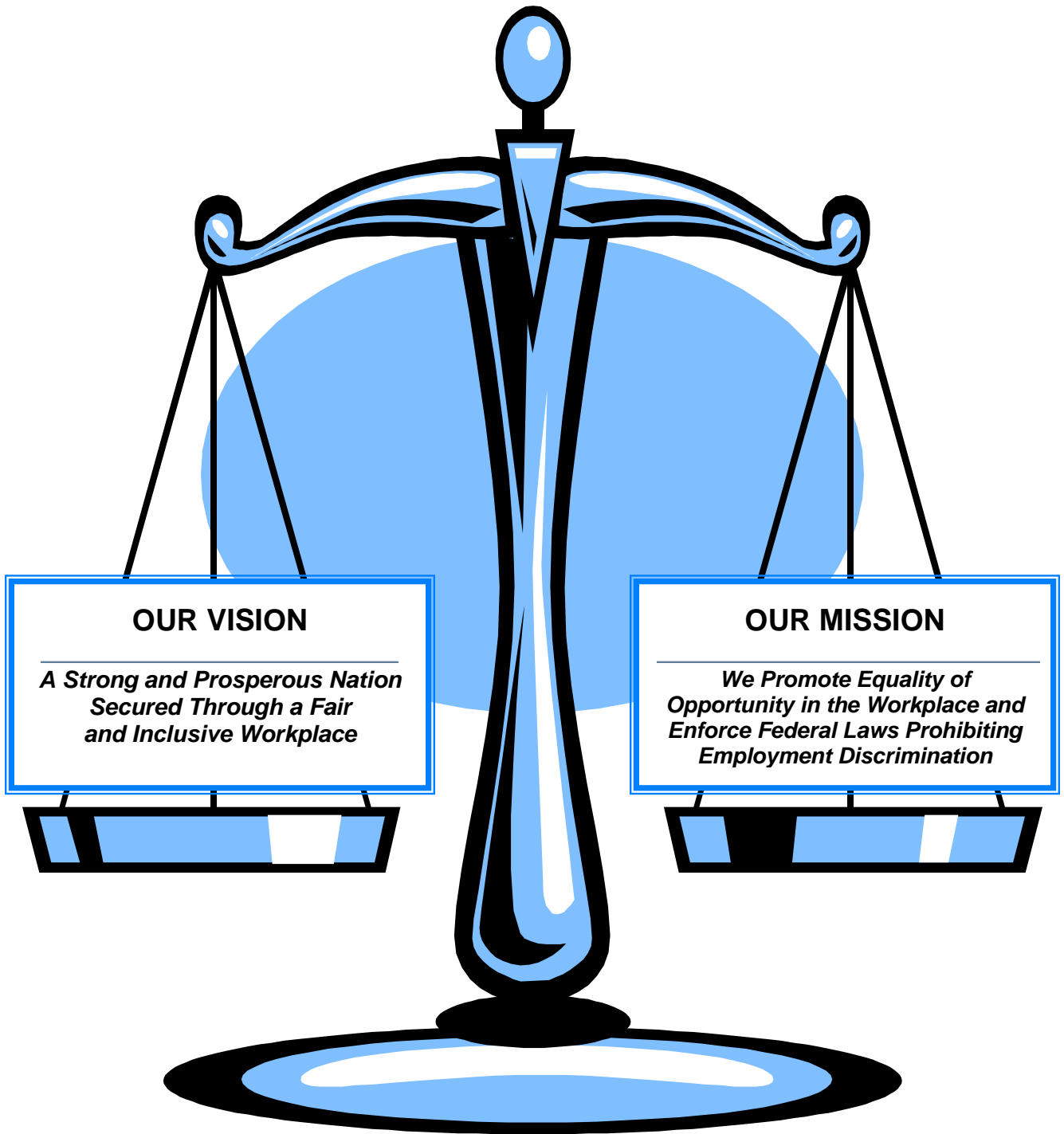
Submitted to the Congress of the United States
February 2011

***Fiscal Year 2012
Congressional Budget Justification***

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

FEBRUARY 2011

***Submitted to the
Congress of the United States***



OUR VISION

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

OUR MISSION

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

I. CHAIR'S REPORT

A. Fiscal Year 2012 Performance Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to eradicating employment discrimination on the basis of race, color, national origin, sex, religion, pregnancy, age, disability, and family medical history or genetic information. The EEOC is requesting a budget of \$385,520,000. This request represents an increase of \$18 million from the fiscal year 2011 appropriations. Budget increases during fiscal years 2009 and 2010 enabled the EEOC to hire additional staff, enhance training, and update technology -- investments which had a positive impact upon the agency's ability to serve the public efficiently and effectively. However, additional funding is needed to support the continued restoration of enforcement and legal staff positions, modernization of technology, expansion of training opportunities and other program and operational enhancements necessary for the EEOC to fulfill its mission in the 21st century.

B. Chair's Message

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) Fiscal Year 2012 Budget Justification.

The EEOC opened its doors 45 years ago with the charge of ending discrimination on the basis of race, color, national origin, sex, and religion in private sector employment throughout the United States. In the early years, the EEOC worked diligently to dismantle these barriers and began to make the promise of equal employment opportunity a reality. In later years, new federal laws were passed that extended the EEOC's enforcement authority to include discrimination on the basis of age, disability, pregnancy, family medical history or genetic status. The EEOC also has jurisdiction now to enforce federal employment discrimination laws in federal government workplaces in addition to the private sector. The EEOC is the federal government's leading enforcer of laws prohibiting employment discrimination and a diverse group of stakeholders, including many public and private sector employers, seek the EEOC's guidance concerning compliance with these laws.

An increasing number of job seekers and workers across the country have turned to the EEOC for assistance with discrimination complaints in the first decade of the 21st century, yet funding and staffing declined significantly during much of that period. Between 2000 and 2008, the EEOC's staffing level dropped by nearly 30%. At the same time, as its jurisdiction expanded, the number of discrimination charges filed with the EEOC reached historic levels, peaking between 2008 and 2010. The convergence of these factors yielded a growing backlog of unresolved discrimination charges.

Fortunately, the EEOC received \$14.6 million of additional funding during fiscal year 2008 and \$23.4 million of additional funding in fiscal year 2009. Increased appropriations allowed the agency to begin to reverse the effects of years of underfunding and are reflected in increased training opportunities, updated technology, and the addition of staff members to help carry out the EEOC's important mission of enforcing federal laws prohibiting employment discrimination. Increased financial support enabled the EEOC to hire new investigators, attorneys, and other front line staff and increase the training budget from \$500,000 to about \$2 million per year, among other achievements. In short, the EEOC's capacity to fulfill its mission has grown in important ways. However, in light of the agency's expanding enforcement responsibilities and the great demand for its services, it is not only essential to maintain this progress, but also continue to build upon it.

However, EEOC's progress toward rebuilding lost capacity has been hampered in fiscal year 2011 by the possibility of a year-long continuing resolution which would hold the agency's appropriation

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at fiscal year 2010 levels. Because the EEOC was recovering from years of declining resources the prospect of level funding would be particularly damaging to our efforts to hire and train mission critical staff. Should the EEOC be held to fiscal year 2010 levels in 2011, agency plans for new hiring, as well as backfilling vacancies, would be shelved – with deleterious effects on our pending inventory and customer service.

C. Chair's Priorities

The EEOC is charged with ending employment discrimination on the basis of race, color, national origin, sex, religion, pregnancy, age, disability, and family medical history or genetic information. Since the establishment of the EEOC in 1965, much progress has been made in reducing illegal discrimination in the American workplace. Yet discrimination continues to be a substantial problem for too many people in the United States of America. Significant work remains to be done. While we are grateful for the increased appropriations and are putting them to good use, we continue to face unprecedented administrative challenges.

Serving the Public More Efficiently. Although the EEOC resolved almost 105,000 discrimination complaints in fiscal year 2010, new discrimination charges are filed daily. The Office of Management and Budget, Congress, and other observers of the EEOC have frequently expressed concerns about the agency's charge processing backlog, especially during periods in which there was a large disparity between the number of charges received and the number of charges processed by the EEOC. In 1995, the EEOC adopted the Priority Charge Handling Procedures (PCHP), which set standards for charge processing and enabled the agency to reduce its backlog from a high of 98,269 in 1995 to 29,041 in 2002.

At the beginning of fiscal year 2010, the EEOC had a backlog of 85,768 unresolved discrimination charges. Recent agency efforts to reduce the backlog have included intensified training on PCHP, consultation with managers throughout the agency to identify charge processing best practices, and commissioning an outside evaluation of the agency's recent experience with and implementation of PCHP. As a result of these efforts, we have been able to better manage the growth of the pending inventory. Despite receiving more charges than in any other fiscal year in the agency's history (nearly 100,000), the EEOC ended fiscal year 2010 with 86,338 pending charges—an increase of only 570 charges, or less than one percent from the 2009 fiscal year. In contrast, between fiscal years 2008 and 2009, the EEOC's pending inventory increased 15.9 percent.

I have set aside funds in the proposed fiscal year 2012 budget to continue these successful strategies, as well as explore new ways to improve the agency's delivery of service to the public, with the expectation that additional measures will be required to achieve significant and sustainable backlog reduction. One of the most important lessons from the past 15 years of EEOC case management history is that charge processing backlogs are not a transitory operational challenge addressed by short-term redirection of resources or temporary increases in staffing or funding; rather, they require continued management attention, commitment of resources and consistent implementation of systems developed to ensure that charges are processed fairly and efficiently. There must be sustained attention to case management and implementation of systems that facilitate efficient charge processing.

The funding that I have reserved for backlog reduction in the proposed budget is intended as a supplement, rather than a substitute, for renewed emphasis on consistent and more rigorous use of PCHP agency-wide and implementation of related management systems (such as the agency's National Enforcement Plan and Comprehensive Enforcement Program). For example, in the 15 years since PCHP was developed, there have been significant technological advances, but the potential to use modern technology to enhance PCHP has not yet been thoroughly explored by the EEOC. Short term measures to reduce the backlog have sometimes had the undesirable effect of halting or severely reducing work on

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other important agency priorities (for example, investigations of systemic cases) so it is critical to approach this persistent challenge holistically. We are also benchmarking our approach to backlog reduction against practices adopted by other agencies that have faced similar operational challenges, with the goal of expanding the information that we have concerning best practices. Creating a Backlog Reduction Fund in the Chair's budget will facilitate cross-program collaboration to address the backlog and provide concrete support for alternatives to addressing the issue episodically. Consultation and close collaboration between agency leadership in headquarters and field offices and in a variety of operational areas (the Office of Field Programs, Office of the General Counsel, and the Office of Information Technology, among others) will foster development of creative and more enduring responses to charge processing backlogs. This fund is intended to support innovation in this area.

Enforcing the Law More Effectively. I am deeply committed to making the EEOC more effective as a law enforcement agency. As a law enforcement agency, the EEOC must marshal its limited resources to achieve the greatest impact. The EEOC launched its Systemic Initiative in 2006 with bipartisan support of the Commission. The Systemic Initiative advances the agency's mission by prioritizing identification, investigation and litigation of "pattern or practice, policy and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company or geographic location." Recent budget increases have been used to hire new staff and strengthen agency training programs on systemic case investigation and litigation.

The proposed budget continues to prioritize spending for the Systemic Initiative. A strong, nationwide systemic initiative not only ensures that agency resources are directed towards addressing issues that will have broad impact in the workplace, but because systemic cases generate substantial media and other public notice, they help to deter other employers from engaging in similar prohibited conduct. The EEOC also concentrates its resources to support litigation involving initial implementation of laws. With the recent enactment of the Lilly Ledbetter Fair Pay Act, the ADA Amendments Act and the Genetic Information Non-Discrimination Act (GINA), demands upon the agency are likely to grow and additional resources will be needed to fulfill this priority function.

Many individual charges filed with EEOC may be resolved most appropriately by mediation. PCHP provides guidance for the appropriate use of Alternative Dispute Resolution (ADR) and prompt referral of charges suitable for mediation will expedite charge processing without sacrificing or compromising the rights of either the charging party or respondent.

Finally, in remote or geographically isolated areas or other places where there are few or no other public or private resources dedicated to civil rights law enforcement. By continuing to investigate, conciliate and litigate smaller cases in these geographic areas, we ensure that no part of the country is outside the reach of the nation's civil rights laws.

Leadership in Federal Civil Rights Law Enforcement. The work of the Commission is made more efficient with interagency-coordination, particularly with our partners at the Department of Justice and Department of Labor. We have established an active and ongoing relationship with these agencies. For example, we will continue to address the President's pledge to crack down on violations of equal pay laws, through our work with the National Equal Pay Enforcement Task Force, bringing together the Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ), the Department of Labor (DOL), and the Office of Personnel Management (OPM). Similarly, we work closely with OPM to ensure that federal government employees receive full protection of the laws prohibiting employment discrimination. We are also committed to continued partnership with State and Local Fair Employment Practices Agencies. Finally, several EEOC District Offices are participating in a pilot project with DOJ to improve coordination of investigation and litigation of discrimination cases involving state and local governmental workplaces.

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Extending the Reach of the Agency. In addition to the increased use of new technology to better manage our pending inventory, it is important that the Commission develop outreach and partnership opportunities outside of the usual areas. I am committed to continuing my work along with both the private sector and federal sector enforcement offices to assist with outreach to many different stakeholders. We will also continue training and outreach to small businesses designed to promote greater awareness of and voluntary compliance with the laws we enforce. Civil rights laws are dynamic and constantly evolving. With new legislation such as the Lilly Ledbetter Fair Pay Act, the ADA Amendments Act and GINA, the EEOC will continue to provide comprehensive, government-wide technical and legal assistance, training, interagency coordination, regulatory, policy and program review. This will ensure that federal agencies consistently and effectively enforce new statutes and related Executive Orders, and that employers are kept abreast of the status of the laws in order to prevent unconscious violations.

The EEOC plans to launch a small business initiative in fiscal year 2011. The goals of the initiative include improving communication with the small business community and improving agency outreach to small businesses. Commissioner Constance Barker has agreed to take the lead in this important effort, and by fiscal year 2012 I anticipate that we will be much better positioned to reach small businesses more effectively. Finally, EEOC will continue its outreach to a large and diverse group of stakeholders at the local and national level. We will continue to revise and produce more public documents to educate employers as well the public, including proposed policy documents on Pregnancy Discrimination and Federal Sector Enforcement. All of these issues result in improved customer service.

Improved Labor-Management Relations. The EEOC has reached an agreement with the National Council of EEOC Locals, No. 216 to implement Executive Order 13522. The agency's Labor Management forums will need resources during the 2012 fiscal year to provide continued support for their work on the national and local level to "promote satisfactory Labor relations" and facilitate collaboration between managers and employees concerning "the delivery of service to the public and improved effectiveness of the agency."

The Commission is proud of its history of successfully challenging discriminatory employment practices, in cooperation with the brave men and women who put so much on the line by filing charges with the EEOC to challenge discrimination, and working with employers to provide guidance and training to promote voluntary compliance to the greatest extent possible. Building upon this legacy, standing on the shoulders of those who came before us, we must continue our work to achieve the mission of ending employment discrimination across the United States. I am encouraged by the progress that the EEOC has been able to accomplish throughout its history and hopeful that the Commission will be able to make even more progress during the 2012 fiscal year.

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II. BUDGETING AND ACCOUNTING INFORMATION

A. Appropriation Language

U.S. Equal Employment Opportunity Commission

Salaries and Expenses

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$385,520,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

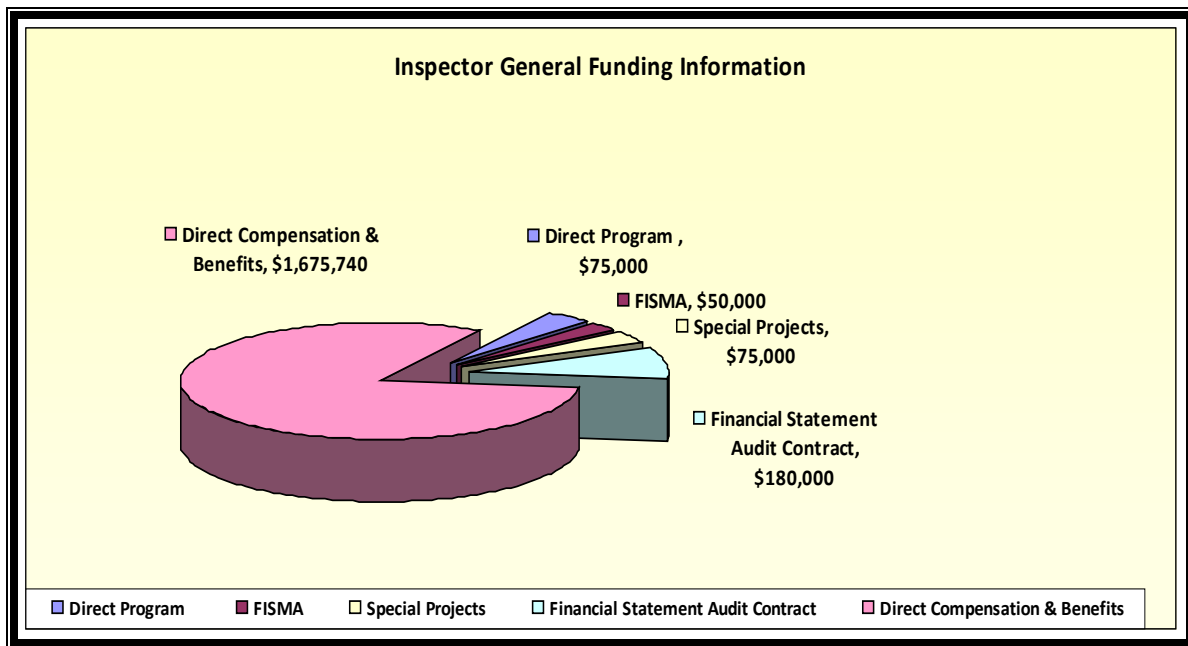
Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L.111-242. as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

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B. Office of Inspector General Funding Information

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

Office of Inspector General Initial Request	\$2,055,740
Aggregate amount of funds	\$2,055,740 ¹
Portion of amount for training	\$24,000 ²
Amount needed to support CIGIE	\$4,934 ³



Calculations:

Direct Program (inclusive of training)	\$ 75,000
FISMA	50,000
Special Projects	75,000
Financial Statement Audit Contract	180,000
Direct Compensation & Benefits	1,675,740
Total OIG	\$2,055,740

¹ This is the total aggregate request for the Office of Inspector General.

² The Inspector General certifies that this amount would satisfy all OIG training requirements for fiscal year 2012.

³ .24% of \$2,055,740 or \$4,934 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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C. Analysis of Change

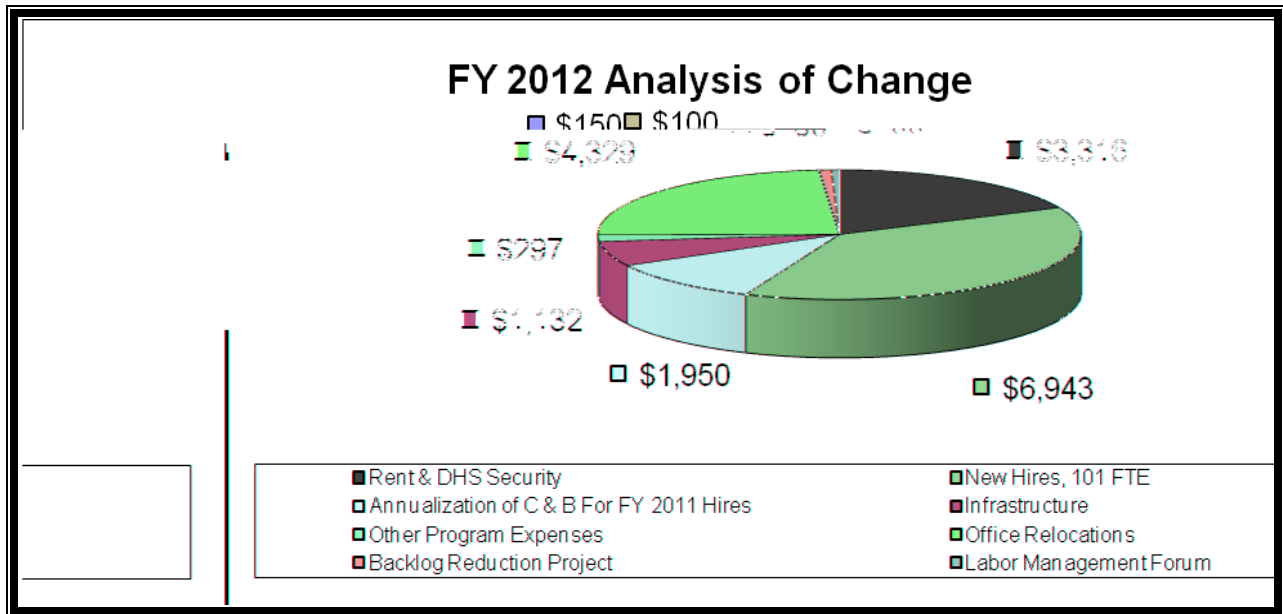
The Analysis of Change table below indicates the material changes to the EEOC's appropriation request for fiscal year 2011 to fiscal year 2012. The significant changes reflect mandated increases in compensation, the fiscal year 2010 approved hires coming on board and the continuing need for increased staffing as reflected in the hiring of an additional 101 FTE's for fiscal year 2012.

Analysis of Change Fiscal Year 2012 (Dollars in thousands*)		
	FTE	Amount
Fiscal Year 2011 – Includes \$30 million for State & Local and Reimbursable 14 FTE from Revolving Fund	2,470	\$367,303
Compensation and Benefits		
1. Annualization of Compensation & Benefits for FY 2011 New Hires	28	1,950
2. New Hires – Funding provided to hire 30 FTE investigators, attorneys, and support staff to reduce agency private sector charges backlog and promote enforcement of systemic discrimination cases.	73	6,943
3. Infrastructure Costs for new hires (one-time)		1,132
Program Support Increases – Funding increase for non-pay program and operating expenses		
1. Rent		2,747
2. DHS Security		569
3. Office Relocations (Includes forced moves by GSA)		4,329
4. Backlog Reduction Project		150
5. Labor Management Forum		100
6. EEOC program cost (Field Office Support, Systemic Enforcement, Litigation Support, Worker Compensation, Surveys and other small program increases.)		297
FY 2012 Request – Includes reimbursable FTE from Revolving Fund	2,571	\$385,520
Total Net Change FY 2011 – FY 2012	101	\$18,217

*May not add due to rounding.

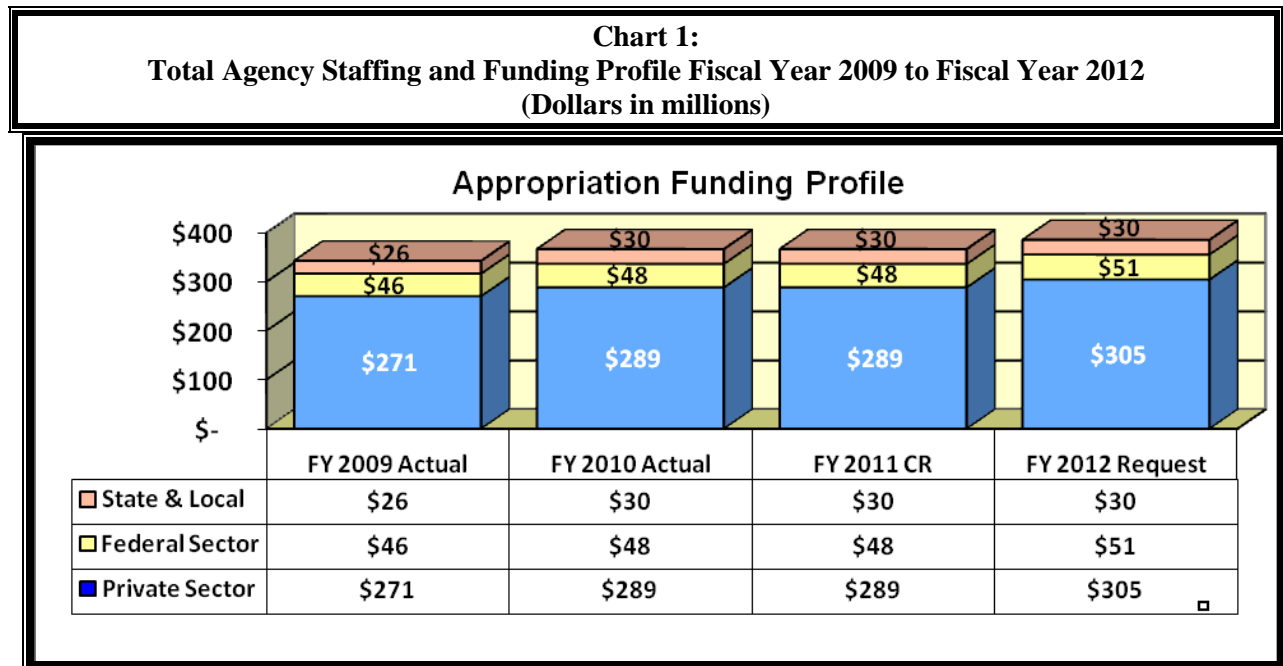
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The Chart below depicts the changes from EEOC's fiscal year 2011 Continuing Resolution to fiscal year 2012 Budget Request.



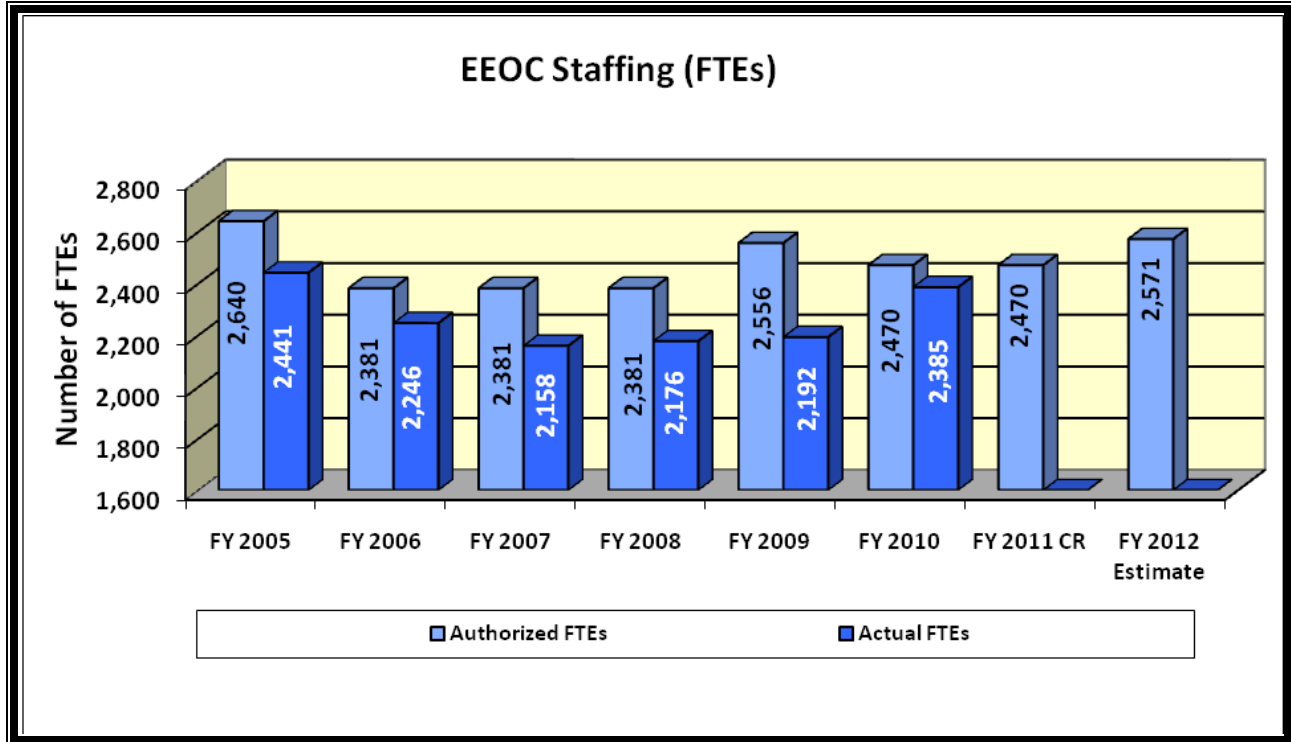
D. Staffing and Funding Profile

Chart 1 below displays the EEOC's total agency staffing and funding profile by Strategic Objective and Program for fiscal years 2009 through 2012.



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The graph below shows the historical changes in the EEOC's FTE since 2005. As can be seen from the graph the EEOC is rebuilding its staffing levels to pre fiscal year 2005 in order to address the increase in charge receipts and to address the charge backlog. In fiscal year 2010, EEOC adjusted the agency's FTE ceiling to more closely reflect its expected FTE staffing level.



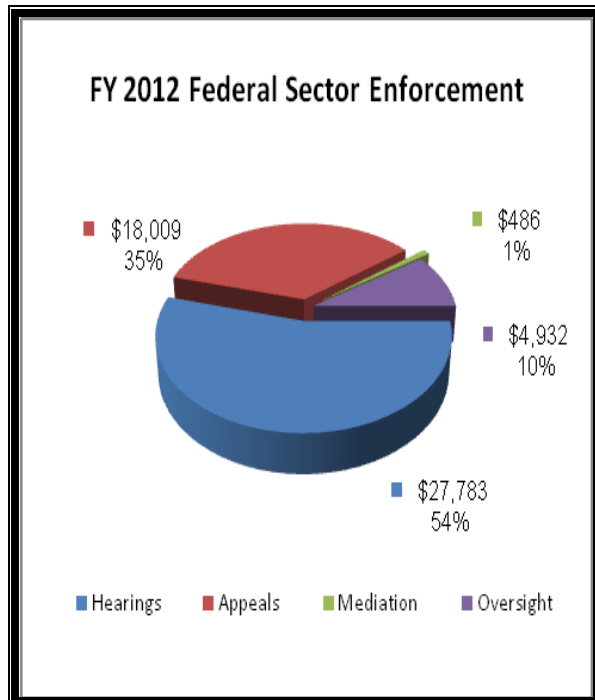
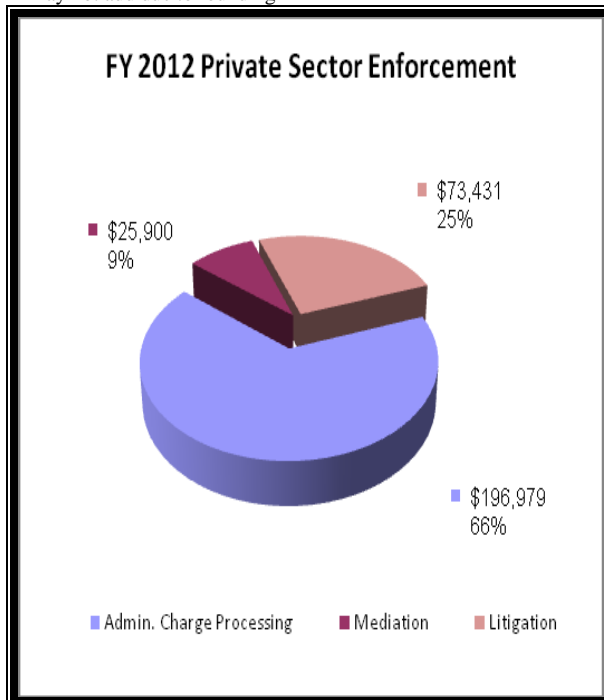
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E. Program Element

Table 1 outlines our budget information under our Strategic Objective for the agency's enforcement and outreach programs for fiscal years 2010 through 2012. Our performance measures, the agency's activities, and the requested budget are described in more detail in subsequent sections.

Table 1: Fiscal Year 2012 Budget Request by Program Element Fiscal Years 2010 to 2012 (Dollars in thousands*)			
	FY 2010 (Actual)	FY 2011 (CR)	FY 2012 (Request)
Private Sector Enforcement	\$310,777	\$310,777	\$326,310
Administrative Charge Processing	186,652	186,652	196,979
Mediation	24,543	24,543	25,900
Litigation	69,582	69,582	73,431
State and Local	30,000	30,000	30,000
Federal Sector Enforcement	48,526	48,526	51,210
Hearings	26,326	26,326	27,783
Appeals	17,065	17,065	18,009
Mediation	461	461	486
Oversight	4,674	4,674	4,932
Outreach (Non-fee based)	8,000	8,000	8,000
Total	\$367,303	\$367,303	\$385,520

**May not add due to rounding



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F. Object Class

Table 2 below outlines our budget information by Object Class.

Table 2			
Object Class Schedule – Agency Summary			
Requirements by Object Class Fiscal Year 2010 to Fiscal Year 2012			
(Dollars in thousands*)			
OBLIGATIONS BY OBJECT CLASS	FY 2010 (Actual)	FY 2011 (CR)	FY 2012 (Request)
Personnel Compensation			
11.1 Full-time permanent (FTP)	\$199,088	\$203,524	\$210,043
11.3 Other than FTP	2,225	2,000	2,200
11.5 Other personnel compensation	2,078	2,100	2,200
Total Personnel Compensation	203,391	207,624	214,443
12.1 Civilian personnel benefits	54,008	58,332	60,381
13.1 Benefits to former personnel	125	150	175
Total Compensation and Benefits	257,524	266,106	274,999
21.1 Travel of persons	5,077	4,800	4,800
22.0 Transportation of things	79	25	25
23.1 Rental payment to GSA	26,762	29,145	31,891
23.2 Other rent/communications	6,740	6,500	6,900
24.0 Printing and reproduction	295	300	300
25.0 Other Services	26,427	18,077	22,886
25.0 Litigation Support	3,704	3,700	4,100
25.0 State and Local	29,998	30,000	30,000
25.0 Security Services (from DHS)	4,147	2,850	3,419
26.0 Supplies and materials	5,088	4,800	5,000
31.0 Equipment	1,462	1,000	1,200
Total Other Objects	109,779	101,197	110,521
Agency Total	\$367,303	\$367,303	\$385,520
Full Time Equivalents (FTE)	2,385	2,470	2,571

*May not add due to rounding

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III. PRIVATE SECTOR PROGRAMS

A. Private Sector Enforcement Programs

Charge Receipt and Inventory

In fiscal year 2010, the EEOC secured more than \$319.3 million in monetary benefits through its private sector administrative enforcement activities—the highest level of monetary relief obtained through administrative enforcement in the Commission’s history. Overall, the EEOC secured both monetary and non-monetary benefits for more than 18,898 people through charge processing. Through our strong enforcement activity, we achieved 104,999 resolutions, our second highest level ever, with a merit factor resolution rate of 19.2 percent. (Merit factor resolutions include mediation and other settlements and cause findings, which, if not successfully conciliated, are considered for litigation.) Our focus on achieving changes to workplace practices, procedures and policies through our private sector administrative enforcement activities yielded improved workplaces for more than 6.2 million individuals.

A Decrease in Frontline Staff and Increased Receipts Contributed to Growth in Inventory

While the agency has achieved some significant successes as outlined above, these successes are better understood in light of some of the challenges confronting the agency earlier in this decade. The EEOC’s charge inventory has been growing since fiscal year 2002. Comparing the inventory in fiscal year 2002, when it was at its lowest point in the last decade and a half, to the inventory in fiscal year 2009, pending charges rose by 56,727, almost tripling the inventory. Additionally, as of third quarter 2010, the pending inventory reached 92,561, the highest level since fiscal year 1995. The growth in inventory has resulted from two primary causes: a nearly 30% frontline staff attrition from fiscal year 2000 – fiscal year 2008 and a substantial increase in charge receipts. Recent increases in the agency’s budget and a rededication to improving our internal processes and productivity have allowed EEOC to make significant progress in managing the inventory.

The most significant impact in addressing the backlog can be attributed to the ability to hire more front-line staff to perform critical enforcement activities. In fiscal year 2008, we had a net loss of 16 investigators and 5 mediators and our total enforcement resolutions were 81,081. By way of comparison, in fiscal year 2009, when we were authorized to hire 75 new investigators and 6 new mediators, we saw a jump in our total resolutions to 85,980. With these new staff becoming fully productive in fiscal year 2010, and with the additional authorization of 89 new investigators and 12 new mediators, we reduced the charge inventory to a level of 86,338—an increase of only 570 charges over last year’s inventory. The additional resources the agency received and directed to the hiring of front line staff in just two years yielded over 19,000 charge resolutions. We were able to conduct quality investigations while at the same time keeping over 18,000 charges out of our overall pending inventory. Without this increased level of charge resolutions, our pending inventory – currently 86,338 at the end of fiscal year 2010 – would instead be at a level of more than 105,515 charges.

However, despite this recent infusion of resources, the EEOC must continue to rebuild frontline capacity. That is why this fiscal year 2012 budget justification requests 30 FTE new investigator positions to continue to restore staffing levels and better match our workload. At the same time, EEOC will examine new ways to address the backlog and increase productivity to make the best of a difficult fiscal environment.

An increase in charge receipts has also been a factor in the tremendous growth in the charge inventory. While fiscal year 2008 and fiscal year 2009 produced our two highest levels of receipts in over 20 years, fiscal year 2010 produced our highest level ever, with 99,922 charge filings. One reason

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that the charge inventory has increased is that the EEOC has become more accessible in the last five years, making charge filing easier and providing better, more responsive, customer service. Through our Intake Information Group EEOC expanded the agency's availability by phone and e-mail. Additionally, in the last four years, the EEOC has concentrated on revamping its charge intake services, expanding walk-in hours, and issuing a plain language brochure to assist potential charging parties in understanding their rights and the EEOC charge process. Individuals can now contact the agency by phone, by mail, by e-mail, by going to the EEOC website, or by visiting EEOC field offices.

Another reason for the increase in charge receipts is the expanded statutory authorities that EEOC has been given with the ADA Amendments Act (ADAAA) of 2008; the Genetic Information Nondiscrimination Act (GINA) of 2008; and the Lilly Ledbetter Fair Pay Act of 2009 (the Ledbetter Act).

These major legislative changes have enhanced the equal employment rights of individuals and we expect to see continued increases in our charge receipts through fiscal year 2012, as discussed in greater detail below.

With more than a year's experience of accepting charges under the ADAAA (which became effective in January 2009), we are continuing to see increasing numbers of ADA charge filings, with 17% more received in fiscal year 2010 than in fiscal year 2009. We project that a continued rise in ADA charge filings will occur as more individuals become aware of the broadened definition of "disability," with the adoption of new regulations interpreting the Act in December 2010 and with our expanded outreach and education activities to ensure that the public is knowledgeable about the changes.

The Genetic Information Nondiscrimination Act (GINA) of 2008 became effective in November of 2009. The initial charge filings under GINA have been low, but we anticipate that as more individuals become aware of these expanded rights and protections, we will continue to see an increasing number of GINA charge filings.

Finally, in fiscal year 2009, the Lilly Ledbetter Fair Pay Act of 2009 became law. This legislation clarifies that discriminatory compensation decisions or other unlawful practices occur each time compensation is paid. Our current data suggests that there may be future increases in compensation based charge activity. Comparing fiscal year 2007 data (which includes the timeframe of the Court's decision) and the end of fiscal year 2009 (which reflects the period after the Act took effect in January 2009), we have seen a 17% increase in gender-based wage discrimination charges. Additionally, with the publicity surrounding the Ledbetter Act, we have also seen growth in our Equal Pay Act (EPA) charge filings, with 10.8% more in fiscal year 2010 than in fiscal year 2009.

We anticipate that in light of increased statutory authority discussed above as well as other factors discussed below, our receipts will increase above the fiscal year 2010 level of 99,922 (our highest level in the 45 years of the agency's history) by about 6% (5,995 more charges) in fiscal year 2011. We project that by fiscal year 2012, we will see a slowing growth rate of about 2% (2,119 additional charges). These projections recognize that other factors influence charge receipts, including various economic factors, such as unemployment rates, lay-offs, and company closures and restructuring all of which can have an effect on the level of charges filed by the public.

With these expanded legislative authorities and with the additional budgetary resources we have been provided, we have been able to train our staff to prepare them to process charges consistent with the new and expanded laws. This training has provided staff with a firm footing to handle the charges that come through our doors every day. It is our hope that with additional resources provided pursuant to the fiscal year 2012 request, we will be able to continue to provide staff with ongoing training to ensure that they are prepared to effectively meet the public demand for our services.

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The Commission has made significant progress toward rebuilding the capacity needed to effectively enforce Federal employment discrimination laws. However, despite the success of our recent efforts as well as the strategic management of existing resources, without further investments in staff, training and technology, we may quickly find ourselves faced with a growing backlog of charges creating significant delays, costs, and negative consequences for employers, job seekers and employees.

We will continue to emphasize PCHP through intensified training, consultation with managers and staff throughout the agency to identify charge processing best practices, and to ensure that charges are processed fairly and efficiently. This includes the need to leverage increased use of technology to improve the efficiency of private sector charge processing.

Budget Request Details and Impact

The EEOC is requesting 30 FTE new investigator hires in fiscal year 2012. Although our ability to hire additional frontline staff began in fiscal year 2009 and continued in fiscal year 2010, the agency needs to continue rebuilding staff capacity.

The President's 2011 Budget Request for EEOC requested funding for additional investigators, however, based on projections from the current fiscal year 2011 Continuing Resolution, we anticipate the loss of investigator positions and mediator positions during the year. This sharp decline in front-line staff will impede our ability to address the growing inventory, particularly in light of the projected increase in receipts.

Under our projections, even with the additional 30 FTE frontline investigators provided in the 2012 Budget, the pending inventory is expected to reach nearly 100,834 charges at the end of fiscal year 2012 and rise to 144,217 charges at the end of fiscal year 2016. Our charge data projections also show that in 2012 our investigators will carry an average caseload of 128. This caseload will lead to an average resolution time far exceeding a 180 day average – affecting all parties to the investigation.

Hiring Other Critical Staff

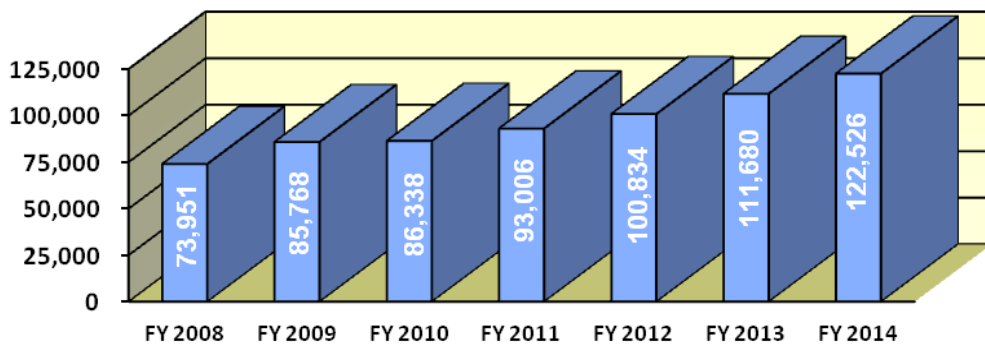
While hiring frontline investigators is crucial to bring the backlog down to an acceptable level, there are other critical positions in EEOC's field offices that should be filled along with investigators: supervisors, intake support assistants, and office automation assistants. These have also been included in the staffing projections in this fiscal year 2012 budget request.

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Chart 2 below depicts the ending Private Sector charge inventory actuals for fiscal year 2008 through fiscal year 2010 and estimated through fiscal year 2014. These amounts represent the pending charges at the end of each fiscal year.

**Chart 2:
Private Sector Charges Pending Ending Inventory
at Year End Fiscal Years 2008 to 2014**

Private Sector Charges Pending Ending Inventory



	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
	Actual	Actual	Actual	Estimate	Estimate	Estimate	Estimate
Charges Pending Ending	73,951	85,768	86,338	93,006	100,834	111,680	122,526

**Chart 3:
Private Sector Enforcement Program Workload Table Fiscal Year 2008 to Fiscal Year 2014**

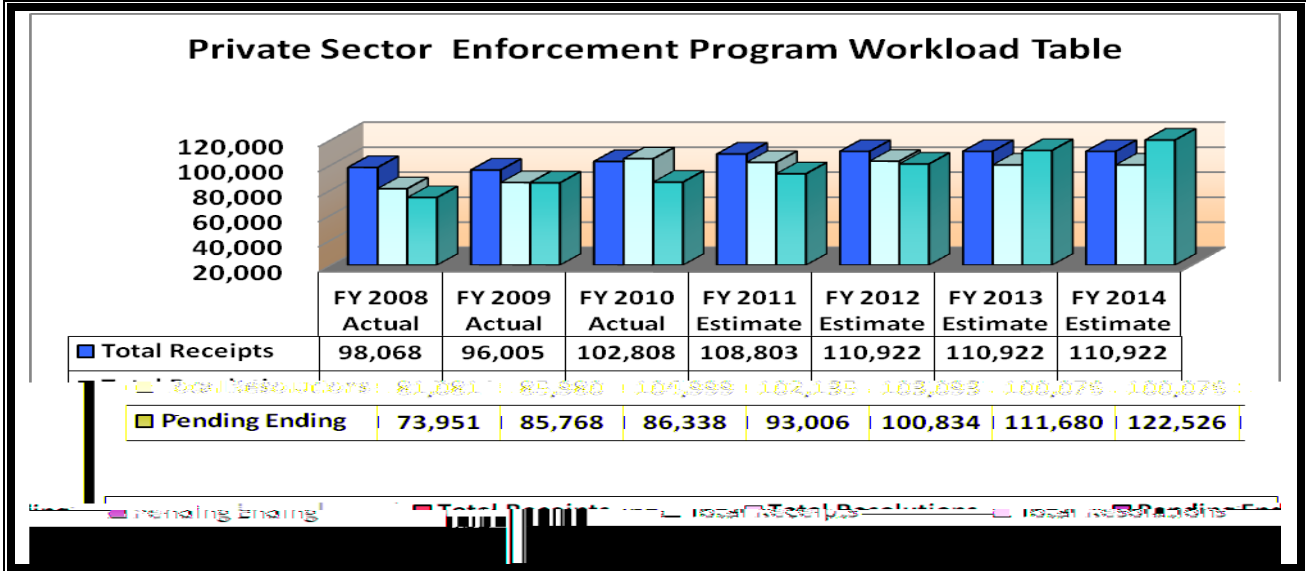
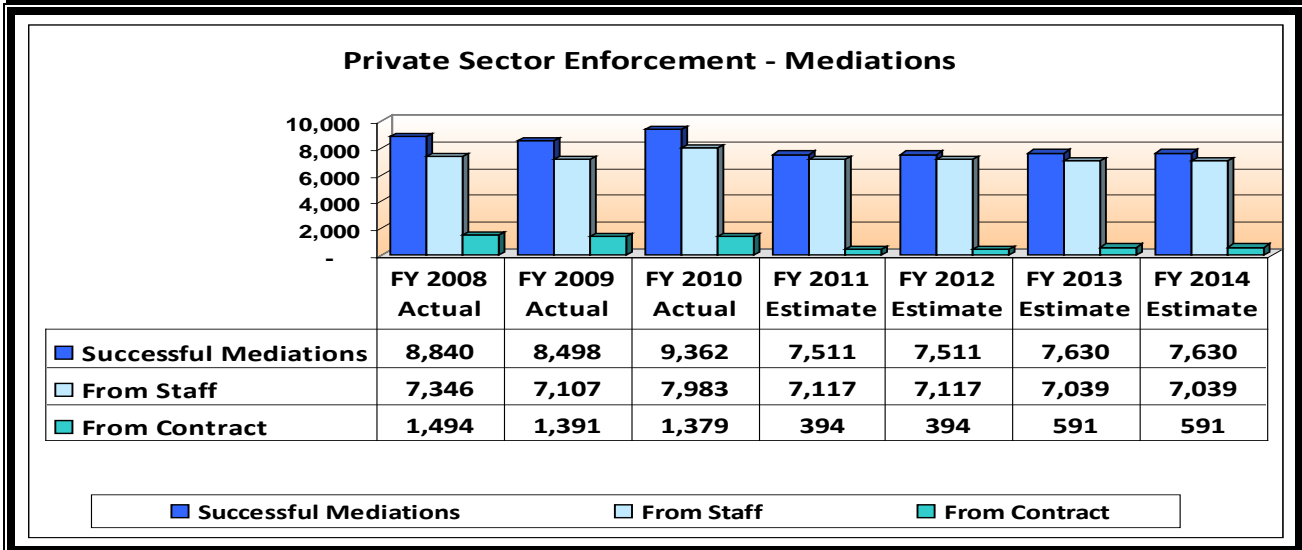


Chart 3 above depicts the total receipts, resolutions and pending ending charge inventory for Private Sector enforcement actuals fiscal year 2008 through fiscal year 2010 and estimated through fiscal year 2014. As can be seen by Chart 3 receipts continue to rise through fiscal year 2012 while resolutions decline from the fiscal year 2010 level due to the loss of staff in fiscal year 2011 that is not restored to the same level in fiscal year 2012 and beyond.

Chart 4 below depicts the division of successful mediations between staff mediators and contracted mediators. As can be seen in Chart 4, staff mediators are responsible for a material portion of the successful mediations.

**Chart 4:
Private Sector Enforcement Program Mediations Fiscal Year 2008 to Fiscal Year 2014**



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Table 3 below depicts private sector charges received by Statute actual fiscal year 2008 through fiscal year 2010 and estimated through fiscal year 2014. As can be seen by Table 3 the largest portions of the charges are derived from Title VII.

**Table 3:
Charges Filed by Statute Fiscal Year 2008 to Fiscal Year 2014**

	FY 2008 <i>(Actual)</i>	FY 2009 <i>(Actual)</i>	FY 2010 <i>(Actual)</i>	FY 2011 <i>(Est.)</i>	FY 2012 <i>(Est.)</i>	FY 2013 <i>(Est.)</i>	*FY 2014 <i>(Est.)</i>
Title VII Only							
Charges filed	54,482	52,797	55,814	59,578	60,770	60,770	60,770
Charges resolved	45,846	49,898	60,069	58,512	59,061	57,332	57,332
Title VII With Concurrents*							
Charges filed	69,064	68,710	73,058	77,733	79,287	79,287	79,287
Charges resolved	58,104	64,304	77,644	74,789	75,491	73,281	73,281
Age Discrimination in Employment Act Only							
Charges filed	12,276	9,401	9,420	10,380	10,587	10,587	10,587
Charges resolved	11,082	8,593	10,353	12,084	12,197	11,840	11,840
Age Discrimination in Employment Act w/Concurrents							
Charges filed	24,582	22,778	23,264	25,335	25,842	25,842	25,842
Charges resolved	21,415	20,529	24,800	25,681	25,922	25,163	25,163
Equal Pay Act Only							
Charges filed	33	42	52	53	54	54	54
Charges resolved	31	48	47	48	48	47	47
Equal Pay Act with Concurrents							
Charges filed	954	942	1,044	1,091	1,113	1,113	1,113
Charges resolved	828	991	1,083	1,110	1,121	1,088	1,088
Americans with Disabilities Act Only							
Charges filed	11,334	12,384	14,691	14,701	14,995	14,995	14,995
Charges resolved	9,833	10,812	13,945	12,615	12,733	12,361	12,361
Americans with Disabilities Act w/Concurrents							
Charges filed	19,453	21,451	25,165	25,282	25,788	25,788	25,788
Charges resolved	16,705	18,776	24,401	21,673	21,877	21,236	21,236
Genetic Information Nondiscrimination Act Only							
Charges filed			13	18	25	25	25
Charges resolved			3	5	7	7	7
Genetic Information Nondiscrimination Act w/Concurrents							
Charges filed			201	250	350	350	350
Charges resolved			56	73	102	102	102
Total							
Charges filed	95,402	93,277	99,922	105,917	108,036	108,036	108,036
Charges resolved	81,081	85,980	104,999	102,135	103,093	100,076	100,076

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

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Systemic Enforcement Program

In recent years, the Commission has increased its focus on cases of systemic discrimination, since these cases maximize our ability to eradicate discriminatory policies and practices while obtaining relief for large numbers of individuals. Our systemic program has become ingrained in how we view our work and has shown some positive results, as reflected by the significant growth in systemic case development since fiscal year 2008.

	FY 2008	FY 2009	FY 2010
Systemic Resolutions	# Investigations not counted (576 Charges)	140 Investigations (614 Charges)	165 Investigations (1,509 Charges)
Systemic Cause Findings	66 Investigations (240 Charges)	74 Investigations (614 Charges)	71 Investigations (806 Charges)
Systemic Litigation Filed	17	19	20
Pending Systemic Inventory	# Investigations not counted (1,947 Charges)	431 Investigations (2,390 Charges)	465 Investigations (2,024 Charges)

In fiscal years 2009 and 2010, the Commission devoted significant resources to developing a strong systemic-oriented skill set. There are now 10 Lead Systemic Investigators dedicated exclusively to systemic work. Additionally, the Commission has hired additional experts to support field systemic investigations. Training efforts have focused on equipping our lawyers and investigators with the skills to identify systemic cases, as well as manage and analyze the very large amounts of data involved in systemic investigations and litigation. We have promoted multi-District partnerships among our field offices to marshal our resources on major systemic cases. Finally, the Commission continues to invest in technology to support systemic work, which is essential to manage the vast amounts of data involved in investigating systemic cases.

To highlight a few examples of active systemic litigation, we are currently litigating a nationwide Title VII case against a jewelry store chain, alleging that the company pays women in retail sales positions less than men because of their sex and promotes women less frequently and at slower rates than men because of their sex. As another example, we are currently litigating a nationwide Title VII case against a marketing firm, alleging that the company's policy of refusing to hire applicants based on credit and criminal history background checks has a disparate impact against African-Americans and Hispanics. Just recently, we filed a nationwide Title VII suit against a provider of postsecondary education alleging that its practice of rejecting applicants based on credit history has a disparate impact based on race and is neither job-related nor consistent with business necessity.

We highlight several noteworthy systemic case resolutions from fiscal year 2010. In a case in Colorado against a nationwide restaurant chain, the Commission alleged that the company engaged in a pattern or practice of discrimination against women by failing to hire and promote them into management positions and by providing them inferior job assignments, fewer training opportunities, and less opportunity for advancement. A consent decree provides a \$19 million settlement fund for approximately 3,000 class members. Among various forms of equitable relief, the restaurant is adopting objective promotion procedures to ensure that selections for the positions are gender-neutral.

In a case in Kentucky against a large nationwide retailer, the Commission alleged that the company failed to hire women for order-filler positions at one of its distribution centers for many years because of their sex. A consent decree provides for almost \$12 million to be paid into a settlement fund. In the future, the company will use validated interview questions for the order-filler position, and the company will fill the first 50 available order-filler positions at the facility from a list of qualified females. In three related cases in Colorado, the Commission alleged that a national grocery store chain

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discriminated on the basis of race (black), color, national origin (Hispanic), and retaliation at one of its distribution centers. We alleged that racial graffiti was displayed throughout the distribution center's warehouse, and that the company assigned black and Hispanic employees more difficult or less desirable jobs. We also alleged that the company retaliated against individuals who complained about graffiti and discriminatory working conditions. A consent decree provides \$8.9 million (including attorney's fees), to be distributed to 168 class members.

At this early point in fiscal year 2011, we have already resolved several noteworthy systemic cases. In an ADA case against a regional drug store chain, the Commission alleged that the company would not allow qualified employees with disabilities who were on authorized disability leave to return to work if they required an accommodation or had any restrictions. A consent decree provides \$3.2 million to 110 aggrieved individuals. The store chain will hire consultants to recommend changes to its job descriptions and recommend possible accommodations to common work restrictions. Also, the company will revise its communications to assure employees that they need not be 100% healed to be considered for a return to work.

In a Title VII suit against a company that provides janitorial services at Chicago's O'Hare Airport, the Commission alleged that the company failed to hire black applicants based on race despite substantial numbers of such applicants. A consent decree provides \$3 million to compensate around 550 aggrieved individuals. The company will offer jobs to certain aggrieved individuals, revise its hiring policy, increase recruitment efforts in the African-American community, and use its best efforts to reach certain hiring goals of African-Americans.

In a nationwide Title VII suit against a private security firm, the Commission alleged that the firm forced its pregnant guards to take leave and then discharged them based on pregnancy. A consent decree provides \$1.6 million for 26 aggrieved individuals and requires a message from the firm's CEO to all employees along with a well-defined, comprehensive anti-discrimination policy.

As these cases illustrate, our Office of General Counsel's systemic case resolutions often result in large numbers of direct beneficiaries, large sums of monetary relief, and sweeping changes to employer policies and practices to prevent future discrimination. The funds requested in the fiscal year 2012 budget will allow us to continue our development of systemic cases.

Mediation Program

A key component of the Commission's enforcement strategy is the continued emphasis on the use of Alternate Dispute Resolution (ADR) as an effective tool to resolve appropriate charges of discrimination. We continue to pursue efforts to secure greater participation by employers, including the use of our Universal Agreements to Mediate (UAM), presenting informational materials and scheduling outreach events to highlight the benefits of mediation to employers.

The mediation program continues to enhance the Commission's efforts in providing the timely resolution of discrimination charges. In fiscal year 2010, the program resolved a record 9,362 employment disputes in an average time of 85 days and obtained over \$141.9 million in benefits. The Commission projects that there will be a decline in the mediation resolutions beginning fiscal year 2011, due to less contract mediation funding and with the loss of mediator positions in fiscal year 2011. Mediation funding will allow the EEOC to continue its efforts in offering a fair, efficient and timely alternative to the traditional investigative process.

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Additionally, based on the responses to a survey of participants in our mediation program, Charging Parties (employees, job applicants, and retirees) and Respondents continue to express their confidence in the level of service provided under this process. Based on results for fiscal year 2010, 96.1% of all participants indicated that they would utilize the mediation process in a future charge filed with EEOC. This is a direct measure of the public's confidence in our mediation program, which in turn, contributes to the projected results for the mediation program discussed above, such as less time to resolve a charge and the significant financial benefits secured for Charging Parties. Furthermore, successes in our mediation program results in fewer charges that remain in our backlog for investigation, thus alleviating the growth of the overall charge inventory.

Through our outreach to employer representatives and other related stakeholders, we will continue to emphasize the program's qualitative and quantitative achievements in order to highlight the value of alternative dispute resolution in appropriate charges of discrimination filed with the Commission. We believe the success of the mediation program helps build a persuasive case to convince employers to make an affirmative commitment to participate in our mediation program through signing UAM. Through fiscal year 2010, the agency has secured 214 National UAMs and had more than 1,570 Regional and Local UAMs.

Customer Service

As discussed in the Private Sector Enforcement section above, we have dedicated significant attention to enhancing the services provided by the Information Intake Group (IIG). The IIG is an in-house staff that serves as the first line of contact for many members of the public and is accessible via toll-free phone lines, e-mail and faxes. The IIG receives approximately 57,000 calls per month. An average of 39% of callers utilized an Interactive Voice Response system and needed no further assistance. Centralizing this first point of access to the public has a significant impact on our field offices. By having calls directed to this single entity, our field offices are freed from handling these calls, many of which are seeking general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. Our 64 Information Intake Representatives (IIRs), co-located in 15 of our field office sites, handles this significant volume of calls. We continue to strive for greater efficiency in our handling of these calls and in fiscal year 2010 approximately 70% of calls answered by the IIRs are fully resolved by the IIR without being referred to other staff in EEOC field offices.

B. State and Local

The agency's request for fiscal year 2012 includes \$30,000,000 for State and Local activities. The fiscal year 2012 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in EEOC's goal of achieving justice, opportunity and inclusive workplaces. The FEPAs help EEOC to resolve charges of employment discrimination and to prevent duplication of effort, resulting in a more efficient use of resources for both EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with EEOC field staff, to explain federal, state, and local laws regarding employment discrimination to various groups and other members of the public.

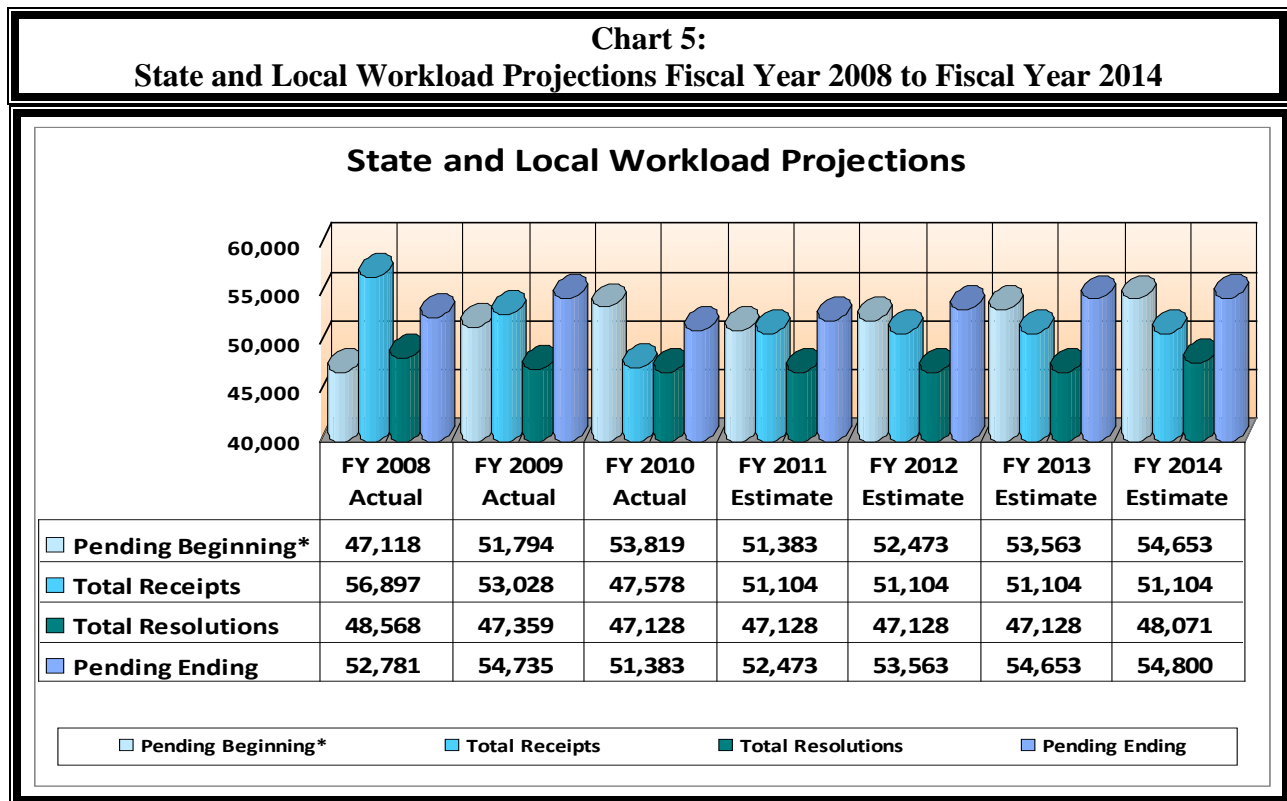
During fiscal year 2010, we continued efforts launched in fiscal year 2009, to reassess our relationship with the FEPAs and TEROs and to identify areas where we can achieve efficiencies for all parties involved in this relationship. Our primary focus continues to be on information sharing, training and enhanced communication between EEOC and the FEPAs and TEROs. In fiscal year 2011, the additional \$4 million appropriated for State and Local Program activities during fiscal year 2010, will

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enable us to increase the per charge reimbursement rate from \$550 to \$600. This will represent the first increase in the reimbursement rate since fiscal year 2006. FEPAs have lost staff and other support because of economic challenges at the state and local level. An increase in the per charge reimbursement rate will help the FEPAs begin the rebuilding process, and offset more of the costs the FEPAs incur in resolving charges of employment discrimination. For fiscal year 2012, with the requested level of \$30,000,000, we will be able to reimburse the FEPAs for an estimated 46,200 charge resolutions.

In fiscal year 2012, we will develop and implement a program to provide training for FEPA staff on a rotating basis. Every year, the goal will be to train staff in at least one-third of the 96 FEPAs that currently work with EEOC. We plan to structure the training in a manner that enables us to provide both basic and advanced training on an on-going basis. As staff leaves the FEPAs and replacements are hired, training becomes an important tool in ensuring that FEPAs have the skills necessary to address the enforcement demand of their workloads.

The chart below depicts actual State and Local receipts, total resolutions and ending State and Local inventory for fiscal years 2008 – 2010 and projections for fiscal years 2011 – 2014.



* Prior period adjustment due to post year end audit and reconciliation

C. Litigation

Litigation

The Commission's litigation program is a vital part of the arsenal necessary to fulfill our mandate to enforce the federal civil rights employment laws. As one of the most visible of the agency's activities, the Commission's litigation program must be successful in remedying and preventing employment discrimination while maintaining the highest standards of ethics and fairness. Maintaining a visible and successful litigation program also provides employers with an incentive to comply voluntarily with the law and to resolve charges of discrimination during the Commission's administrative charge process, and serves as a deterrent to other employers who may otherwise act in disregard of the civil rights laws.

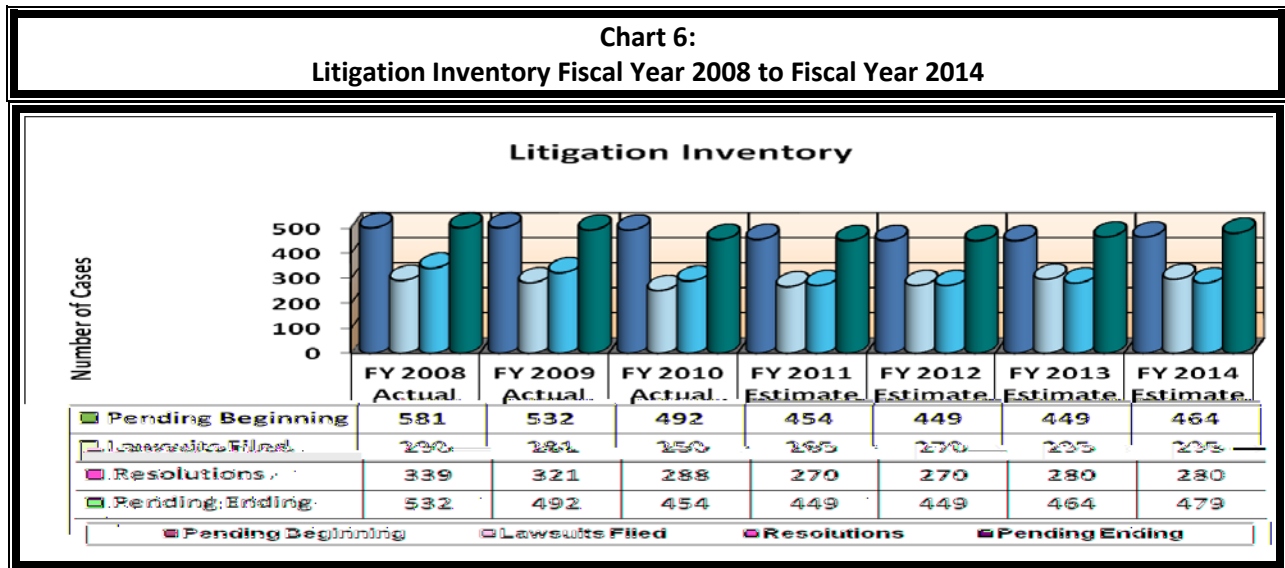
In recent years, the Commission has sought to maximize the impact of its litigation program by increasing its focus on cases of systemic discrimination, which typically involve broad-based employment practices affecting large numbers of individuals. The Commission also plans to continue litigation of smaller cases, but will focus its resources on those smaller cases that present cutting-edge issues or arise in geographical areas where the Commission has a limited presence. In addition to conducting litigation, Commission attorneys spend a significant portion of their time working closely with investigators to develop investigation plans, interview witnesses, analyze evidence and assist in charge resolutions.

For fiscal year 2012, the Commission expects to file 270 enforcement suits. Although this is only a modest increase from the previous two years, the Commission expects that at least 15 to 20 of these suits will challenge systemic discrimination. We believe that devoting a significant portion of our litigation resources to systemic discrimination suits is a wise investment, since these cases maximize our ability to eradicate discriminatory policies and practices while obtaining relief for large numbers of individuals. Systemic cases by their nature continue in active litigation over a multi-year period and last far longer than smaller-sized cases. Therefore, it is useful to examine the quantity of active systemic cases on the Commission's active litigation docket. Systemic cases can involve challenges to discriminatory policies or challenges to practices that affect anywhere from 20 to thousands of individuals. Our active docket of litigation changes from day to day, but as of the close of 2010 we were litigating more than 60 cases involving at least 20 victims of discrimination or approximately 14% of our total active litigation docket. Based on the large volume of systemic charges currently in investigation, we expect the quantity of systemic lawsuits -- and their representation on our total docket -- to steadily increase into 2012 and beyond.

As a greater proportion of our litigation docket is focused on systemic cases, the amount of resources needed to perform the work will rise. While the cost of litigating all types of cases has been increasing, the increase in the number of systemic discrimination cases on the docket is largely responsible for the large increase in litigation costs. Systemic cases typically require substantial resources in terms of professional staff time and litigation expenses, including expert witnesses, the costs of an extensive motion and discovery practice, and travel. Therefore, even a modest increase in systemic litigation activity has a major impact on the resources needed and will have an impact on the quantity of smaller sized cases the Commission is able to litigate. The Commission's litigation expenses have increased by almost 70% over the past five years. In addition, the Commission expects some increase in litigation costs associated with new statutory responsibilities, including the ADAAA, GINA and the Lilly Ledbetter Fair Pay Act. Thus, we fully expect the trend in spending more dollars per case to continue into the foreseeable future.

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Chart 6 The following chart depicts the estimated litigation inventory including the number of lawsuits filed, pending lawsuits and resolutions for actual fiscal years 2008 through 2010 and projections for fiscal years 2011 - 2014.



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IV. FEDERAL SECTOR PROGRAMS

A. Federal Sector Enforcement Programs

In order to meet the increasingly complex needs of our nation, federal agencies must position themselves to attract, develop and retain a highly qualified workforce that can deliver results to the American people. Equal opportunity in the federal workplace is key to accomplishing this goal; agencies must fully utilize the talents of all, without regard to race, color, religion, national origin, sex, age, disability or genetic information.

To this end, Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 require that all federal personnel decisions be made free of discrimination, and require federal agencies to establish affirmative programs of equal employment opportunity (EEO) for all federal employees and job applicants (42 U.S.C. §2000e-16 and 29 U.S.C. §791). Under these laws, and through subsequent statutes and amendments, Congress gave EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the over two million men and women across the country and around the world who have dedicated their lives to public service.

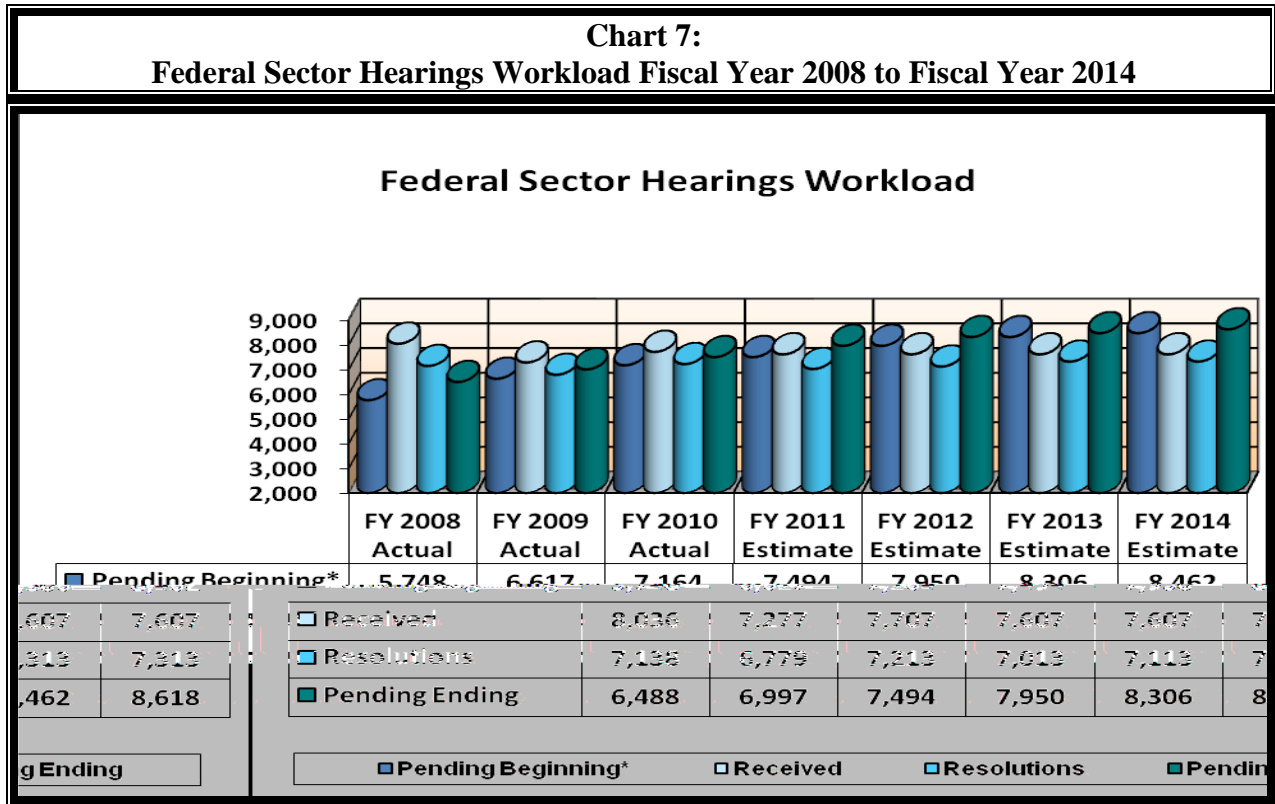
Additionally, Congress requires that the EEOC act as the enforcement authority for complaints of discrimination for applicants and employees in the federal sector. The Commission implements this authority through regulations that establish procedures for federal employees or job applicants to file complaints of employment discrimination. The agency charged with discrimination is responsible for informal counseling; and, if a complaint is filed and that complaint is accepted, for investigating the claims raised therein. At the conclusion of the investigation complainants may request a hearing before an EEOC administrative judge (AJ) or that the agency issues a final decision on the matter. The agency's final decision or final action after a hearing may be appealed to the Commission.

B. Federal Sector Improvements – Hearings

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

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Chart 7 below demonstrates the workload inventory of EEOC hearings on complaints of discrimination filed in federal agencies showing actual for fiscal years 2008, 2009 and 2010 and projected through fiscal years 2011 - 2014.



C. Appeals and Oversight of Federal EEO Programs

EEOC’s regulations at 29 C.F.R. Part 1614 provide the Commission with the responsibility for acting as the neutral arbiter in the federal sector for appeals from agency decisions on EEO complaints, collective bargaining agreement grievances alleging discrimination against federal agencies, and reviewing decisions by the Merit Systems Protection Board containing allegations of discrimination in appealable actions. In this capacity, the Commission has developed and implemented innovative ways to control an appellate inventory that had grown to unacceptable levels in the 1990’s. For example, EEOC has sought to leverage technology to more effectively manage the appellate inventory.

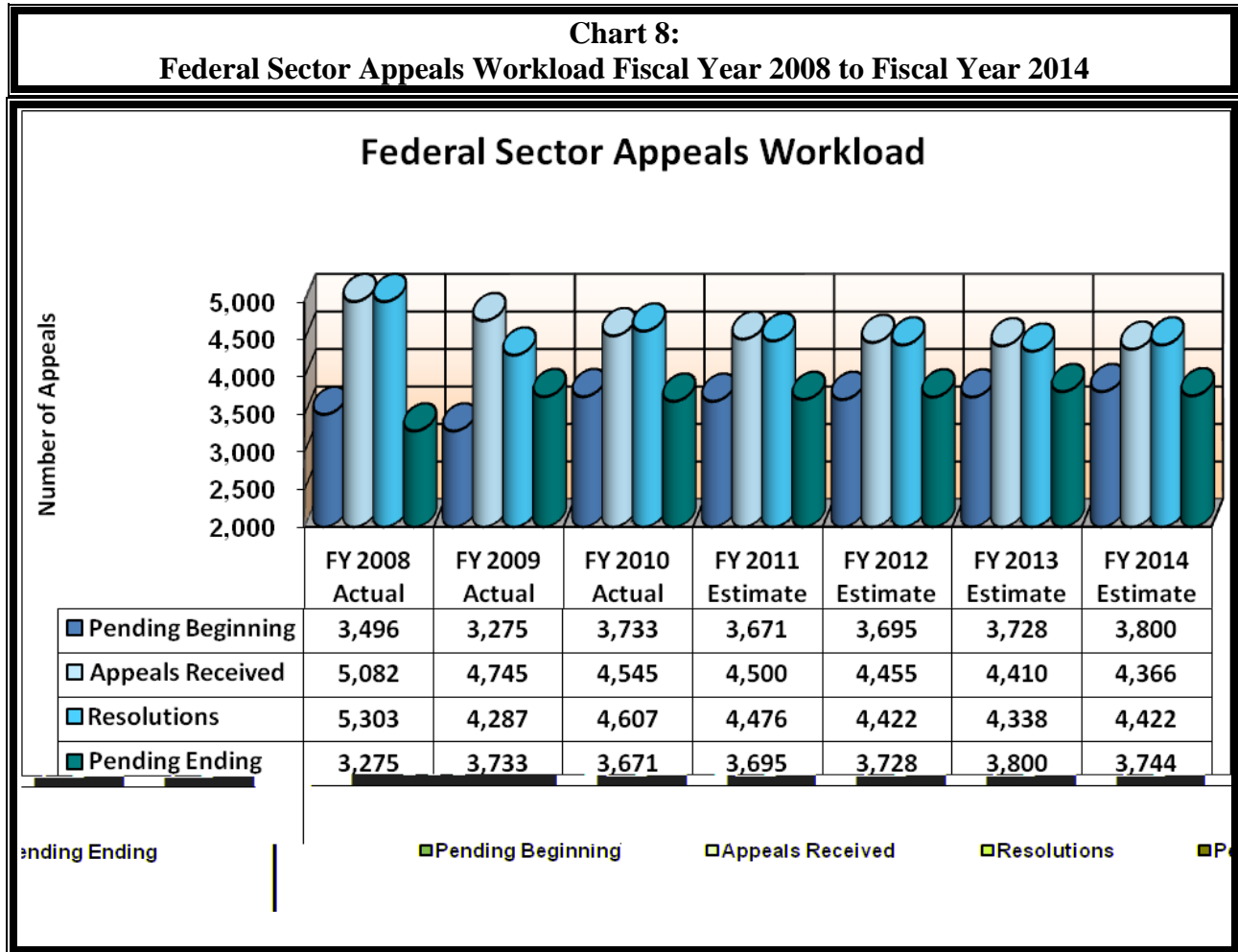
Building upon the success and foundation of this digital infrastructure, the Commission will soon be piloting its EEO File Exchange portal (EFX) for the federal sector appeals unit. In the first phase, EFX will serve as the vehicle for the two-way exchange of complaint-related documents between agencies and the Commission. In later phases, EFX will be the vehicle by which complainants can file appeals and submit supporting documentation. This will make the appellate process more streamlined, efficient and transparent, thereby improving customer service.

Concurrent with these efforts, the Commission has employed targeted management techniques and adopted strategic measures designed to increase the efficiency and fairness of the appellate decision-making process, and manage the appellate inventory. For example, the Commission measures its

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operational success by resolving aged appeals, increasing the percentage of appeals resolved within 180 days, and measuring the impact of the appellate decisions in the federal workplace.

Chart 8 demonstrates the workload inventory for appeals of complaints decided by the EEOC actuals for fiscal years 2008, 2009 and 2010 and projected through fiscal years 2011 - 2014.



The data in the above table illustrate the Commission’s success in inventory management, and project that the appellate inventory will remain at acceptable levels provided that the downward trend of federal sector appellate receipts continues. To facilitate this continued downward trend, the Commission will assist agencies in their efforts to remove barriers to equal employment opportunity and to develop and deploy effective early dispute resolution mechanisms. The Commission is confident that this integrated approach will result in reduced discrimination in the workplace, and fewer EEO complaints. In turn, this will enable the Commission to continue issuing timely, thorough and well reasoned appellate decisions.

Behind these numbers, these appellate decisions serve as a vehicle for the development and promulgation of the Commission’s EEO policy in the federal sector. They address complex issues in areas of the law where EEO policy is less clear or evolving. Further, they serve to educate federal sector complainants and agencies about the law, guide agencies in their efforts to become model workplaces, and vindicate the public interest in eradicating discrimination in federal employment.

D. Federal Sector Strategies & Analysis of Workforces

Employment discrimination in the federal sector directly impacts agencies' abilities to perform their core missions. Victims of actual or perceived discrimination personally suffer extensive harm, and this, in turn, may impact the performance of their duties. Additionally, agencies must devote precious resources to investigate and defend against instances of alleged discrimination and to remedy those found to be meritorious.

To implement the federal government's policy prohibiting employment discrimination, agencies are required to maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate barriers to participation by all federal employees. The Commission, serving in its oversight capacity for these efforts implemented Management Directive 715 (MD-715), which details strategies for removing barriers to free and open workplace competition and incorporating EEO principles within agencies' missions. Should these efforts identify barriers to equal employment opportunity, the Commission works with agencies to develop creative strategies for their elimination. Further, the Commission works with agencies to promote model EEO Program policies and practices that foster an inclusive work culture and prevent employment discrimination by reviewing annual submission of MD-715 reports, providing in-person and telephonic technical assistance, and issuing written feedback.

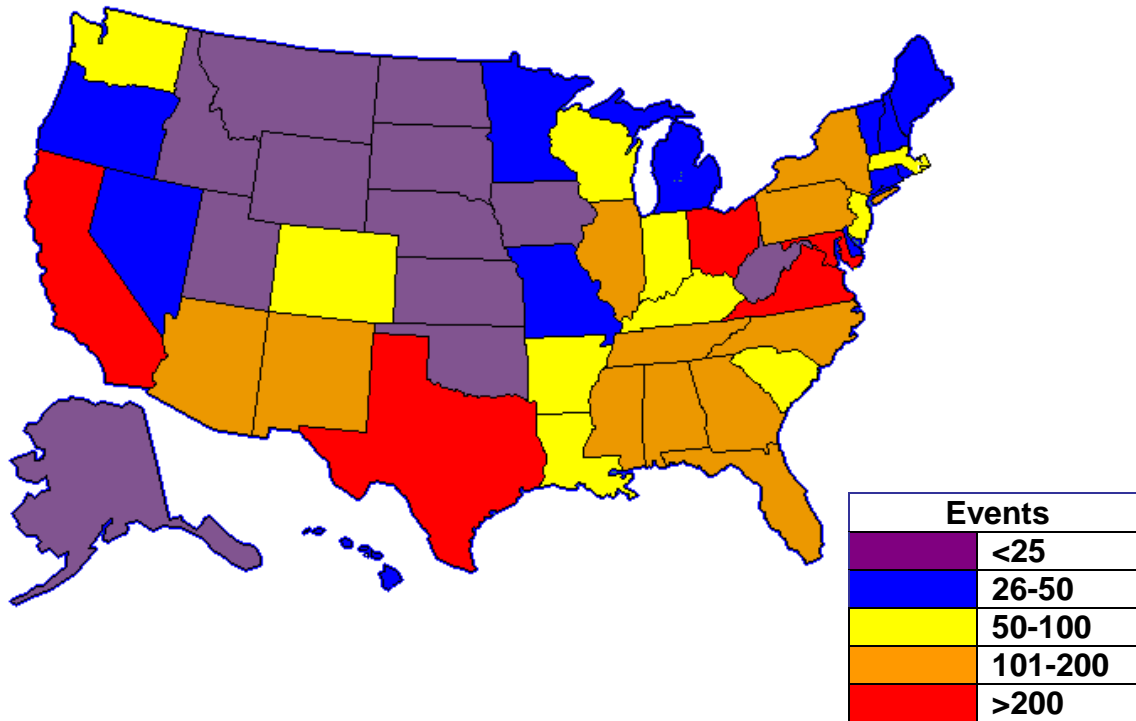
In an effort to better assist agencies in the analyses of their workforces, improve transparency, and integrate the diverse data sets pertaining to EEO in the federal sector, the Commission recently partnered with the Office of Management and Budget (OMB) in the use of the OMB Max Information System (OMB Max). Specifically, the Commission will leverage OMB Max to collect, validate, analyze, collaborate, and report information relating to its government-wide oversight activities, and to develop EEO community forums designed to allow federal sector stakeholders to exchange valuable EEO-related information, such as best practices, relevant articles, etc. This will supplement the Commission's delivery of relevant and helpful information, training, and EEO solutions to federal agencies, and its dissemination of federal sector research materials through placement of Commission decisions and other helpful federal sector information on EEOC's web site.

V. SERVING THE AMERICAN PUBLIC

We will continue our outreach program to meet the needs of diverse audiences and will partner with the employer community and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

Outreach

We have been able to reach out to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the US Virgin Islands and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island. With additional funding, the agency will have the needed resources to expand its presence into currently underserved geographic areas.



The EEOC will continue to enhance public awareness of discrimination in employment through partnerships with employee advocates, human resource professionals, employer groups, as well as State and Local human rights commissions or Fair Employment Practice Agencies (FEPAs). We will partner with the employer community and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

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

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

The Commission also will maintain its outreach to small businesses, especially those lacking the resources to maintain full-time professional human resources staff, and to stakeholders in under-served communities across the nation, including those with limited English proficiency, such as recently arrived immigrants.

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

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VI. REVOLVING FUND – EDUCATION, TECHNICAL ASSISTANCE AND TRAINING

The EEOC Training Institute (Revolving Fund) is a separate statutory authority that enables the EEOC to offer specialized fee-based programs to supplement the free outreach activities that are an on-going part of the EEOC’s mission. The Training Institute offers diverse, high quality training products to three primary markets: private sector employers; State and Local government personnel; and federal agencies employees including federal supervisors, EEO counselors and investigators. See Table 4 for a Summary of Financing for the Revolving Fund.

Table 4: Summary of Financing for the Revolving Fund FY 2008 to FY 2012							
Equal Employment Opportunity Commission Education, Technical Assistance, and Training Revolving Fund (Dollar Amounts in Thousands)							
	FY 2008 (Actual)	FY 2009 (Actual)	FY 2010 (Actual)	FY 2011 (Est.)	FY 2012 (Est.)	FY 2013 (Est.)	FY 2014 (Est.)*
Total Obligations	\$4,826	\$4,537	\$4,333	\$4,545	\$4,635	\$4,727	\$4,831
Financing:							
Offsetting collections from:							
Federal Funds	3,029	2,146	2,113	2,132	2,308	2,355	2,406
Non Federal Sources	3,041	2,223	2,122	2,141	2,318	2,364	2,416
Recoveries	100	-2	32	10	10	10	10
Order(s) on hand from Federal Sources							
Unobligated balance, start of year	1,721	3,065	2,895	2,829	2,567	2,568	2,570
Unobligated balance transferred (rescission)							
Unobligated balance, end of year	3,065	2,895	2,829	2,567	2,568	2,570	2,571
Net Budget Authority	\$7,891	\$7,432	\$7,162	\$7,112	\$7,203	\$7,297	\$7,402

*May not add due to rounding

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VII. AGENCY INFRASTRUCTURE

A. Introduction

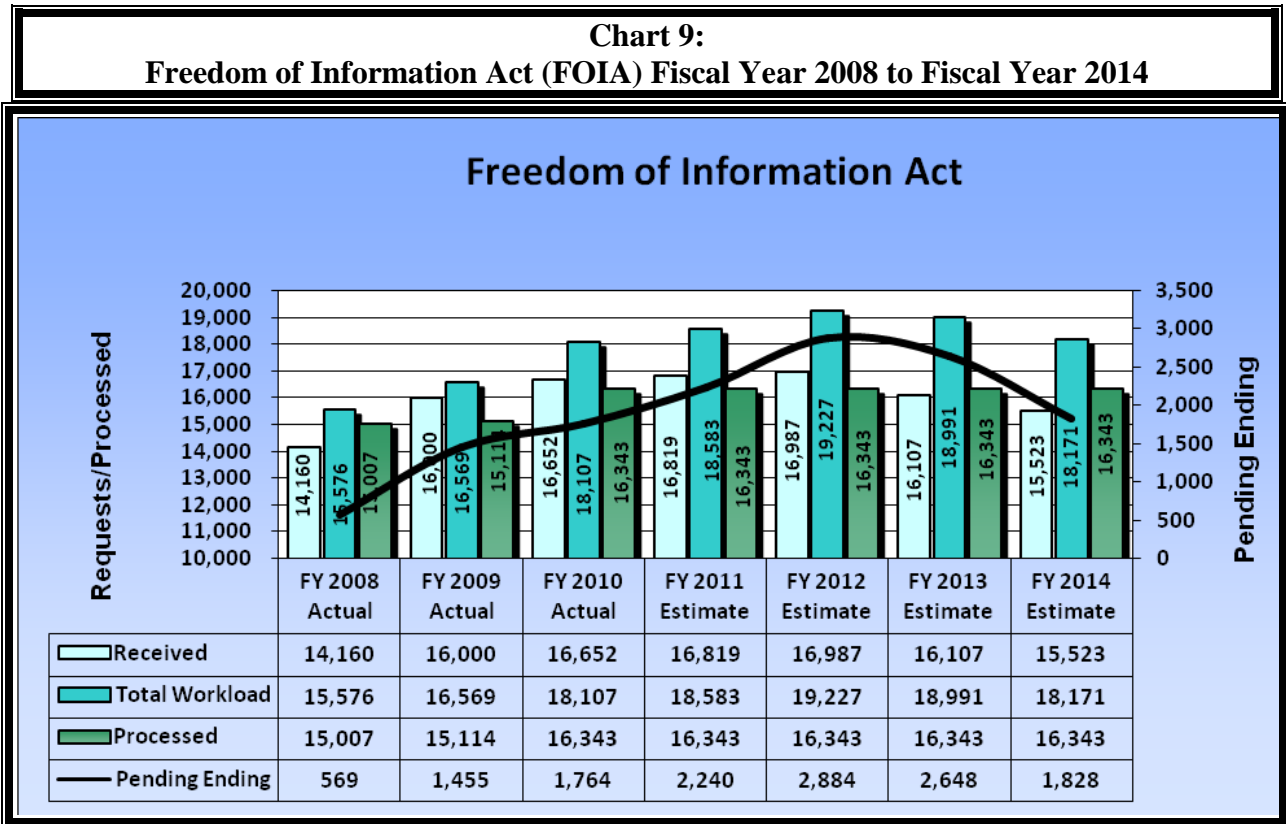
We are constantly seeking ways to achieve organizational excellence by improving our organizational capacity and infrastructure through sound management of our resources—human, financial and technological. Maximizing effective use of our resources is essential to achieve our enforcement and outreach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

B. File Disclosure Workload

As anticipated, the increased hiring of front line field office staff has increased EEOC’s ability to close a greater number of charge files. As a result, EEOC experienced a 10% increase in the number of records disclosure requests. The majority of these requests, over 95%, seek access to charge files. Almost 69% of these requests are made pursuant to the Freedom of Information Act (FOIA).

Although it is anticipated that a larger number of requests for charge files will be made pursuant to Section 83 of the EEOC Compliance Manual, Volume I, we continue to project a slight increase of 1% or less in the number of FOIA requests received by EEOC in fiscal years 2011 and 2012. We expect the number of FOIA requests received in fiscal years 2013 through 2014 to begin to decline, tapering off in the mid 15,000’s.

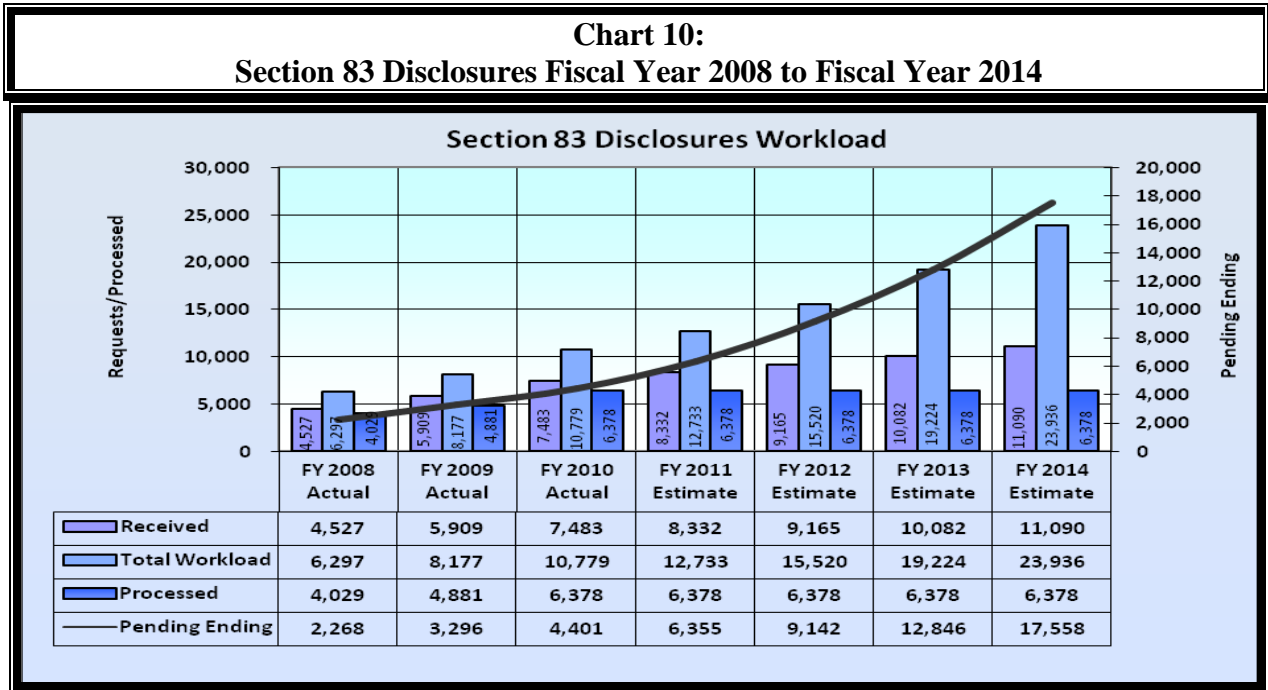
The chart below depicts the actual FOIA workload from fiscal year 2008 through fiscal year 2010 and estimations for fiscal year 2011 through fiscal year 2014 including requests received, total workload, requests processed and pending ending inventory.



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The data indicates that the number of charge file disclosure requests processed under Section 83 of the EEOC Compliance Manual will also increase, reaching an approximate high of 11,000 requests annually by fiscal year 2014.

The chart below depicts the Section 83 workload from fiscal year 2008 to fiscal year 2010 and estimations from fiscal year 2011 through fiscal year 2014 including requests received, total workload, requests processed and pending ending inventory.



C. Information Technology Funding

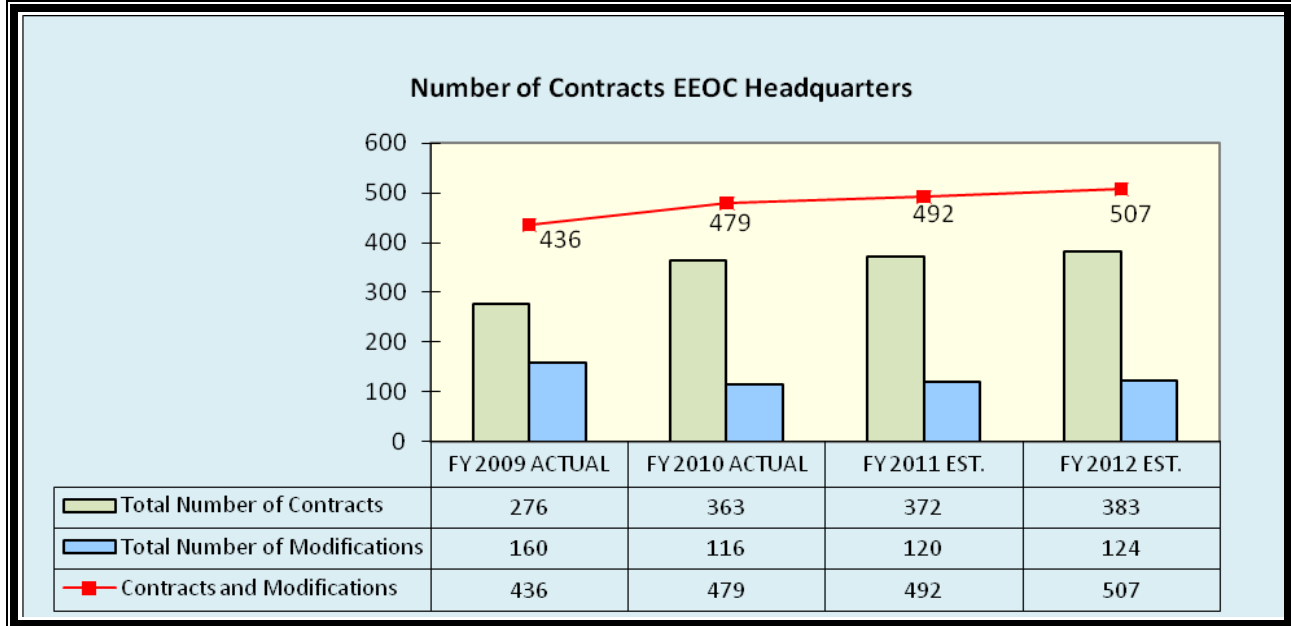
The EEOC Information Technology (IT) strategic vision provides the agency with a new direction for leveraging the power of technology to transform agency operations. This vision was created through multiple working sessions with EEOC staff representing all major program areas, ensuring a strong, direct alignment to EEOC’s business needs, mission goals, and priorities. Achievement of this vision will require the use of innovative web technologies, modernization of our technology infrastructure, transformation and automation of our business processes, standardization in applying best practices, and measured risk taking.

Fiscal year 2012 funding will allow the agency to continue progress on existing technology initiatives, such as the EEO File Exchange Server and OMB MAX forums discussed under Section IV.D, Federal Sector Strategies, while exploring opportunities to implement the Chair’s priority of increasing the efficiency of charge processing through expanded use of technology. We will also continue to support and maintain our current infrastructure and information systems, implementing cost containment strategies and program efficiencies as practical, while planning for future initiatives and funding in further support of our vision. This includes implementation of a “cloud-first” approach for IT investments, continuous monitoring of critical cyber activities and completion of Internet Protocol version 6 (IPv6) Transition Plans.

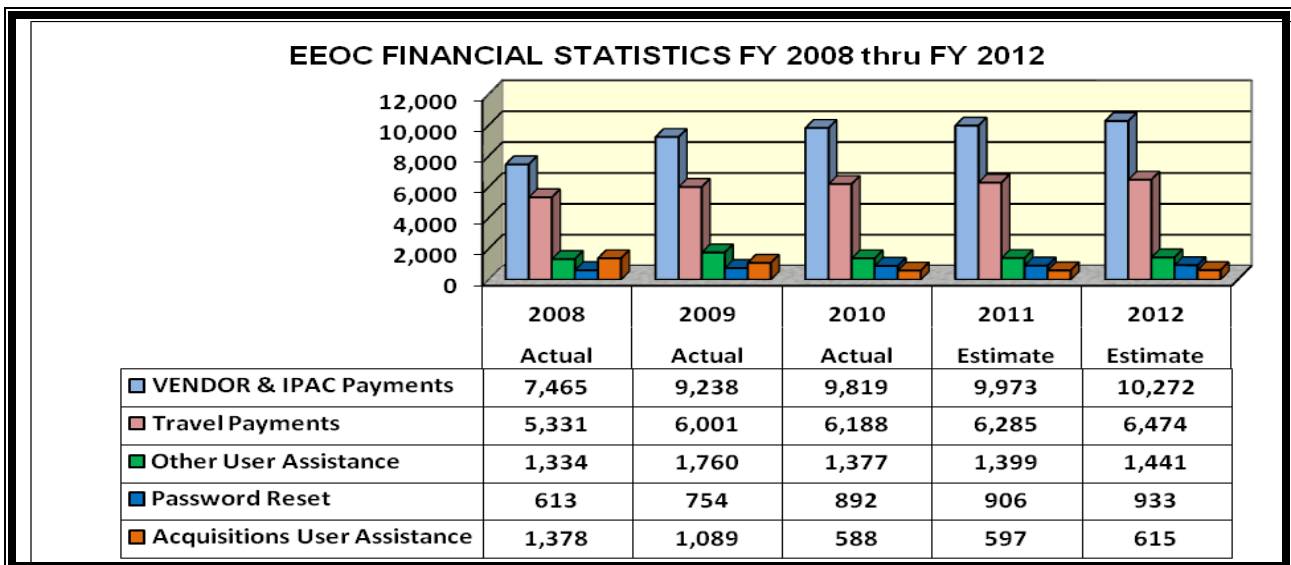
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D. Finance & Administration

The chart below displays the actual numbers of contracts awarded in fiscal year 2009 and 2010. As the chart shows we also are increasing the number of contracts awarded in subsequent fiscal years 2011 through 2012.



The chart below shows the fiscal year 2008, 2009 and 2010 actual vendors, Intra-governmental Payment And Collection (IPAC) and travel payments. Based on the actual figures, we estimate a consistent increase in payments through fiscal year 2012. The helpdesk statistics shows the agency users need for technical assistance continues to improve when accessing, updating and processing data within the EEOC financial system. We emphasize initial user training and conduct yearly refresher training for all users. The data below allows us to focus on the most needed areas in our annual refresher training.



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In addition, the Office of the Chief Financial Officer (OCFO) is responsible for numerous support functions including: (1) handling 301,500 pieces of regular and expedited mail, (2) processing 8,500 facility related requests, (3) maintaining an agency vehicle fleet of 76, (4) managing tangible property inventories/excessed of 7,600 items, (5) processing 3,930 records assistance requests and (6) managing 30 real property leases requiring rightsizing (lease negotiations, termination, space reconfiguration, tenant improvements and/or expansion).

Office Expansions, Rehabilitations, and Relocations

The agency continues to be challenged to meet the office space requirements for its 53 field office locations due to increased hiring in fiscal year 2009 and 2010. The agency is expanding office space at many locations, while carrying excess capacity of office space at a few others. The agency continues to plan space requirements for all offices for both the short and long terms. In fiscal year 2012 nineteen EEOC offices are targeted for relocation or expansion, which totals about 330,000 rentable square feet, compared with ten offices which expanded or relocated in fiscal year 2011--including the agency's Washington Field Office which relocated from the headquarters building. The total office space under lease will be about 1.1 million rentable square feet at the end of fiscal year 2012.

The offices slated for expansion include: Atlanta, Greensboro, N.C., Kansas City, M.O., Minneapolis, New York, and Oakland. Offices under lease that will relocate due to lease renewals, forced moves by other agencies or inadequate expansion space to support our increased staffing requirements are Detroit, Greenville, S.C.; Indianapolis, Jackson, Miss.; Las Vegas, Little Rock, Los Angeles, Miami, New Orleans, Newark, N.J.; Raleigh, N.C.; and Richmond, V.A; and Seattle. We will continue to right-size offices required by staffing levels as leases expire, and rehabilitate office spaces as dictated by safety issues, the age of furniture and the office environment.

E. Human Resources Function

EEOC's Employee Satisfaction Action Plan Result for Fiscal Year 2010

Workforce planning provides managers with a strategic basis for making human resource decisions. It allows managers to anticipate change rather than be surprised by events. Workforce planning also provides strategic methods for addressing present and anticipated workforce issues. Although we have not completed a formal workforce plan, much of the underlying work has begun. For example, we have established a Workforce Planning Team that is responsible for creating a 3-year workforce planning strategy for determining the numbers, grades, and locations of the MCO positions, and for matching MCO staffing levels with workload (which is part of the Hiring Reform Action Plan).

Competency management is also a focus of workforce planning. We have made significant progress in identifying competencies for three mission-critical positions and we are in the process of identifying proficiency levels and any competency gaps for these positions. Training is one strategy we use to manage competencies. OHR created a comprehensive training program and issued guidance that will assist managers in better managing their training needs within the comprehensive agency training program. Further, all employees were asked to work with their supervisor to develop an Individual Development Plan. In addition, we started a trend analysis of data on applicants and selections in an effort to help the agency perform more targeted recruitment.

Communication technologies can enable almost every aspect of organizational management and effectiveness, including change management, knowledge management, participative management, innovation, and organizational partnerships and alliances. Consequently, we plan to expand and improve

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the delivery methods of providing information to employees on topics vital to the Agency's mission and of concern to employees, as well as the quality, frequency, and relevancy of the information. For example, we are redesigning our intranet to allow employees to find information more easily, as well as allow offices to post information more easily and in different layouts. We have conducted an internal review of how we provide information to the public as well as the type and format of the information provided. That review is also expected to produce recommendations on how to improve internal communications within the agency. We distributed new laptops with docking stations to all employees. This refresh of agency computers allows for easier teleworking as each laptop is equipped with the necessary security features and the software that allows for secure remote access to the EEOC's network. Finally, we launched a health coaching program and a pilot mentoring program.

EEOC Wellness Program

Planning for the health needs of employees is a wise investment. The EEOC has consistently demonstrated its commitment to employee wellness by promoting healthy practices and related workplace initiatives. We operate comprehensive health unit services in headquarters and most field offices through the Department of Health and Human Service's Federal Occupational Health. These units provide medical services while emphasizing preventive health measures in the belief that these programs are essential to an effective and productive organization. Many programs focus on educating employees about how they can impact their well being. The agency's internal web site is an important source of wellness and health benefits information. Yearly health fairs are held to assist employees in navigating among the myriad health options available to them. The most recent health fair offered healthy living information through blood pressure screening, body mass index assessment and healthy cooking demonstrations, all part of a one stop health educational market place.

The Commission is launching a new initiative in fiscal year 2011 that will offer health coaching to all its employees and has a well established and growing ergonomics program. Agency offices are also equipped with defibrillators and we have sponsored training in CPR in support of these devices.

Our headquarters location houses a fitness center with shower and locker rooms, secured bike room and outside bicycle rack, hand sanitizing stations and indoor/outdoor tobacco free areas among its health conscious amenities. We promote the availability of employee paid services such as yoga and massage therapy on site as well as a lactation room in the health unit.

We will continue to improve on our current efforts and direct our future resources more effectively through agency-wide wellness assessments.

See Appendix B for a description of the EEOC Wellness Program.

F. Equal Opportunity

EEOC remains firmly committed to promoting and maintaining a work environment that ensures equality and inclusion for all of our employees and applicants for employment. The Office of Equal Opportunity (OEO) is charged with ensuring that the Commission accomplishes these goals, through its Complaint Processing Program and the Affirmative Employment Program. Working collaboratively with the highly-dedicated employees, managers, and stakeholders of EEOC—OEO is seizing the challenges and opportunities to create and sustain a diverse and inclusive workforce that best serves the public.

Creating a Diverse Workforce and an Inclusive Workplace

In an effort to create a diverse workforce and an inclusive workplace, EEOC continues to conduct rigorous barrier analysis of the workforce to identify barriers to full participation and to create innovative

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action plans to remove those barriers. We have removed several workplace barriers within the past year due, in part, to increased resources and a reinvigoration of the Affirmative Employment Program. In addition, OEO has revived the EEOC Speaker Series to encourage our employees to discuss matters of contemporary social justice by inviting commentary from a wide-range of speakers. We have further developed and strengthened our relationships with affinity groups/employee organizations to share information, develop strategies to promote an inclusive workplace, and establish partnership agreements to support relevant initiatives.

Enforcing EEO Laws, Regulations, and Policies within EEOC

The Complaint Processing Program continues to ensure compliance with EEO laws, regulations, and policies. We have improved the adherences to regulatory timeframes and the quality of counseling, investigations, and decisions by conducting a comprehensive review of existing processes and procedures, and by identifying new strategies (*e.g.*, fact-finding conferences, electronic reporting, and the complaint processing plan) to provide improved services to our employees and applicants for employment. We have also increased training for OEO staff and agency employees. Because of these efforts, made possible by increased resources, OEO completed 95% of counseling, 100% of the backlog investigations, 100% of investigations received after the first quarter of fiscal year 2009, and 90% of final agency decisions within prescribed regulatory time frames.

G. Workplace Issues

Addressing workplace issues fairly and effectively helps foster amicable working relationships, enhances employee morale and productivity, and reduces the financial and other resources associated with workplace conflict. In 2003, the Commission launched RESOLVE, the EEOC's internal alternative dispute resolution program. In fiscal year 2010 the program resolved approximately 73 percent of the mediated disputes. On average, it has done so within 80 days of receiving a complaint. RESOLVE will continue outreach to all of the Commission's staff in Headquarters and the 53 field offices. It will also continue to conduct seminars to help employees develop conflict resolution skills.

To fulfill the Commission's vision for a fair and inclusive workplace, and as a key component of the EEOC's model workplace initiative, the Commission plans to expand its internal workplace dispute resolution program by creating an office of organizational (internal) Ombudsman. Through confidential employee engagement, Ombudsman promotes better communication, fosters constructive dialogue, increases collaboration, identifies systemic issues, facilitates equitable outcomes, and improves transparency of the organization.

VIII. STRATEGIC PLAN AND PERFORMANCE MEASURES

A. Introduction

The budget request for fiscal year 2012 is \$385,520,000. The agency's first Strategic Plan was published on October 1, 2006. Over several years, the agency made interim modifications resulting in the current version of its Strategic Plan located on the agency's Web site at www.eeoc.gov/eeoc/plan/strategic_plan_07to12_mod.cfm. The agency's current Strategic Plan provides one Strategic Objective: Justice, Opportunity and Inclusive Workplaces. The plan contains nine performance measures under this Strategic Objective: two long-term, six annual, and one efficiency measure. These measures are used to drive results and accountability throughout the agency.

The agency's nine performance measures are directly related to its three front-line enforcement operations—processing private sector charges, litigating private sector cases, and conducting hearings and appeals of federal sector cases.

All of these activities are done in the service of the following shared goals:

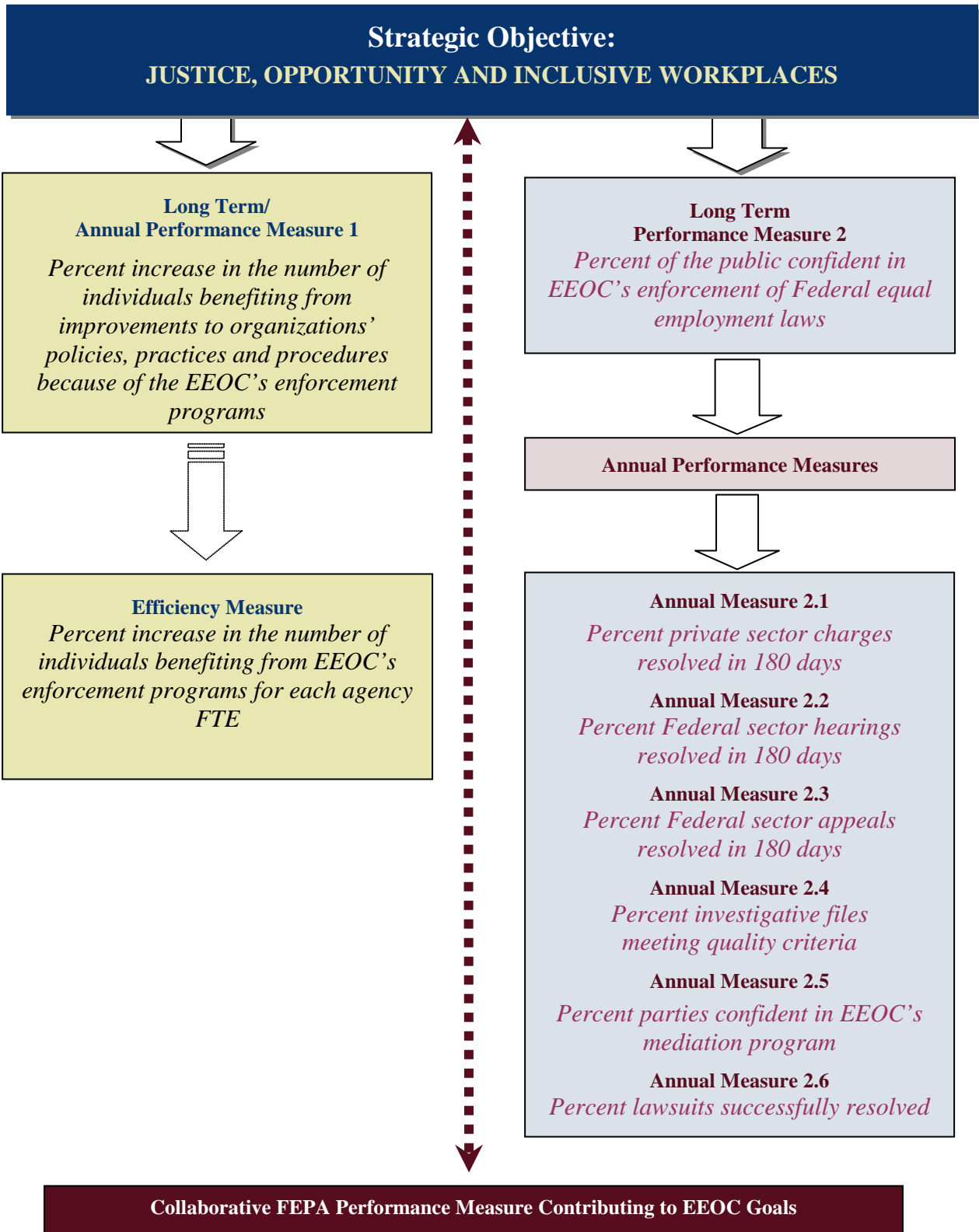
- remedying and deterring unlawful employment discrimination;
- increasing compliance with the federal equal employment laws; and
- increasing public confidence in the fair and prompt resolution of employment discrimination disputes.

Our requested funding will enable us to strive toward meeting the strategic goals and performance measures we have adopted to date. Each performance measure is more thoroughly discussed in Section VIII C.

B. Modified Strategic Plan and Budget Structure

The structure of the performance budget for fiscal year 2012 is based on our modified 2007 - 2012 Strategic Plan that was approved by the Commission on July 28, 2008. Correspondingly, this performance budget aligns with the agency's Strategic Objective of *Justice, Opportunity and Inclusive Workplaces*.

STRATEGIC PLAN OVERVIEW




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C. Performance Measures and Results

The current Strategic Plan covers fiscal years 2007 through 2012. It was initially issued on October 1, 2006, and established a new strategic framework and corresponding performance measures. In fiscal year 2008, the Strategic Plan was modified. These modifications are included in the current performance measurement structure graphically displayed on page 40. (Also, see Section VIII, F, *Interim Adjustments to the Strategic Plan*, on page 47 for a description of the specific modifications made to the Strategic Plan.) On July 28, 2008, the Commission approved the current configuration of the Plan, including adjustments to some performance measure baselines and annual targets.

The resources requested in this performance budget are focused on maintaining the reach of our enforcement and outreach programs, while promoting public confidence in our ability to resolve charges of discrimination in a timely, accurate, and consistent manner.

Long-Term/Annual Measure 1

By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs increases by 20.2%.						
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	Established Baseline	2%	10%	12.2%	15.6%	20.2%
Result	1,626,000 individuals	222.9%	234.3%	326.3%		
						Exceeded Target

Long-Term/Annual Measure 1 focuses on tracking the improvements that are made in the workplace as a direct result of our enforcement programs. When we secure changes in employment policies, practices, and procedures through our enforcement programs, we have a positive impact not only on the immediate victims of discrimination, but also on all individuals in the affected workplace. With the agency's renewed emphasis on combating systemic discrimination, we expect to make significant increases over time in the number of individuals who benefit from our enforcement activities.


Long Term/Annual Measure 1 was developed to focus on all enforcement services we provide to the public that result in workplace benefits. Therefore, these results include benefits from administrative resolutions (including mediation), litigation resolutions, federal sector hearings and appeals resolutions. We subsequently established a baseline value for fiscal year 2007 and projected the annual targets and a final goal for the remaining years of the plan, based upon our previous experience with data collection for our administrative charge processing program. While it was important to include all of our enforcement programs in the measure, it was difficult to estimate their effect on the final results. In addition, there was also the strong possibility that one or two large enforcement actions against a nationwide entity could affect the results in a significant way in any one year.

The fiscal year 2010 annual target for this measure was to increase the number of individuals benefiting from improvements to organizations' policies, practices, and procedures by 12.2 percent over the fiscal year 2007 baseline. Although our results for fiscal years 2008 (222.9%) and 2009 (234.3%) were substantially above the annual targets we established for those years, we retained the targets until we

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collected the data for an additional year to confirm the successful trend. The fiscal year 2010 result was 326.3 percent above the baseline value, or 6.9 million individuals benefiting from workplace improvements obtained through all of our enforcement programs--substantially surpassing the target level. Based on the consistently high performing results for this measure, we will reevaluate the utility of maintaining this measure and the associated targets as part of the agency's strategic planning review process.

Efficiency Measure


By 2012, the number of individuals benefitting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs for each agency FTE increases by 11.7%.						
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	Established Baseline	1.8%	2.2%	4.3%	7.4%	11.7%
Result	753.5 individuals per FTE	220.2%	229.1%	285.7%		
						Exceeded Target

Approximately 70.1 percent of the agency's budget is dedicated to compensation and benefits. Linking the external impact of EEOC's enforcement programs to the Full Time Equivalent (FTE) number of positions is a valid indicator of the efficiency of our operations. The correlation to our FTE level is appropriate as it recognizes that our staff are the direct contributors to positive change in the workplace and because staff levels are susceptible to change.

In fiscal year 2010, the agency had 2,385 Full-Time Equivalent (FTE) positions for over 6.9 million individuals who benefited through our enforcement programs because of improvements to policies, practices, or procedures in their workplaces. Therefore, approximately 2,906.3 individuals benefited for every FTE. This was an increase of 285.7 percent over the fiscal year 2007 baseline, compared to the 4.3 percent target increase for fiscal year 2010. As is the case with Long Term/ Annual Measure 1, we are reevaluating this measure and its projected targets as part of our strategic planning review process.

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Long-Term Measure 2

By FY 2012, the public rates its confidence in EEOC's enforcement of federal equal employment laws at 65% or higher.			
	FY 2007	By the end of FY 2010	By the end of FY 2012
Target	Established Baseline	63%	65%
Result	61%	TBD*	
			TBD*

* A follow-up survey is pending the completion of the agency's overall strategic planning assessment

If members of the public are aware of EEOC's enforcement activities and believe that the agency has handled discrimination complaints effectively, they will be more likely to rely on the agency to investigate, mediate, litigate, adjudicate, and/or otherwise resolve allegations of discrimination. Additionally, if the agency has a reputation for fair and responsible enforcement of the federal employment discrimination laws, then employers, attorneys, and other members of the public will be more likely to defer to EEOC's assessment of discrimination complaints and commit to voluntary compliance through mediation, settlement, or conciliation.


To measure the public's confidence in EEOC's enforcement of federal equal employment opportunity laws, the agency engaged a private organization to conduct a survey in fiscal year 2007 of a representative sample of individuals nationwide. From that survey, EEOC was able to establish a baseline value for fiscal year 2007. A follow-up survey is pending the completion of the agency's overall strategic planning assessment.

As with the previous measures, EEOC will reevaluate the utility of maintaining Long-Term Measure 2 as part of its overall strategic planning process. The agency has also identified the following six, annual measures, under Long-Term Measure 2, that contribute to the public's confidence in EEOC.

Annual Measures 2.1, 2.2, and 2.3 focus on the resolution of private sector charges, federal sector hearings, and federal sector appeals, respectively.

*Relationship Between Annual Program Performance Goals
and the Strategic Goal Framework*


Annual Measure 2.1: Timeliness of Private Sector Charges

Annual Measure 2.1					
At least 54% of private sector charges are resolved in 180 days or fewer by FY 2012.					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	48.0%	48.0%	48.0%	51.0%	54.0%
Result	48.5%	39.7%	38.3%		
					Target Not Met

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In fiscal year 2010, we processed 38.3 percent of charges in 180 days or less, which was short of our intended target. The agency's inability to meet this target was due to a large pending inventory, and increasing number of charge receipts, and a shortage of front-line staff. For the long-term, however, we believe that the agency's multi-year approach to reducing the pending inventory will yield improved performance on processing charges in 180 days or less. We will continue our efforts to achieve target levels for timely service and to improve the quality of investigations while handling our charge inventory.

Annual Measure 2.2: Timeliness of Federal Sector Hearings

Annual Measure 2.2					
At least 54% of federal sector hearings are resolved in 180 days or fewer by FY 2012.					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	50.0%	50.0%	52.0%	53.0%	54.0%
Result	38.6%	40.6%	37.4%		
					Target Not Met

Annual Measure 2.2 addresses the resolution of federal sector hearings within 180 days. In fiscal year 2010, the agency had resolved 37.4 percent of federal sector hearings within 180 days. Although the targets and final goal reflect the agency's commitment to continue the timely handling of federal sector hearings, our reported results remain significantly below the projected targets that were increased to 52 percent for this year. Over time, our efforts to achieve this goal have become more difficult because of increasing workloads and a greater emphasis on enhancing the quality of hearings. In addition, the agency's efforts to achieve this goal have been compounded by the departure of a number of AJs who accepted Administrative Law Judge (ALJ) positions in other agencies, which prompted the reassignment of their complaints, creating larger caseloads and further delays in complaint processing. However, the Hearings Programs' launched technological enhancement, HotDocs, should streamline the decision writing phase of the hearings process for the long-term, and is expected to produce gains in the processing time for complaints. Therefore, we will continue to reinforce our efforts to achieve the projected annual targets.

Annual Measure 2.3: Timeliness of Federal Sector Appeals


Annual Measure 2.3					
At least 70% of federal sector appeals are resolved in 180 days or fewer by FY 2012.					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	62.0%	64.0%	66.0%	68.0%	70.0%
Result	63.3%	65.0%	66.2%		
					Exceeded Target

Annual Measure 2.3 addresses the resolution of federal sector appeals within 180 days or less. The annual targets for this measure have consistently increased and the agency has successfully met its goals each year. In fiscal year 2010, the agency continued this successful effort by resolving 66.2 percent

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of its federal sector appeals within 180 days or less, exceeding the fiscal year 2010 target. We will continue to increase the proportion of appeals resolved within the time frame, as we move toward the final goal of 70 percent in fiscal year 2012.

Annual Measure 2.4: Quality of Private Sector Investigations

Annual Measure 2.4 At least 93% of investigative files meet established criteria for quality by FY 2012.					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	90.0%	90.0%	91.0%	92.0%	93.0%
Result	97.0%	95.1%	96.0%		
					Exceeded Target

Annual Measure 2.4 ensures that investigative files meet quality standards. A large proportion of sampled investigative files are reviewed to determine whether they meet two critical quality criteria: 1) the appropriate charge categorization and file documentation supports the actions taken; and 2) the resolution of the charge is supported. This measure is intended to ensure that we do not complete our work too quickly at the expense of performing our work well. The annual targets for this measure have increased since the baseline was established in fiscal year 2005, and the agency has consistently exceeded these targets each year. In fiscal year 2010, 96 percent of investigative files met the requisite quality standards, exceeding the fiscal year 2010 target of 91 percent.


Annual Measure 2.5: Confidence in Private Sector Mediation Program

Annual Measure 2.5 At least 95% of respondents and charging parties report confidence in EEOC's private sector mediation/ADR program by FY 2012.					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	91.0%	92.0%	93.0%	94.0%	95.0%
Result	96.5%	96.0%	96.7%		
					Exceeded Target

Annual Measure 2.5 focuses on EEOC's mediation/ADR program. We recognize that the public's confidence in our mediation program has a significant impact on its perception of the agency as a whole. Results for this measure were obtained by surveying participants in EEOC's mediation program and tabulating the responses related to the confidence level they reported in using the program. Based on this methodology, the confidence level in this program is rated consistently high. We believe a high level of confidence helps to convince participants, particularly company representatives, of the value of alternative dispute resolution. At the end of fiscal year 2010, 96.7 percent of all participants reported that they would return to EEOC's mediation program in the future.

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Annual Measure 2.6: Success in Litigation

Annual Measure 2.6 At least 90% of EEOC lawsuits are successfully resolved during the period ending in FY 2012.					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Target	90.0%	90.0%	90.0%	90.0%	90.0%
Result	91.2%	90.3%	90.2%		
					Exceeded Target

Annual Measure 2.6 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success on this measure means we have exercised our prosecutorial discretion, responsibly. Based on the results of a three-year weighted average (i.e., fiscal years 2008 through 2010), EEOC’s litigation success rate was 90.2 percent at the end of fiscal year 2010 – slightly above the target.

Collaborative FEPA Measure Contributing to EEOC Goals

EEOC recognizes the importance of working with our partners the State and Local Fair Employment Practices Agencies (FEPAs). Therefore, we are considering a joint measure that would potentially assess FEPAs contribution to the agency's strategic goal and mission. The recommendation will be reviewed as part of the agency's overall strategic planning evaluation.

D. Verification and Validation of Data

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

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

We have implemented approaches that enable the agency to collect information more rapidly and accurately by eliminating the need to enter information multiple times before it can be reviewed and analyzed. For example, we implemented a secure, web-based system that enables all federal agencies to electronically submit annual equal employment opportunity statistics (Form 462). This system continues to improve the quality and timeliness of the information we receive. Finally, we continue to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. The IMS includes many automated edit checks and rules to enhance data integrity. Since several of our new performance measures require us to use data to assess our

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achievements, it is significant that we can now obtain those data much more quickly and with greater data accuracy.

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

E. Program Evaluations

Schedule of Future Program Evaluations

The following schedule of program evaluations will be reviewed during the agency's strategic planning assessment process.

Program Evaluation	Statement of Parameters of the Program Evaluation	Expected Initiation and Completion
Priority Charge Handling Procedures	Evaluate how well the Priority Charge Handling Procedures are working and ways to improve their implementation.	Completed 1 st Quarter FY 2011
Outreach/Technical Assistance	Evaluate the effectiveness of fee and non-fee based outreach/technical assistance efforts; for example, agency Technical Assistance Program Seminars (TAPS), speakers at meetings, forums, panels or other activities designated as outreach or technical assistance.	Pending agency's overall strategic planning assessment
EEOC External Communications	Evaluate the impact and effectiveness of the EEOC's external communications efforts, including publicity, the agency's activities with the media, the external web site, and other public communications efforts.	Pending agency's overall strategic planning assessment
Effect of EEOC's Federal Sector Evaluations and Assistance	Evaluate the results achieved from EEOC's evaluation and assistance activities with federal agencies that changed policies, practices or procedures.	Pending agency's overall strategic planning assessment
Systemic Enforcement	Evaluate the effectiveness of the EEOC's systemic enforcement initiative.	Pending agency's overall strategic planning assessment

F. Interim Adjustments To The Strategic Plan

The agency has made interim modifications to its Strategic Plan for fiscal years 2007 through 2012, which was initially issued on October 1, 2006. As the agency implemented the new performance structure and several new performance measures included in the Strategic Plan, it has made several modifications. As the modifications were adopted, they were included in the agency's Performance and Accountability Report (PAR) and its performance budget. On July 28, 2008, the Commission approved a Strategic Plan that contained previous modifications made to the initial Plan, and included several additional modifications to the performance structure. All of the modifications made to the Strategic Plan are described below:

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- Revised Long-Term Measure 1

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

- Removed the Management Objective—Incorporate Concepts into Means and Strategies

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

- Revised References to the Five- Point Plan

Also, the concepts described under the umbrella of the Five-Point Plan have always been critical aspects of its work. Although the Five-Point Plan itself provided an overall structure to express these important concepts, it added another organizational layer to the Strategic Plan that the agency now considers unnecessary and so it was removed. Even though the structure of the Five-Point Plan was removed, the essential concepts were merged into the current Strategic Plan's Means and Strategies section.

- Revised the Schedule of Program Evaluations

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

In addition, a completed program evaluation on the Private Sector Charge Process that informed one of our revisions of the program evaluation schedule was described.

- Revised Organizational Elements

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

- Revised Performance Structure and Established Final Goals for all Performance Measures

The performance measures in the Strategic Plan published on October 1, 2006, did not include final goals, because of the new performance structure that had been developed during the 2006 program

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assessment of the agency a few months earlier. Since that time, the agency has developed annual targets and final goals for those performance measures retained in the modified Strategic Plan (not all of the original measures were retained—see the description of other modifications to the performance measurement structure, above). As targets/final goals were adopted for measures, they were incorporated into other agency reports; such as the agency’s fiscal year 2007 PAR published in November 2007 and its fiscal year 2009 budget submission to Congress in February 2008.

Further modifications were included in the Strategic Plan approved by the Commission on July 28, 2008. For Long Term Measure 2—public confidence in EEOC to enforce its laws—the agency increased the previously published baseline value for fiscal year 2007; the multi-year targets; and the final goal for fiscal year 2012. The increased values resulted from a reassessment of the data collected from the survey taken of nationwide respondents who were asked a question about their confidence in EEOC. The original values were established using scores in the 8-10 range on a 10-point scale, with “10” as the highest score. Based on the reassessment, the range was expanded to the 7-10 range, which included additional respondents indicating their confidence in EEOC. The Commission determined that the modification was warranted because the revised range of scores more appropriately measured the public’s confidence in the agency’s enforcement of its laws.

The Commission’s vote on the Strategic Plan in July also modified the annual targets and final goal for Annual Measure 2.1—resolving private sector charges within 180-days or fewer. It reduced these values to adopt ambitious, but more realistic, goals for the agency, based on a series of factors—e.g., the existing number of charge receipts, the projected year-end inventory, and existing staff resources. Nevertheless, after the agency’s earlier program assessment (which developed the new performance structure), it was determined that higher annual targets and a final goal would be established for this measure. Annual Measure 2.1 and its annual targets and final goal are under review as the agency prepares its new Strategic Plan strategy.

Another modification was to remove Annual Measure 2.7—the number of individuals who demonstrate an awareness of their equal employment opportunity rights and responsibilities. Subsequent to the baseline and target information first reported for this measure, the agency has considered some alternative methodologies that could be used to measure the results for this performance measure, using data based upon responses to other questions from the nationwide survey. Since the agency is still considering the approach that should be used to measure results in this area, the Commission felt that it was appropriate to remove the measure from the agency’s performance structure at this time, until we have had a full opportunity to carefully consider the best approach.

The agency also modified the program evaluation schedule to move the evaluation of the Systemic Enforcement initiative to fiscal year 2012. The Commission determined that it would be more advantageous to evaluate this initiative after the agency has had more time to implement it, so that it can measure results over a more appropriate time frame.

- Other Revisions

A placeholder was added for the development of a measure of the contribution of our FEPA partners toward achievement of the agency’s goals.

In addition, the graphic presentation of the new performance structure was revised to accurately reflect the other revisions made to the plan.

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APPENDIX A: EMPLOYEE SATISFACTION ACTION PLAN

Introduction

The EEOC values its employees' satisfaction in the workplace. We have increased funding for training and awards over recent years and have experimented with using a blog and email accounts that permit employees to make suggestions and comment directly to the EEOC Chair. The Commission, however, has faced significant challenges which are reflected in the most recent Federal Employee Viewpoint Survey. Principally among those challenges has been the lack of resources to address the substantial increase in the workload of the agency.

In examining the Federal Employee Viewpoint Survey results, employee concerns center on four major areas: resources, training and development, transparency and accountability and employee work life issues. In particular the survey indicates that the agency must, in addition to seeking adequate funding, ensure that employees understand the agency's actions in obtaining and allocating resources. Further, emphasis must be placed on the allocation of resources to provide training and development in the agency's mission critical positions. Next the agency must continue its efforts to improve and ensure communication of information from senior staff to front line employees; and lastly seek to improve the agency's survey results in areas relating to employee health, wellness, safety, employee assistance and other work/life issues.

Methodology

Prior to developing the EEOC Action Plan, the SWAT Team requested input from the EEOC SES Advisory Council and the National Council of EEOC Locals No. 216, AFGE, which represents a significant number of EEOC employees. In addition, three focus groups were conducted to gather additional input.

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EEOC Action Plan for Resources	
(1) OBJECTIVE:	Educate and engage employees in addressing EEOC funding and resource issues by improving vertical and horizontal communication, managing the allocation of resources more effectively and transparently, and creating metrics that are meaningful in helping the agency achieve its mission.
RESPONSIBLE OFFICIAL(S):	Chair; Chief Operating Officer (COO); General Counsel; Director, Office of Field Programs; Director, Office of Human Resources (HR), Senior Executives
DATE OBJECTIVE INITIATED:	September 1, 2011
TARGET DATE FOR COMPLETION OF OBJECTIVE:	September 30, 2012
(2) IDENTIFIED ACTIONS TO BE TAKEN	
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE	TARGET DATE
Identify workload benchmarks (timeliness, quality, etc.) for at least three mission critical positions (Investigator, Mediator, and Trial Attorney) and create a Workforce Planning Team that would be responsible for creating and submitting to the Chair a 3 year workforce planning strategy for determining the numbers, grades, and locations of the MCO positions within the Chair’s budget as well as match mission critical position staffing levels with workload. (also part of Hiring Reform Action Plan)	Annually on January 15th
Conduct trend analysis of demographic data on recruitment sources, strategies, applicants, selections, and separation.	June 1, 2012
Create a recruitment/staffing plan that uses the above analysis to improve quality of hires and reduce time to hire. (also part of Hiring Reform Action Plan)	August 2012
Determine number of interns, detailees, and volunteers that agency can accommodate and maximize usage of these individuals.	March 31, 2012
(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS	
Gap analysis of staffing levels – reduce gap annually. End to end time to hire – 10% improvement towards goal of 80 calendar days per year. Quality of hires meets expectations of hiring managers – 75% of the time.	
(4) HOW PROGRESS WILL BE TRACKED	
Degree to which staffing levels are matched to workload levels. Bi-weekly vacancy/hiring report. Semi-annual surveys of hiring managers and use of OPM manager satisfaction survey Periodic surveys or focus groups.	

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EEOC Action Plan for Training and Development	
(1) OBJECTIVE:	Evaluate and modify the agency's training and development program to ensure training needs are assessed, and adequate, effective, quality training is provided in a timely manner
RESPONSIBLE OFFICIAL(S):	Chair, COO, HR Director, Senior Executives
DATE OBJECTIVE INITIATED:	September 1, 2011
TARGET DATE FOR COMPLETION OF OBJECTIVE:	September 30, 2012
(2) IDENTIFIED ACTIONS TO BE TAKEN	
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE	TARGET DATE
Identify and communicate competencies needed in three mission critical positions (Investigator, Mediator, and Trial Attorney) of three proficiency levels and identify competency gaps for individual employees.	April 31, 2012
Create a comprehensive training plan with priority given to closing identified competency gaps and creating a sound, comprehensive, standard employee development program for mission critical positions. The plan should include recommendations as to the proper funding levels (fixed amounts or percentages of agency budget) for core training, IDPs, etc.	January 31, 2012
Prior to the beginning of each fiscal year, create an addendum to the comprehensive training program above that focuses on specific areas of improvement, enhancement, or new areas for which specific training will be made available.	August 31, 2012
Conduct a return of investment analysis of the agency's training and development program and provide semi-annual reports to agency staff.	March 31, 2012
Ensure each employee works with his/her supervisor in developing an Individual Development Plan each year.	Ongoing
Share Human Capital Plan and Succession Plan with all employees.	December 31, 2011
Create competitive career paths that allow employees to compete for career advancement opportunities that include the training and developmental opportunities needed to make the transition.	April 30, 2011
Mandate that all new supervisors attend Management Development Institute (MDI) training within 1 year of becoming a supervisor.	January 1, 2012
Expand Mentoring Program agency-wide.	July 1, 2012
(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS	
Completion of competencies assessment in mission critical positions. Percentage of IDPs in place, 25% increase over current level. 100% dissemination of Human Capital and Succession plans. Timely issuance of comprehensive annual training plan. Establishment of on-going Mentoring Program.	
(4) HOW PROGRESS WILL BE TRACKED	
Review of IDP completions, training plans, core competencies evaluation. Focus groups and employee surveys.	

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EEOC Action Plan for Transparency and Accountability	
(1) OBJECTIVE:	Expand and improve the delivery methods of providing information to employees on topics vital to the agency's mission and of concern to employees, as well as the quality, frequency, and relevancy of the information.
RESPONSIBLE OFFICIAL(S):	Chair, COO, Senior Executives and Managers
DATE OBJECTIVE INITIATED:	September 1, 2011
TARGET DATE FOR COMPLETION OF OBJECTIVE:	September 30, 2012
(2) IDENTIFIED ACTIONS TO BE TAKEN	
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE	TARGET DATE
Create and implement a comprehensive internal communications strategy that encompasses ongoing communication with staff on such matters as the direction the Chair wishes the agency to move in, the highest priorities to be addressed, and the resources that will be brought to bear on those issues. Consideration should be given to using new information delivery methods (e.g., "town hall meetings", blogs, Facebook, Twitter), and greater use of focus groups and video conferencing. In addition, the Chair will communicate with each office on a one-on-one basis at least once a year.	December 31, 2011
Update InSite to improve user friendliness and to allow more flexibility for sharing/posting information.	December 31, 2011
Institute a robust employee suggestion program, possibly one that allows for employee voting or input on identifying best suggestions or ideas.	March 31, 2012
(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS	
Number of delivery methods implemented to reach all employees increases. Number of employees who participate/use new delivery methods. Number of employee suggestions or recommendations made to improve the agency's performance and also the number put into practice.	
(4) HOW PROGRESS WILL BE TRACKED	
Employee participation. Surveys and focus groups.	

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EEOC Action Plan for Work/Life Issues	
(1) OBJECTIVE:	Increased focus on employee work/life issues; creation of a safe, ergonomic, employee-friendly work environment
RESPONSIBLE OFFICIAL(S):	Chair, COO, HR Director, OCFO Director, Senior Executives and Managers
DATE OBJECTIVE INITIATED:	September 1, 2011
TARGET DATE FOR COMPLETION OF OBJECTIVE:	September 30, 2012
(2) IDENTIFIED ACTIONS TO BE TAKEN	
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE	TARGET DATE
Expand Safety and Health Programs by identifying potential health and safety hazards; determining where, what and how to address real and perceived problems; and communicating improvements and actions taken. Develop standards for a model office/workstation work area based on input from employees, safety experts, and ergonomic experts.	March 31, 2012
Develop and promote wellness programs and employee groups for fitness (e.g., health coaching, walking groups, weight watchers, etc.).	November 30, 2011
Conduct a detailed evaluation, including making recommendations, of all accident and health issue reports for the past three years and determine which location(s) and cause(s) create the high risk environment(s), develop plan for and take corrective action.	December 31, 2011
Conduct focus groups to identify approaches/ways to increase participation rate in teleworking and produce an action plan	February 28, 2012
(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS	
Participation in telework -- doubles in 2 years. Increase number of participatory employee groups related to fitness, health and work/life issues. Percentage of employees engaged in fitness and wellness programs – 75% in 2 years. Number of accidents and OWCP claims – 10% reduction.	
(4) HOW PROGRESS WILL BE TRACKED	
Semi-annual reporting of number of employees using telework. Number of severe accidents. Number of OWCP claims. Number of and participation in wellness and fitness groups or activities.	

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APPENDIX B: EEOC WELLNESS PROGRAM

Agency/Component: EEOC

2011/12 Worksite Wellness Program Implementation Plan Guidance				
Indicate the Worksite Wellness Program Element (complete one of these forms for each of the five elements): Health Education <input type="checkbox"/> Social and Physical Environments <input type="checkbox"/> Integration <input type="checkbox"/> Screenings <input type="checkbox"/> Linkages with Related Programs <input checked="" type="checkbox"/>				Date: 1-19-2011
Describe the gaps in services based on a needs assessment Assessment will determine gaps				
Describe existing and potential barriers to and opportunities for improvement (e.g. existing processes, systems, partnerships) Limited technical knowledge of web page development on staff				
Describe changes the agency can make to improve on gaps in services Improve integration and coordination among various health benefits and services				
Define Success upon Completion of the Action Steps Below (i.e., what constitutes improvement or achievement of the desired outcome?): Increase participation to 20% in first year. Increase from 20% to 35% second year. Reevaluate after second year.				
Action Steps				
Actions to be Taken	Key Deliverables/Output	Start Date/End Date	Responsible Party (Parties)	Budget, Resources, and Approvals Needed
Improve communication and interaction between work site wellness programs and related health benefits	Consolidated website page	September 2011	OHR/OIT	
Co-sponsor educational events that feature work site wellness and health benefit topics of interest	Assess areas of interest and develop joint calendar of events	August 2011	OHR	

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Agency/Component: EEOC

2011/12 Worksite Wellness Program Implementation Plan Guidance				
Indicate the Worksite Wellness Program Element (complete one of these forms for each of the five elements): Health Education <input type="checkbox"/> Social and Physical Environments <input checked="" type="checkbox"/> Integration <input type="checkbox"/> Screenings <input type="checkbox"/> Linkages with Related Programs <input type="checkbox"/>				Date: 1-19-2011
Describe the gaps in services based on a needs assessment Assessment will determine gaps				
Describe existing and potential barriers to and opportunities for improvement (e.g. existing processes, systems, partnerships) Cost of fitness membership and weight management/stress management programs can deter employee participation				
Describe changes the agency can make to improve on gaps in services Consider employee subsidies				
Define Success upon Completion of the Action Steps Below (i.e., what constitutes improvement or achievement of the desired outcome?): Increase participation to 20% in first year. Increase from 20% to 35% second year. Reevaluate after second year.				
Action Steps				
Actions to be Taken	Key Deliverables/Output	Start Date/End Date	Responsible Party (Parties)	Budget, Resources, and Approvals Needed
Promote information exchange on healthcare options	Health Fair	November 2011	OHR/OCFO	\$3,000 for marketing
Fitness Walk Groups	Fall Walk for Fitness Event	September 2011	OHR/OFP/DRM	\$1,500
Expand fitness memberships	Cost/benefit analysis for subsidizing fitness memberships in Field offices	June 2011	OHR/OCFO	
Expand HQ fitness services	Cost/benefit analysis for subsidizing yoga & weight watchers memberships	June 2011	OHR/OCFO	
Promote benefits of immunizations	Immunization campaigns	October to December 2011	OHR	\$1,000
Health coaching	Individualized health consultations and assessments	August 2011 to August 2012	OHR	\$15,000

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Agency/Component: EEOC

2011/12 Worksite Wellness Program Implementation Plan Guidance				
Indicate the Worksite Wellness Program Element (complete one of these forms for each of the five elements): Health Education <input checked="" type="checkbox"/> Social and Physical Environments <input type="checkbox"/> Integration <input checked="" type="checkbox"/> Screenings <input type="checkbox"/> Linkages with Related Programs <input type="checkbox"/>				Date: 1-19-2011
Describe the gaps in services based on a needs assessment Assessment will determine gaps				
Describe existing and potential barriers to and opportunities for improvement (e.g. existing processes, systems, partnerships) Lack of agency wide policy				
Describe changes the agency can make to improve on gaps in services Implement policy				
Define Success upon Completion of the Action Steps Below (i.e., what constitutes improvement or achievement of the desired outcome?): Increase participation to 20% in first year. Increase from 20% to 35% second year. Reevaluate after second year.				
Action Steps				
Actions to be Taken	Key Deliverables/ Output	Start Date/ End Date	Responsible Party (Parties)	Budget, Resources, and Approvals Needed
Develop wellness/health education policy	Policy Directive	June 2011	OHR	Stakeholder comments
Communicate policy	Communication Plan	August 2011	OHR	Stakeholder comments
Promote job enrichment opportunities through internships and rotational assignments	Interagency Agreements with other Federal Agencies	September 2011	OHR	Workstation
Communicate with senior leaders on program accomplishments and significant issues	Annual Report/Briefing for Chair/COO	October 2011	OHR	

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency/Component: EEOC

2011/12 Worksite Wellness Program Implementation Plan Guidance				
Indicate the Worksite Wellness Program Element (complete one of these forms for each of the five elements): Health Education <input checked="" type="checkbox"/> Social and Physical Environments <input type="checkbox"/> Integration <input type="checkbox"/> Screenings <input checked="" type="checkbox"/> Linkages with Related Programs <input type="checkbox"/>				Date: 1-19-2011
Describe the gaps in services based on a needs assessment Assessment will determine gaps				
Describe existing and potential barriers to and opportunities for improvement (e.g. existing processes, systems, partnerships) Employees are unaware of the importance and availability of health screening; non federal building locations can hamper access to certain services or wellness programs				
Describe changes the agency can make to improve on gaps in services Market existing wellness program and emphasis on prevention habits				
Define Success upon Completion of the Action Steps Below (i.e., what constitutes improvement or achievement of the desired outcome?): Increase participation to 20% in first year. Increase from 20% to 35% second year. Reevaluate after second year.				
Action Steps				
Actions to be Taken	Key Deliverables/Output	Start Date/End Date	Responsible Party (Parties)	Budget, Resources, and Approvals Needed
Market existing wellness programs and services	Marketing Plan	June 2011	OHR	
Expand services	Conduct mammogram screening and blood drives	October 2011	OHR	

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APPENDIX C. GENERAL STATEMENT OF LAWS

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

The EEOC is charged with *eliminating and preventing unlawful discrimination by investigation, conciliation, and mediation; education and technical assistance; and, judicial actions.* We fulfill our mission through the implementation of a vigorous law enforcement program, complemented by an outreach program that provides information, guidance, and technical assistance to help prevent discrimination from occurring.

Title VII prohibits employment discrimination on the basis of race, color, religion, sex, or national origin by public and private employers with 15 or more employees, employment agencies, labor organizations with 15 or more members and joint labor-management committees controlling apprenticeship or other training or retraining, including on-the-job training programs. Members of the public file charges alleging employment discrimination with the agency field offices. EEOC staff members investigate the charges and issue determinations of “reasonable cause,” or summary determinations when a legal violation is not substantiated. If the agency finds cause, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation.

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

Pursuant to its Title VII enforcement authority, the EEOC enforces the Lilly Ledbetter Fair Pay Act of 2009, signed on January 29, 2009, by President Obama, which supersedes the Supreme Court’s decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007), and restores the longstanding position of the EEOC that each paycheck that delivers discriminatory compensation is a wrong actionable under the federal EEO statutes, regardless of when the discrimination began.

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

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

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The EEOC has enforced the Americans with Disabilities Act's (ADA) employment nondiscrimination provisions since they became effective in 1992. The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Title I of the ADA prohibits employment discrimination against qualified individuals with disabilities by private sector, and state and local government, employers with 15 or more employees.

On September 25, 2008, the ADA Amendments Act of 2008 was enacted, becoming effective on January 1, 2009. The ADA Amendments Act makes several changes to the definition of the term "disability," overturning a number of Supreme Court decisions that Congress believed had construed the term too narrowly. The EEOC is responsible for ensuring compliance with Title I of the ADA as amended by the ADA Amendments Act, by receiving and investigating charges of disability discrimination. At the conclusion of EEOC's investigation, the agency issues a determination of reasonable cause or dismisses the charge (no cause). If the EEOC has found cause and is unable to achieve compliance through conciliation, EEOC may file a lawsuit. If the case involves a state or local government, the agency will refer it to the Attorney General, who may file suit in federal court.

Finally, the EEOC enforces Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which became effective on November 21, 2009, and prohibits public and private employers with 15 or more employees, employment agencies, and labor organizations with fifteen or more members from using genetic information (including information from an individual's genetic tests and an individual's family medical history) in making employment decisions or decisions related to union membership; strictly limits access to genetic information; and requires that any genetic information that a covered employer, employment agency, or labor organization obtains be kept confidential. The procedures for enforcement and the remedies for violations of Title II of GINA are the same as those available under Title VII of the Civil Rights Act of 1964.

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

The federal government, as an employer, is subject to these antidiscrimination requirements through Section 717 of Title VII, Section 15 of the Age Discrimination in Employment Act, Section 501 of the Rehabilitation Act of 1973, and Title II of GINA. The laws provide the basis for Commission oversight responsibility for the procedures used by federal departments and agencies in processing internal complaints of discrimination. In addition, the agency has appellate jurisdiction to review final decisions of departments or agencies on discrimination complaints upon the request of the complainant. It is also responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity.

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



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