



CONGRESSIONAL BUDGET JUSTIFICATION
SUBMITTED TO THE CONGRESS OF THE UNITED STATES
MAY 2017

FISCAL YEAR 2018

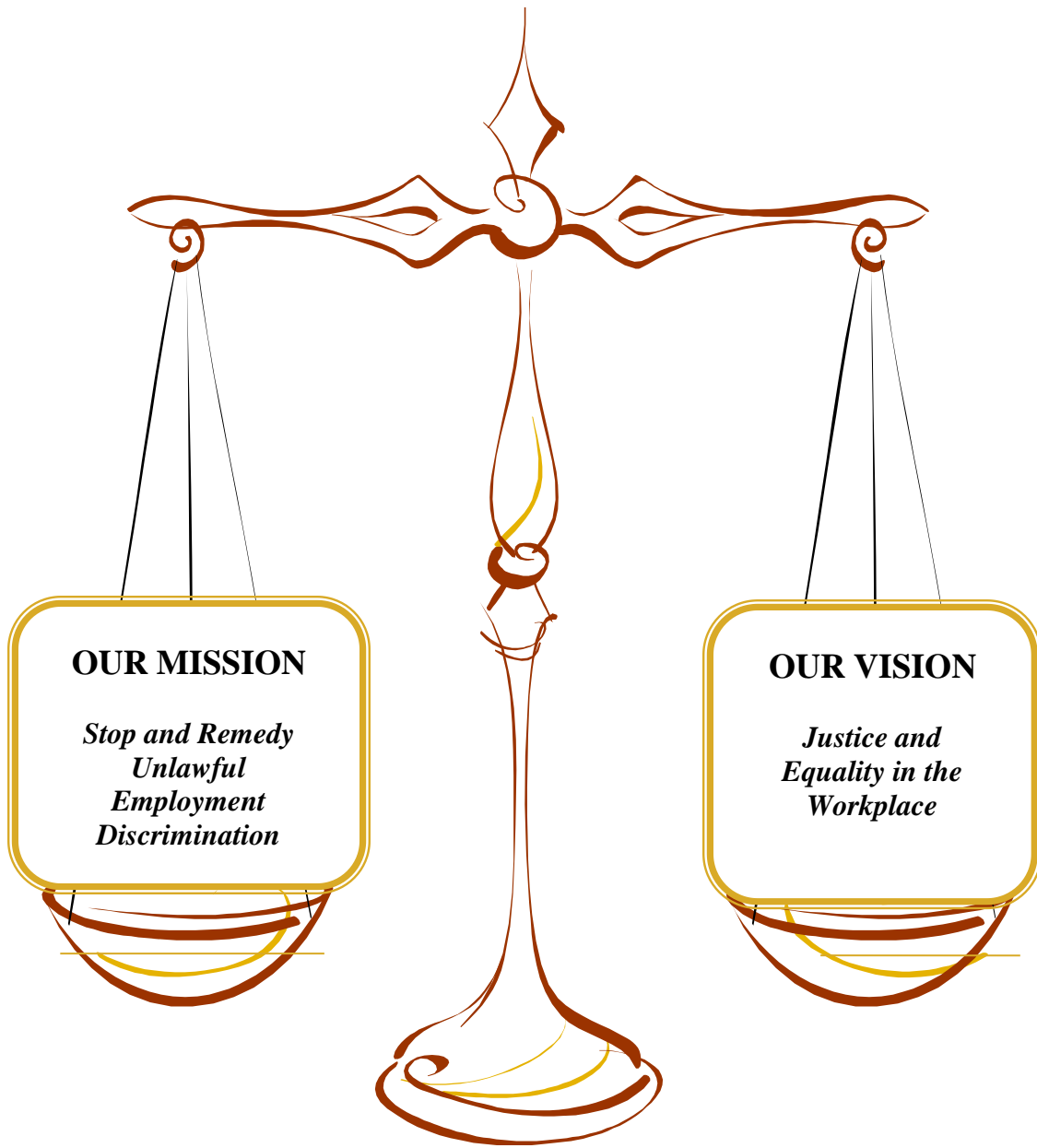
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

***Fiscal Year 2018
Congressional Budget Justification***

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

May 2017

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



OUR MISSION

*Stop and Remedy
Unlawful
Employment
Discrimination*

OUR VISION

*Justice and
Equality in the
Workplace*

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I. CHAIR'S REPORT

A. Fiscal Year (FY) 2018 Congressional Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to stopping and remedying employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information or family medical history. The 2018 Budget requests \$363,807,086 for the EEOC, which includes \$29,443,921 for State and Local programs. This request represents a flat request level from the FY 2017 annualized CR level. In addition, the Budget proposes merging the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) into the EEOC, creating one agency to combat employment discrimination. The EEOC and OFCCP will work collaboratively to coordinate this transition to the EEOC by the end of FY 2018. This builds on the existing tradition of operational coordination between the two agencies. The integration of the two agencies will reduce operational redundancies, promote efficiencies, improve services to citizens, and strengthen civil rights enforcement.

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

- **The Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, as amended, prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Title VII of the Civil Rights Act of 1964**, as amended, prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **The Pregnancy Discrimination Act of 1978**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **The Age Discrimination in Employment (ADEA) Act of 1967**, as amended, protects workers 40 and older from age-based discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Titles I and V of the Americans with Disabilities Act of 1990**, as amended, prohibit employment discrimination on the basis of disability by private and state and local government employers; require covered employers to provide reasonable accommodations for qualified individuals with disabilities unless it creates an undue hardship for the employer; limit the circumstances under which they may conduct medical examinations or make inquiries about disabilities; and require that

any medical information about applicants and employees be kept confidential, subject to limited exceptions. Section 501 and 505 of the Rehabilitation Act of 1973 provide the same protections for federal employees and applicants for federal employment.

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

Together, these laws protect individuals from employment discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, and family medical history. They also make it illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination.

B. Chair's Message

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) FY 2018 Performance Budget Justification. The FY 2018 budget request of \$363,807,086, which includes \$29,443,921 for state and local fair employment practice agencies (FEPAs) and tribal employment rights organizations, will provide crucial investments to strengthen America's workplaces, continue to support our efforts to upgrade the agency's technology infrastructure, and further enhance our service to the public.

On January 23, 2017, President Trump designated me Acting Chair of the EEOC. I look forward to leading this agency in achieving its critical mission of enforcing our nation's employment civil rights laws, and helping to expand employment opportunities in the American workforce. We must be true to our name and our mission, so that employment discrimination is remedied by equal employment opportunity for all.

Congressional support for the EEOC's FY 2016 budget enabled the agency to fill critical senior leader vacancies and to invest in some modest hiring and training of front-line staff to better serve the public. These efforts led to tangible results for thousands of individuals, providing job opportunities and recovering relief for employees across private, state and local, and federal workplaces. The agency deployed our resources strategically, promoting voluntary compliance and achieving record success rates in our voluntary resolutions of private and public sector charges of discrimination.

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

First, the EEOC is committed to building a digital workplace to increase our efficiency and to provide timely service to the public. This encompasses everything the agency does, from increasing the effectiveness of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed to stop and remedy

unlawful employment discrimination. Providing secure online access to the public and employers enables faster resolution of charges, conserves staff time, and saves costs on printing, postage, and paper.

Over the past two years, and continuing in FY 2017, the EEOC has launched new technology using secure online portals that enable the public and EEOC to communicate more efficiently using the internet and other electronic media. As discussed in detail herein, this includes the roll-out of an online charge status system, which allows private parties to view the status of their charge at EEOC, as well as a pilot which allows a potential charging party to complete an assessment, schedule appointments, and upload and receive documents online. This pilot will be rolled out to all EEOC offices during this FY. Continuing to make technology improvements is vital to our work.

Second, to ensure that discrimination charges are resolved as promptly as possible, the agency must have the necessary staff and resources to deliver a high level of service. In FY 2016, the agency focused on training newly hired and mid-career staff as well as rigorous charge management – achieving a 5.2 percent increase in charge resolutions (97,443 charges resolved versus 91,503 charges received in FY 2016), even as workers filed more charges of discrimination compared to FY 2015. The agency also achieved a 3.8 percent reduction in pending inventory from the end of the prior year, ending FY 2016 with 73,508 charges versus 76,408 at the end of FY 2015. This reduction was achieved despite the fact that new charges filed in FY 2016 increased by more than 2,100 from the prior FY.

The FY 2018 Congressional Budget Justification provides funding that will allow the EEOC to sustain our staffing levels and further reduce our charge workload through the use of expanded and improved technology and initiatives to maximize employee performance. It also provides needed funding to cover rents and mandatory office relocations as we work to reduce our physical footprint.

The FY 2018 budget request supports our nation's economic growth by helping employers take effective steps to build productive and inclusive workplaces that fully utilize the talents of all those in the workforce. EEOC accomplishes its work through enforcement, guidance, and public education. The Commission understands that the best way to eliminate discrimination is to prevent it from happening in the first place. To further this objective, the Commission has made it a priority to provide updated guidance and user-friendly resources to help employers and employees take action to prevent discrimination or to voluntarily remedy it at the earliest notice.

FY 2018 Priorities

EEOC's priorities for FY 2018 are to make critical investments needed to make the Commission an agency focused on addressing the needs and challenges of the workplace of the future. As jobs for Americans are increased under this Administration, we as an agency will seek to increase equality of employment opportunity in the workplace through enhanced outreach and education; voluntary compliance efforts; high quality investigations; early and voluntary resolution of matters (including mediation and quality conciliations); and strategic litigation to enforce the laws under our jurisdiction.

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

Outreach, Education, and Strategic Law Enforcement

From January 2015 through June 2016, Commissioner Chai Feldblum and I co-chaired the agency’s Select Taskforce on the Study of Harassment in the Workplace. The Taskforce issued its report in June 2016 at a public Commission meeting and in FY 2017, the Commission voted to release for public comment proposed enforcement guidance on unlawful harassment. The comment period closed in March 2017 and the subsequent guidance is expected to include the EEOC’s views as to the state of the law on harassment and coverage under Title VII, as well as best practices for stakeholders to ensure compliance with the law. The Commission also expects to do further follow up on the recommendations of the Select Task Force, including looking at new types of workplace training to prevent workplace harassment.

The Commission will take a more holistic approach to championing employment opportunity in the workplace through providing public hearings and guidance and increased transparency and public participation in policy making. Most recently, on April 5, 2017, the Commission hosted a meeting entitled *Examining the State of the Workforce and the Future of Work*, where a panel of witnesses offered their expertise about the 5.8 million jobs currently unfilled in our economy, the skills gap and apprenticeship programs, and how best to prepare our workforce with the skills needed in this 21st century economy.

In the federal sector, in FY 2016, the EEOC offered more than three dozen open-national enrollment courses including new courses on special emphasis program management and anti-harassment. Customized classes -- created in response to agency requests -- were provided to more than 30 different federal agencies and reached 350 federal employees with over 300 hours of customized course content. To assess the effectiveness of these efforts, the EEOC has created several evaluative tools, including an agency-participant satisfaction survey and a tool to measure participant knowledge, understanding and ability to respond to unlawful workplace harassment. In addition, the EEOC has developed toolkits on retaliation, harassment prevention, reasonable accommodation, and LGBT issues in the workplace. Finally, through the EEOC's YouTube channel, the agency continues to provide educational videos, and introduced a “NewsFlash” series to disseminate via email articles on current EEO topics such as religious accommodation and Youth@Work. With these and other initiatives, the EEOC plans to increase outreach to its federal sector stakeholders by 10 percent in both FY 2017 and FY 2018.

Enhancing Service to the Public by Improving and Leveraging Technology

Across the agency, we continue to invest in and leverage technology to transform the way EEOC does its work, including making its processes more transparent and providing information to its constituents faster--electronically, online, and on demand. In an increasingly mobile environment, our stakeholders want to be able to reach the agency through a variety of media. During FY 2018, EEOC will expand its digital services to our state and local FEPA partners to facilitate sharing notices of dual-filed charges, and to federal employees to streamline the systems for discrimination complaints and appeals, bringing efficiencies to the process and savings to other federal agencies. Making these critical technology investments in support of our mission will accelerate productivity across our program areas, and will result in savings for years to come. More than 60 percent of people who visit our website do so with their mobile devices. With sufficient funds in FY 2018, EEOC hopes to make itself more accessible to the public by fully implementing online access for charge inquiries, scheduling appointments and enhancing mobile applications

Investments in our technological infrastructure are critical to increasing the agency's responsiveness and capacity to more readily resolve claims of discrimination. The agency has limited discretionary resources for information technology investments and needed improvements have already been delayed because of prior budget challenges. In FY 2017, the agency began the process of exchanging existing, relatively expensive-to-maintain, email and collaboration software with more efficient cloud-based services. With sufficient funds provided in FY 2018, the Agency can provide the necessary devices and access to cultivate digital business processes and deliver mission-enabling systems to our employees. In short, to maximize the digital services we are developing the agency must invest in corresponding infrastructure and equipment.

Investing in the Agency of the Future

Beginning in FY 2017, in response to the Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch, we will undertake an extensive review of the agency's structure and processes and plan to align our FY 2018 funding to support a streamlined and more efficient agency. Our Strategic Plan for 2018-2022, currently in development, will reflect the goals and objectives of the related Agency Reform Plan, and focus the agency on making maximum use of our limited resources to achieve the greatest return on the investment of taxpayer dollars. As consistently shown in the annual results of the Federal Employee Viewpoint Survey, EEOC's employees are highly committed to the mission of the agency, and with the support of the FY 2018 budget, look forward to fulfilling the promise of the laws we are charged with enforcing. The mission of EEOC remains the same, but we will continue to innovate and motivate our employees to maximize resources, improve performance management and seek to provide world-class service to our stakeholders and the public.

EEOC has celebrated several milestone anniversaries over the past few years: In 2014, we celebrated the 50th anniversary of the Civil Rights Act of 1964; in 2015, we celebrated the

50th anniversary of the founding of EEOC and the 25th anniversary of the Americans with Disabilities Act; in 2017, we will celebrate the 50th anniversary of the Age Discrimination in Employment Act. Through the decades, we have built solid partnerships with state, local agencies, employers, and stakeholder groups to educate the public regarding laws EEOC enforces and the rights and obligations of employers and workers under those laws. This budget will help us to continue to work with them to build a strong American workplace committed to fulfilling our nation's promise of equal opportunity.

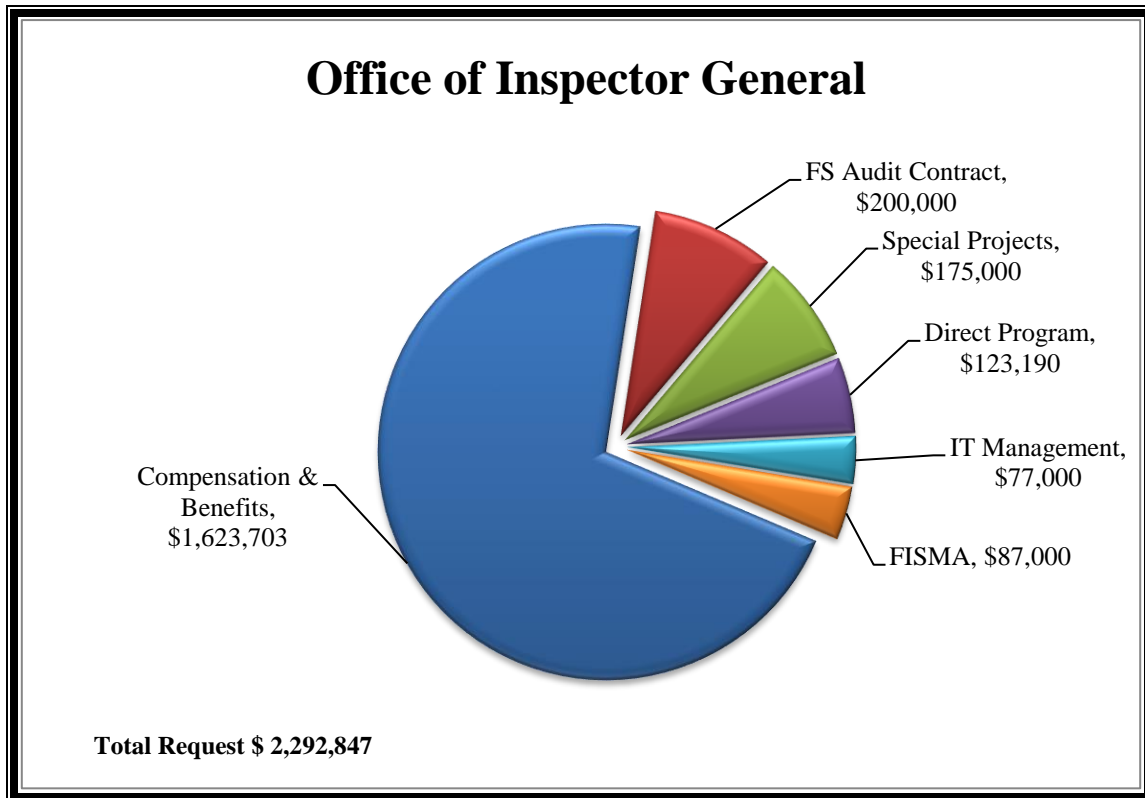
II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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

Office of Inspector General Initial Request	\$2,292,847
Aggregate amount of funds	\$2,292,847 ¹
Amount requested in OCHCO budget for training	\$65,000 ²
Amount requested to support CIGIE	\$ 6,954 ³

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

Chart 1: Office of Inspector General



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 FY 2018.

³ .27% of \$2,292,847 or \$6,954 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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III. BUDGETING AND ACCOUNTING INFORMATION

A. Appropriation Language

U.S. Equal Employment Opportunity Commission

Salaries and Expenses

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621), the Equal Pay Act of 1963 (29 U.S.C. § 206), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 705), the Civil Rights Act of 1991 (Pub. L. 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (42 U.S.C. § 2000ff), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and up to \$29,443,921 for payments to State and Local enforcement agencies for authorized services to the Commission, \$363,807,086: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

Note - A full-year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution.

B. Staffing and Funding Profile

Table 1 below depicts the EEOC’s total agency staffing and funding profile by Strategic Objectives and Programs for FYs 2016 through 2018.

Table 1: Total Agency Staffing and Funding Profile

FY 2016 to FY 2018 <i>(Dollars in thousands*)</i>				
	FY 2016 (Actual)	FY 2017** (Annualized CR)	FY 2018 (Request)	Change From FY 2017
Strategic Objective I: Combat employment discrimination through strategic law enforcement				
1. Private Sector Enforcement	\$273,094	\$286,302	\$286,302	\$0
State and Local	\$28,913	\$29,444	\$29,444	\$0
2. Federal Sector Enforcement	\$56,493	\$42,061	\$42,061	\$0
Total Strategic Objective I	\$358,500	\$357,807	\$357,807	\$0
Strategic Objective II: Prevent employment discrimination through education and outreach				
Outreach (Non-Fee based)	\$6,000	\$6,000	\$6,000	\$0
Total Strategic Objective II	\$6,000	\$6,000	\$6,000	\$0
Agency Total <i>(includes Strategic Objective III Resources listed below)</i>	\$364,500	\$363,807	\$363,807	\$0
Total Full-Time Equivalents***	2,202	2,083	1,953	(130)
Strategic Objective III: Deliver excellent and consistent service through a skilled and diverse workforce and effective systems				
Highlighted Resource Areas [Information Technology]	\$14,363	\$16,023	\$17,204	\$1.181

*May not add due to rounding

**FY 2017 Annualized CR amount includes a rescission of 0.1901 percent or \$692,915.

***Includes 14 FTE Reimbursable from Revolving Fund

C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to the EEOC's appropriation request for FY 2017 to FY 2018.

Table 2: Analysis of Change

FY 2018			
(Dollars in thousands)			
	FY 2017 (Annualized CR)	FY 2018 (Request)	Net Change (+/-)
Spending Authority <i>(Includes State and Local)</i>	\$363,807	\$363,807	\$0
Explanation of Changes:			Amount
Total Compensation and Benefits*	260,701	259,066	(1,635)
Subtotal Compensation Changes			(\$1,635)
Program Support Changes			
1. Rent (adjustment to base – inflation)	29,787	30,286	500
2. DHS security (Adjustment to Base – Inflation)	2,995	3,114	120
3. Information Technology Enterprise Systems **	16,023	17,204	1,181
4. Chief Human Capital Officer (OCHCO) ***	5,045	5,223	177
5. Additional program increases/decreases****			(343)
Program Support Changes			\$1,635
Total Net Change			\$0

* FY 2018 Compensation and Benefits (C&B) reflects agency estimates as of April 2017. It estimates FY 2018 Pay Raise - 1.9% increase effective January 2018 and Annualization of FY 2017 pay raise of 2.1%, effective January 2017 - increase of \$3,845; FY 2018 separation savings - decrease of \$8,500; FY 2018 hires - increase of \$611; annualization of FY 2017 hires - increase of \$2,071; FY 2018 within grade and promotions - increase of \$1,961; and \$1,623 decrease for FY 2017 annualized separation savings. Due to the total reduction in C&B, we estimate hiring 20-25 fewer FTE's.

** Increase includes \$557 for Admin Support Systems, \$59 for Core and Other Mission System support, \$366 for End User Support, \$597 for Enterprise Telecomm (Voice/Data/Conferencing/AV), as well as a reduction of \$398 to less critical IT functions.

*** OCHCO has several inflationary Adjustments to the Base to include Background Investigations/USAccess costs of \$5, Field and HQ Health Contracts/Defibrillators costs of \$21, and Workman's Compensation and Unemployment Compensation costs of \$151.

****Reflects decrease to EEO Census tabulation by \$310 and other minor decreases.

D. Object Class – Agency Summary

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

Table 3: Object Class Schedule – Agency Summary

Agency Summary Requirements by Object Class FY 2016 to FY 2018 (Dollars in thousands*)			
OBLIGATIONS BY OBJECT CLASS	FY 2016 (Actual)	FY 2017 (Annualized CR)	FY 2018 (Request)
Personnel Compensation			
11.1 Full-time permanent (FTP)	\$193,670	\$182,655	\$178,889
11.3 Other than FTP	1,922	2,750	2,750
11.5 Other personnel compensation	2,102	2,300	2,300
Total Personnel Compensation	197,694	187,705	183,939
12.1 Civilian personnel benefits	64,746	72,996	75,127
Total Compensation and Benefits	262,440	260,701	259,066
21.1 Travel of persons	3,025	3,000	3,000
22.0 Transportation of things	37	25	25
23.1 Rental payment to GSA	29,278	29,786	30,286
23.2 Other rent/communications	4,572	6,700	6,700
24.0 Printing and reproduction	172	250	250
25.1 State and local contracts	28,913	29,443	29,443
25.2 Security services (including DHS)	2,819	2,995	3,115
25.2 Other services from non-federal sources	19,587	14,577	14,795
25.2 Litigation support	2,952	3,450	3,450
25.3 Other goods & services from federal sources	3,697	7,500	8,547
26.0 Supplies and materials	5,116	4,100	3,850
31.0 Equipment	1,892	1,280	1,280
Total Other Object Classes	102,060	103,106	104,741
Agency Total	\$364,500	\$363,807	\$363,807

*May not add due to rounding

IV. ENTERPRISE RISK MANAGEMENT PLAN

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

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

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

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

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V. STRATEGIC PLAN AND PERFORMANCE MEASURES

A. The FY 2012-2016 Strategic Plan⁴

1. Introduction

On February 22, 2012, the U.S. Equal Employment Opportunity Commission (EEOC) approved a new Strategic Plan (“Strategic Plan” or “Plan”) for FYs 2012-2016 grounded on three values: 1) a commitment to justice; 2) accountability; and 3) integrity. The plan sets strategic objectives, goals, and performance measures and addresses the requirements set in the Government Performance and Results Modernization Act of 2010 (P.L. 111-352), also known as the GPRA Modernization Act, or GPRAMA. To synchronize the cycle of the EEOC’s Strategic Plan with the Office of Management and Budget’s (OMB) cycle, EEOC received authorization from OMB to extend the agency’s current Strategic Plan two years after its expiration in FY 2016 and to include targets for performance in FYs 2017 and 2018. (See Section XI, Interim Adjustments to the Strategic Plan)

The GPRA Modernization Act of 2010 (GPRAMA), along with the most recent OMB Circular A-11 (2016) guidance requires agencies to publish a new strategic plan with the beginning of each new term of an administration. On March 6, 2017, the Chair launched the FY 2018-2022 Strategic Planning Process. The 2018-2022 Plan will outline the agency’s long-term and short-term priorities, expected level of operational performance, strategies for improvement, and budget planning. Moreover, the Plan will include results-oriented measures to implement its strategic goals and objectives. The FY 2018-2022 Plan is due by September 2017, with periodic reports on the development of the plan beginning in June 2017.

2. Strategic Objectives, Goals, and Strategies Overview

The Strategic Plan sets forth the agency’s mission: to stop and remedy unlawful employment discrimination, and the agency’s vision of justice and equality in the workplace. The plan continues to serve as a framework for the EEOC to achieve its mission by focusing on the following three strategic objectives:

Strategic Objective I: To combat employment discrimination through strategic law enforcement. This objective reflects our primary mission of preventing unlawful employment discrimination through the use of: 1) administrative (investigation, mediation and conciliation) and litigation enforcement mechanisms with regard to private employers; labor organizations; employment agencies; and state and local government employers; and 2) adjudicatory and oversight mechanisms with regard to federal employers. In keeping with the agency’s statutory mandate, the majority of EEOC’s resources will be devoted to Strategic Objective I. The seven performance

⁴ February 2, 2015, is the date EEOC’s FY 2016 Congressional Budget Justification was issued. A modification was reported as an addendum to EEOC’s FY 2016 Budget per the Government Performance and Results Modernization Act of 2010 (GPRAMA) and Circular A-11 (2013), OMB Guidance for Strategic Planning. The interim modification was authorized by OMB on December 10, 2013, pursuant to OMB Circular A-11 (2013), Section 230.17.

measures and FY 2016 results for these measures are more fully described in Section VI.B., starting on Page 20.

Strategic Objective II: To prevent employment discrimination through education and outreach. This objective reflects the importance of our efforts to prevent employment discrimination before it occurs. Investigations, conciliations and litigation are only some of the means by which the agency fulfills its mission and vision. Title VII also authorizes the agency to engage in education and outreach activities, including providing training and technical assistance, for those with rights and responsibilities under employment antidiscrimination laws. The four performance measures and FY 2016 results for these measures are more fully described in Section VII.B., starting on Page 49.

Strategic Objective III: To deliver excellent and consistent service through a skilled and diverse workforce and effective systems. This objective recognizes that our ability to deliver excellent and consistent service is dependent upon a qualified and well-trained workforce and the use of effective systems such as innovative technology and streamlined agency processes. The two performance measures and FY 2016 results for these measures are more fully described in Section VIII.B., starting on Page 60. Performance Measure 14, which ensures that the agency's budgetary resources align with the Strategic Plan, is more fully described in Section VIII.B., on Page 63.

The outcome goals related to these strategic objectives and the 14 performance measures identified in the plan will help gauge our progress in FYs 2017 and 2018. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the Strategic Plan Diagram on the following pages.

STRATEGIC PLAN DIAGRAM

MISSION Stop and Remedy Unlawful Employment Discrimination		VISION Justice and Equality in the Workplace	
STRATEGIC OBJECTIVE I Combat employment discrimination through strategic law enforcement.		STRATEGIC OBJECTIVE II Prevent employment discrimination through education and outreach.	STRATEGIC OBJECTIVE III Deliver excellent and consistent service through a skilled and diverse workforce and effective systems.
<p>Outcome Goal I.A Have a broad impact in reducing employment discrimination at the national and local levels.</p> <p>Strategy I.A.1: Develop and implement a Strategic Enforcement Plan that: (1) establishes EEOC priorities and (2) integrates EEOC’s investigation, conciliation and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities.</p> <p>Strategy I.A.2: Rigorously and consistently implement charge and case management systems to focus resources and enforcement on the EEOC’s priorities.</p> <p>Strategy I.A.3: Use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination.</p> <p>Strategy I.A.4: Use EEOC decisions and oversight activities to target pervasive discriminatory practices and policies in federal agencies.</p> <p>Outcome Goal I.B Remedy discriminatory practices and secure meaningful relief for victims of discrimination.</p> <p>Strategy I.B.1: Ensure that remedies end discriminatory practices and deter future discrimination.</p> <p>Strategy I.B.2: Seek remedies that provide meaningful relief to individual victims of discrimination.</p>		<p>Outcome Goal II.A Members of the public understand and know how to exercise their right to employment free of discrimination.</p> <p>Outcome Goal II.B Employers, unions and employment agencies (covered entities) prevent discrimination and better resolve EEO issues, thereby creating more inclusive workplaces.</p> <p>Strategy II.A.1: Target outreach to vulnerable workers and underserved communities.</p> <p>Strategy II.B.1: Target outreach to small and new businesses.</p> <p>Strategy II.A.2 and II.B.2: Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.</p>	<p>Outcome Goal III.A All interactions with the public are timely, of high quality, and informative.</p> <p>Strategy III.A.1: Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce.</p> <p>Strategy III.A.2: Rigorously and consistently implement charge and case management systems to deliver excellent service.</p> <p>Strategy III.A.3: Use innovative technology to facilitate responsive interactions and streamline agency processes.</p>

<p>STRATEGIC OBJECTIVE I Performance Measures</p> <p>Performance Measure 1 for Strategy I.A.1 By FY 2018, EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.</p> <p>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2 By FY 2018, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2 By FY 2018, 100% of federal sector case inventory is categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p>Performance Measure 4 for Strategy I.A.3 By FY 2018, 22-24% of the cases in the agency’s litigation dockets are systemic cases.</p> <p>Performance Measure 5 for Strategy I.A.4 By FY 2018, EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.</p> <p>Performance Measure 6 for Strategies I.B.1 and I.B.2 By FY 2018, a 65-70% of EEOC’s administrative and legal resolutions contain targeted, equitable relief.</p> <p>Performance Measure 7 for Strategies I.B.1 and I.B.2 By FY 2018, a 15-17% of resolutions by FEPAs contain targeted, equitable relief.</p>	<p>STRATEGIC OBJECTIVE II Performance Measures</p> <p>Performance Measure 8 for Strategy II.A.1 By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.</p> <p>Performance Measure 9 for Strategy II.B.1 By FY 2018, EEOC is maintaining the number of significant partnerships with organizations that represent small or new business (or with businesses directly).</p> <p>Performance Measure 10 for Strategies II.A.1 and II.B.1 By FY 2013, EEOC implements a social media plan.</p> <p>Performance Measure 11 for Strategies II.A.2 and II.B.2 EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.</p>	<p>STRATEGIC OBJECTIVE III Performance Measures</p> <p>Performance Measure 12 for Strategy III.A.1 The EEOC strengthens the skills and improves the diversity of its workforce.</p> <p>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2 By FY 2018, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2 By FY 2018, 100% of federal sector case inventory are categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p>Performance Measure 13 for Strategy III.A.3 EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</p>
<p align="center">BUDGETARY RESOURCES MEASURE Performance Measure 14 EEOC’s budgetary resources for FY 2014 – 2018 align with the Strategic Plan.</p>		

VI. STRATEGIC OBJECTIVE I - Combat employment discrimination through strategic law enforcement

A. Introduction

The agency adopted two outcome goals to further the objective of strategic law enforcement: 1) to have a broad impact in reducing employment discrimination at the national and local levels; and 2) to remedy discriminatory practices and secure meaningful relief for victims of discrimination. We also identified and are implementing four key strategies:

- Develop and implement a Strategic Enforcement Plan that: 1) establishes EEOC priorities; and 2) integrates the EEOC's investigation, conciliation, and litigation responsibilities in the private and state and local government sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development, and education and outreach activities;
- rigorously and consistently implement charge and case management systems to focus resources and enforcement on agency priorities;
- use administrative and litigation mechanisms to identify and attack discriminatory policies and other instances of systemic discrimination; and,
- use agency decisions and oversight activities to target discriminatory practices and policies in federal agencies.

The EEOC has developed Performance Measures 1 through 6 to track our progress in pursuing these strategies and Performance Measure 7 to track the progress of our state and local partners.

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


Table 4: Budget Request Summary for Strategic Law Enforcement

FY 2016 to FY 2018 (Dollars in thousands*)			
	FY 2016 (Actual)	FY 2017 (Annualized CR)	FY 2018 (Request)
Private Sector Enforcement	\$273,094	\$286,302	\$286,302
Administrative Charge Resolution	175,385	194,703	194,703
Mediation	25,582	22,613	22,613
Litigation	72,127	68,986	68,986
State and Local	28,913	29,444	29,444
Federal Sector Enforcement	\$56,493	\$42,061	\$42,061
Hearings	30,201	22,670	22,670
Appeals	16,699	13,459	13,459
Mediation	1,421	885	885
Oversight	8,172	5,047	5,047
Total	\$358,500	\$357,807	\$357,807

*May not add due to rounding.

B. Performance Measures and Results

Strategic Enforcement Plan

Performance Measure 1: By FY 2018, EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.			
	FY 2016	FY 2017	FY 2018
Targets	The Commission revised and voted on a new Strategic Enforcement Plan.	The agency distributes implementation guidance for the new Strategic Enforcement Plan. The agency begins to implement the Strategic Enforcement Plan.	The agency fully implements the new Strategic Enforcement Plan.
Results	The Commission held quarterly briefings with program staff to evaluate the progress of the SEP, with one briefing focused on feedback about implementation. The SEP evaluation was completed in July of 2016 to inform the Commission on potential revisions for consideration. The Commission approved an updated Strategic Enforcement Plan for FYs 2017-2021 on September 30, 2016.	The Chair and Commissioner Feldblum led a webinar for staff on the revised SEP in October 2016, which continues to be available to staff on the agency's internal website. District Offices updated their District Complement Plans, which were approved by the Chair in January 2017. Staff were trained to track SEP codes in IMS/NXG in February 2017.	
			Target Met

Under its first objective, the Strategic Plan directed the Commission to develop a Strategic Enforcement Plan (SEP), which was approved on December 17, 2012. The SEP: 1) establishes the EEOC's national priorities, and 2) integrates the agency's investigation, conciliation, and litigation responsibilities in the private and public sectors; adjudicatory and oversight responsibilities in the federal sector; and research, policy development and education and outreach activities. The six SEP priorities are: 1) eliminating barriers in recruitment and hiring; 2) protecting immigrant, migrant and other vulnerable workers; 3) addressing emerging and developing issues; 4) enforcing equal pay laws; 5) preserving access to the legal system; and 6) preventing harassment through systemic enforcement and target outreach. Implementation of the SEP is designed to ensure a targeted, concentrated, and deliberate effort to pursue priority issues and practices that significantly affect applicants, employees and employers.

For FY 2016, the Commission's goal was to revise and vote on a new SEP, as necessary. To that end, a formal evaluation with a survey and analysis of program data was conducted from September 2015 through the third quarter of FY 2016. The Commission also convened a quarterly briefing focused on input from field and headquarters staff about their implementation steps, progress and challenges.

A revised SEP was shared with program and field staff for their review and feedback during the fourth quarter of FY 2016. It was approved by Commission vote on September 30, 2016.


In FY 2017, the agency undertook two nationwide training sessions to implement the updated SEP. Chair Yang and Commissioner Feldblum led a webinar for staff on the revised SEP in October 2016, to explain the revisions and additions to the SEP and how those affect staff's work. The training materials and an audio recording of the webinar are available to staff on the agency's internal website.

District Offices were charged with review and updating their District Complement Plans (DCPs) to align with the revisions and updates to the SEP for FY2017-21. The Chair reviewed and approved updated DCPs in January 2017.

The Office of Federal Operations (OFO) and the Office of Field Programs (OFP), who have joint responsibility for the Federal Sector Complement Plan (FCP) to the SEP reviewed the updated SEP and determined that no changes were necessary to update the FCP.

A new tracking system for coding the SEP and DCP priority issues in charges was implemented in February 2017 and staff were trained on this system in February 2017.


Quality Control Plan (aka Quality Enforcement Practices)

Performance Measure 2: By FY 2018, TBD% of investigations and conciliations meet the criteria established in the new Quality Enforcement Practices (QEP) Plan.			
	FY 2016	FY 2017	FY 2018
Targets	78% of investigations meet targets for quality.	86% of investigations and conciliations meet targets for quality.	TBD% of investigations and conciliations meet targets for quality.
Results	Quality elements were included in the technical assistance file reviews conducted in the 4 th QTR of FY 2016. Files were selected for review, and reviews were completed that established a baseline for the quality targets in future years, beginning in FY 2017.	Metrics are included in Performance Plans for Directors and staff, which were finalized in April 2017.	
			Target Partially Met

In FY 2016, the agency developed processes and procedures to help apply the criteria established under the QEP to a statistically significant sample of investigations and conciliations. For example, new file review and scoring instruments were developed to capture quality characteristics central to the QEP. Next, the agency selected a representative sample of case files for review from each field office. File reviews, using the new QEP standards, were completed at the end of FY 2016 as the results were used to establish a baseline for quality performance measures for offices to use in FY 2017, a process we will carry into FY 2018. These reviews established a baseline of 78% for FY 2016, which combines the average of the QEP elements measured for overall file quality and for quality in conciliations. For FY 2017, the agency is targeting a combined metric of 86%. The QEP elements and standards for achieving them are included in Performance Plans for Directors and staff, which were finalized in April 2017.

Prior to FY 2016, EEOC’s charge system did not track or collect the data on Priority Charge Handling Procedures (PCHP) reassessment, which is one of the critical elements of the QEP. In response, the agency developed a reassessment tool – as a component of its Integrated Management System (IMS). In June 2016, the tool was deployed and field staff trained to use it. For FY 2017, we are developing a metric to measure PCHP recategorization based on data being collected from the reassessment tool. This measure will affect the overall QEP metric for FY 2018, which is why it remains as a “TBD.”

Case Management System

Performance Measure 3: By FY 2018, 100% of federal sector case inventory is categorized according to a new case management system and 50% of hearings and appeals meet the criteria established in the new Federal Sector Quality Control Plan (renamed the Federal Sector Quality Practices (FSQP) Plan).			
	FY 2016	FY 2017	FY 2018
Targets	100% of incoming and old case inventory are categorized. TBD% of hearings and appeals meet targets for quality.	100% of incoming and old case inventory are categorized. TBD% of hearings and appeals meet targets for quality.	100% of incoming and old case inventory are categorized. TBD% of hearings and appeals meet targets for quality.
Results	100% of the agency's pending appellate case inventory and 100% of new inventory were categorized as of September 30, 2016. The 1 st and 2 nd phases of the case management system related to the hearings program (i.e., the initial conference and the action processing categories) have been implemented nationwide. A Federal Sector Quality Practices Plan necessary to establish criteria and baselines for quality standards was developed and under Commission review as of September 30, 2016.		
			Target Partially Met*

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

For FY 2016, Performance Measure 3 required that the agency have 100 percent of all incoming hearings requests and appeals as well as 100 percent of the old case inventory categorized according to the new case management system. In addition, the measure required the agency to apply the new criteria to a statistically significant sample of federal sector decisions (hearings and appeals) in order to formulate a baseline of quality for the EEOC's federal sector hearings and appeals and set targets for improved quality.

With respect to federal sector appeals, at the start of FY 2016, the agency's appellate inventory consisted of 4,340 appeals. As of September 30, 2016, the agency had categorized under the new case management system 4,332, or 100 percent, of the EEOC's old appeals where the records were complete. The 4,332 categorized appeals consisted of 2,351 pre-FY 2016 appeals that were closed in FY 2016, and 1,981 pre-FY 2016 appeals that were pending as of September 30, 2016. Regarding the new inventory, the agency received 2,748 appeals in the first three quarters of FY 2016, and, of those receipts, the agency categorized 2,474, or 100 percent, of the new appeals where the records were complete. The 2,474 categorized appeals consisted of 1,337 FY 2016 appeals resolved in that year, and 1,137 FY 2016 appeals docketed in the first three quarters of FY 2016 where the records were complete by the end of the FY.

Four pilot offices launched the case management categorization for the EEOC's hearings program with a focus on conducting initial conferences for new hearing requests. Given the positive results achieved by the pilot offices, all offices began conducting initial conferences on incoming cases in April of FY 2015. As offices started adopting the Case Management Plan, the EEOC has seen marked improvements in settlement rates nationwide from 31.2 percent in FY 2014, to 37.7 percent in FY 2016.

The EEOC recognizes that new priorities and/or initiatives may occur in the coming fiscal years. Accordingly, EEOC will refine its federal sector categorization and analysis efforts as dictated by any changes that may be made to EEOC's Strategic Plan for FY 2018.


Conducting initial conferences is the first step in the agency's case management system, and as the pilot was implemented nationwide, all offices started conducting initial conferences where appropriate. In some instances, not all cases were processed immediately resulting in "old inventory" for the purpose of tracking the categorization of cases. By year end FY 2016, Administrative Judges held initial conferences in 45 percent of the 2,153 complaints resolved categorized as "old inventory."

Offices also started incorporating the second phase of the hearings case management system by sorting cases according to their processing category. The EEOC has achieved marked improvement in this area – 72 percent of the old inventory and 84 percent of all agency resolutions have been categorized according to their action processing category. The agency anticipates that the number of cases categorized both for the initial conference and the processing category will continue to increase. In FY 2017, there will be continued emphasis on both conducting initial conferences and applying processing categories to each hearings complaint in order to increase the use of these two effective techniques. Training and guidance has been provided to staff and monitoring of performance in these areas is underway. These efforts will continue in FY 2018 and we expect to see the impact of the use of these techniques with a reduction in the average age of cases and increased settlement rates.

While appeals can achieve the 100 percent target, that may not be the case for the hearings program. EEOC offices have been diligent in implementing initial conferences where appropriate, but since initial conferences are not appropriate in all cases, the agency does not expect to see 100 percent categorization for initial conferences.


The EEOC's Federal Sector Quality Practices Plan that sets criteria for measuring the quality of hearings decisions and appeals was approved by the Commission on January 13, 2017. The agency began applying the new criteria, as approved, to hearings and appeals in early FY 2017. Concurrent with these efforts, in FY 2017, EEOC's federal sector hearings and appeals programs will coordinate in the development of sampling techniques to identify appropriate cross sections of hearings and appeals decisions to be examined for compliance with EEOC's Federal Sector Quality Practices Plan. The results of these analyses and refinements will be reported in FY 2018 and beyond. A baseline measure will be developed for FY 2017 once the results of the use of the new criteria are assessed and then targets will be established for FY 2018 and subsequent years.

Systemic Cases

Performance Measure 4: By FY 2018, 22-24% of the cases on the agency's active litigation docket are systemic cases.			
	FY 2016	FY 2017	FY 2018
Targets	Increase targets (i.e., the percentage of systemic cases on the active docket) to 22-24%.	Maintain targets at 22-24%.	Maintain targets at 22-24%.
Results	28.5%		
			Target Exceeded

The FY 2016 target for Performance Measure 4 was to increase the proportion of systemic cases on the agency's litigation docket to approximately 22-24 percent of all active cases. Under the EEOC's Strategic Plan, systemic cases are defined as pattern or practice, policy, or class cases where the alleged discrimination has a broad impact on the industry, occupation, or geographic area. The agency established a baseline of 20 percent in FY 2012, which represented the proportion of systemic cases on the active litigation docket at the end of the FY. At the end of the FY, the agency reported that 47 out of 165, or 28.5 percent, of the cases on its litigation docket were systemic, exceeding the annual target. Based on the current volume of our systemic investigations, we expect to meet or exceed targets for FY 2017 and 2018.

Federal Sector Workforce Analysis

Performance Measure 5: By FY 2018, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated			
	FY 2016	FY 2017	FY 2018
Targets	Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.
Results	Reviewed a compliance plan for one agency. The EEOC continues to monitor the agency's EEO program improvements. The EEOC is currently conducting additional onsite program evaluations on two cabinet level agencies. Several critical evaluations on priority initiatives have been completed with two resulting reports slated for issuance in FY 2017.		
			Target Met

The Federal Government is the largest employer in the United States. Therefore, reducing unlawful employment discrimination in the federal sector is an integral part of achieving Strategic Objective I and fulfilling the mission of the agency. The FY 2016 target for Performance Measure 5 required the agency to review all compliance plans issued during the FY that correspond to federal sector priorities to determine whether they have been implemented or require corrective action. The initiative that began in FY 2013 required the EEOC to create and implement a data system of complaint, hearing, appeal and statistical employee data in order to establish priorities in the federal sector; i.e., an integrated data system that can identify discriminatory policies or practices in those agencies and help set priorities for the prevention of discrimination in the federal government. Development of a fully operational, integrated data system is expected to continue through FY 2017.


In FY 2017, the EEOC is conducting two agency onsite program evaluations. In the first evaluation, the agency conducted an entrance conference with a cabinet-level agency, conducted numerous and extensive interviews, and analyzed volumes of documentation.

The EEOC expects to issue a final report with findings and recommendations in FY 2017. The second program evaluation focuses on the administration of another cabinet-level agency. The EEOC has requested and reviewed voluminous documents and plans and conducted an entrance conference in September 2016. This program evaluation is in the pre-onsite phase.

The EEOC is now in the planning stage of a third program evaluation regarding the participation of women in public safety positions across federal agencies. In FY 2017, the EEOC plans to analyze available data, convene focus groups with federal agencies, and conduct a survey in preparation for a final report on the subject. For FY 2018, EEOC plans to conduct at least two evaluations with one focused on government-wide issues affecting opportunity and a second designed to assist a federal agency in improving the operations of its EEO programs.


Under the auspices of Performance Measure 5, the EEOC conducted 74 technical assistance visits with other federal agencies to assess their EEO program compliance with applicable laws, regulations, and directives. The EEOC also timely issued 68 feedback letters to agencies that addressed the following issues: 1) conversion for Schedule A employees with disabilities; 2) affirmative action plans for employees with targeted disabilities; 3) compliance of reasonable accommodation programs; 4) compliance of anti-harassment programs; 5) diversity within the SES; and 6) other types of non-compliance EEO programs (e.g., improper reporting structure, lack of applicant flow data, etc.). The EEOC used this information to compile two government wide reports: One assessed the state of federal agency anti-harassment programs and presents recommendations for agency improvement and enhanced EEOC federal sector oversight. The other report examined barriers in recruiting and hiring in the Senior Executive Service. Both reports are in the final review process and are expected to be issued in FY 2017.

Administrative and Legal Resolutions with Targeted Relief

Performance Measure 6: By FY 2018, 65-70% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.			
	FY 2016	FY 2017	FY 2018
Targets	Increase targets to 65-70% or maintain targets.	Maintain targets at 65-70%.	Maintain targets at 65-70%.
Results	The proportion of administrative and legal resolutions containing targeted, equitable relief increased to 84.5%.		
			Target Exceeded

The FY 2016 target for Performance Measure 6 was to increase the proportion of administrative and legal resolutions currently containing targeted, equitable relief (TER) to within a range of 65 - 70 percent. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. As of FY-end 2016, the agency had far exceeded the targeted range; reporting 1,253 administrative and legal resolutions with TER out of a total of 1,483 resolutions, or 84.5 percent. We will continue to promote the inclusion of TER benefits in agency resolutions in FY 2017 and 2018.

FEPA Resolutions with Targeted Relief

Performance Measure 7: By FY 2018, 15-17% of resolutions by FEPAs contain targeted, equitable relief.			
	FY 2016	FY 2017	FY 2018
Targets	FEPAs increase targets to 15-17% or maintain targets.	FEPAs maintain targets at 15-17%.	FEPAs maintain targets at 15-17%.
Results	The proportion of FEP-reported resolutions containing targeted, equitable relief increased to 20.2%.		
			Target Exceeded

The FY 2016 target for Performance Measure 7 was to increase the proportion of resolutions reported by the state and local Fair Employment Practices Agencies (FEPAs) that contained targeted, equitable relief (TER) to within a range of 15-17 percent. In FY 2013, the agency determined the baseline percentage of merit factor resolutions containing TER by reporting FEPAs was 14 percent. To better capture the variance in the number of FEPA resolutions achieved through TER, we developed a series of ranges for future targets through FY 2018 to include an increase in FEPA resolutions with TER within a range of

13-15 percent in FY 2014; 14-16 percent in FY 2015; and 15-17 percent in FY 2016 to be maintained through FY 2018. (Baseline percentages established under Performance Measure 7 for FEPAs are different from Performance Measure 6 due to variations between charge processing systems at the FEPAs with whom the EEOC has work-sharing agreements.)

In FY 2016, the FEPAs had met the targeted range of 15-17 percent; reporting 1,263 FEPA merit resolutions with TER out of 6,243 merit resolutions, or 20.2 percent. During FY 2017 and FY 2018 we will continue to review our data and monitor TER activity for the FEPAs while promoting the inclusion of FEPA-reported TER benefits in agency resolutions.

C. Program Areas⁵

1. Private Sector Enforcement

Management of the Charge Workload

The public's demand for the EEOC's services to resolve charges of discrimination continues to challenge the agency, even as we invest in staff and systems to strengthen our enforcement, deliver excellent service to the public, and promote compliance with federal civil rights laws. In FY 2016, the EEOC resolved 97,443 charges, as 91,503 new charges were filed with the agency. These figures reflect an upward trend in both higher receipts, with 2.4 percent more than in FY 2015 (89,385) and a 5.2 percent increase in charges resolved over FY 2015 (92,641). In FY 2017, we project that there will be a slight decline in receipts (88,758); with a corresponding decline in resolutions (95,687) due to the current hiring freeze. The declining trajectory continues for both receipts and resolutions in FY 2018, however, we will continue to produce more resolutions than receipts. The budget levels will allow the EEOC to hire 30 investigators in FY 2018. While there will be a net attrition of positions, this hiring authority will allow us to continue to make some inroads into further reducing inventory. As a result, we are projecting a continuing decrease in the inventory which began in FY 2016 and which reflects a gradual drop in FY 2017, to 67,244, followed in FY 2018 at 65,281, and a further drop to 60,464 in FY 2020, which will be a more manageable inventory that will give our investigators a pending workload of approximately 110 charges each.

In FYs 2017 and 2018, we will continue to focus on innovative approaches and to invest in training and systems to better manage the charge workload and better serve the public. The EEOC is committed to fully utilizing Priority Charge Handling Procedures (PCHP), which focus agency resources on charges where the government can have the greatest impact on workplace discrimination. Training of staff in effective case management through the rigorous use of PCHP is critical to efficient resolution of charges. The agency trained over 100 new investigators in FYs 2014 and 2015, 34 investigators in FY 2016, and plans to conduct similar training for all newly hired investigators in FYs 2017 and 2018. Significant resources have been devoted to transforming the EEOC's paper system to a digital charge system with additional features to provide the parties with online capabilities to interact with agency staff, submit relevant documents, and secure their charge status. This, coupled with the advances in technology, commitments to incorporate PCHP throughout the charge lifecycle and effective staff training, will ensure that the EEOC will be positioned to assure sound workload management and provide enhanced customer service in FY 2018 and beyond.

⁵ Performance measures, results and workload data for FY 2019 and beyond will be revised as necessary to incorporate all enforcement activities associated with the proposed EEOC/OFCCP merger to be completed by the end of FY 2018.

Chart 2 below shows FY 2016 pending inventory decreases continue through FY 2020 even though hiring will slow and the replacement of staff will be limited. The gradual decline results from the downward trend in receipts which offset the drop in overall staffing in each successive year.

Chart 2: Private Sector Charges Pending – Ending Inventory

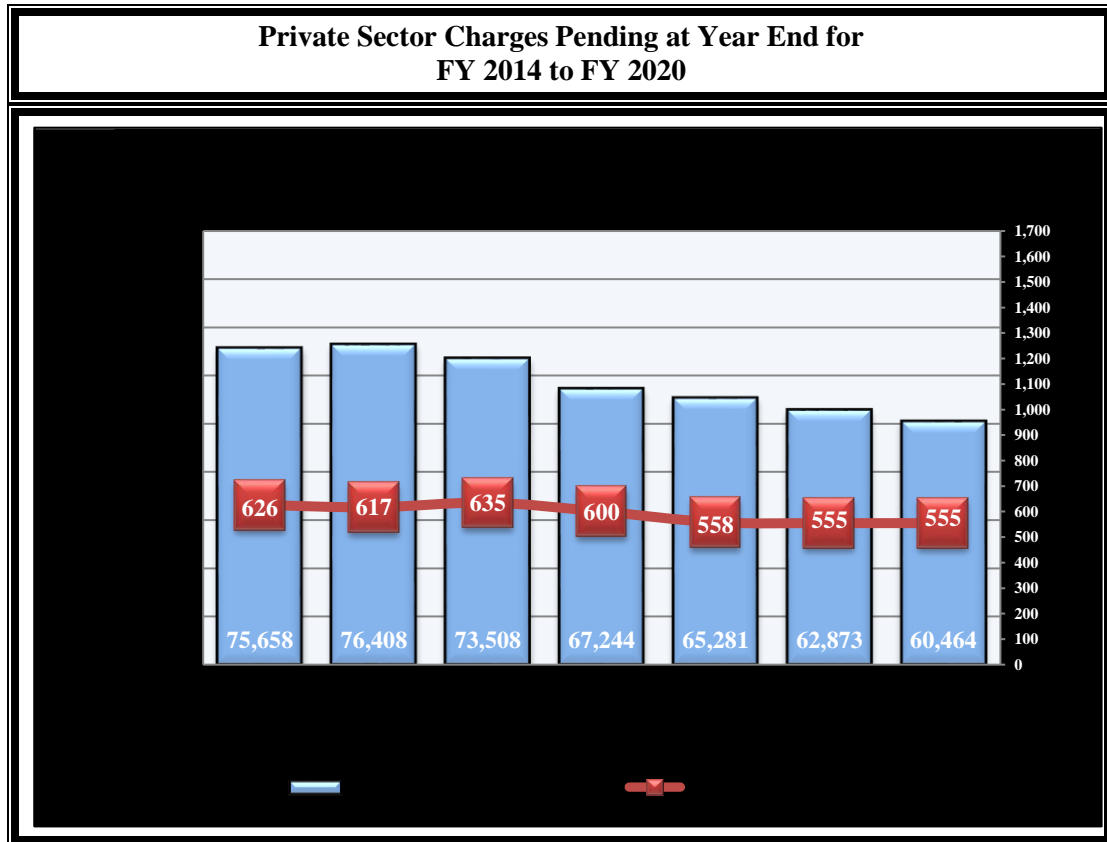
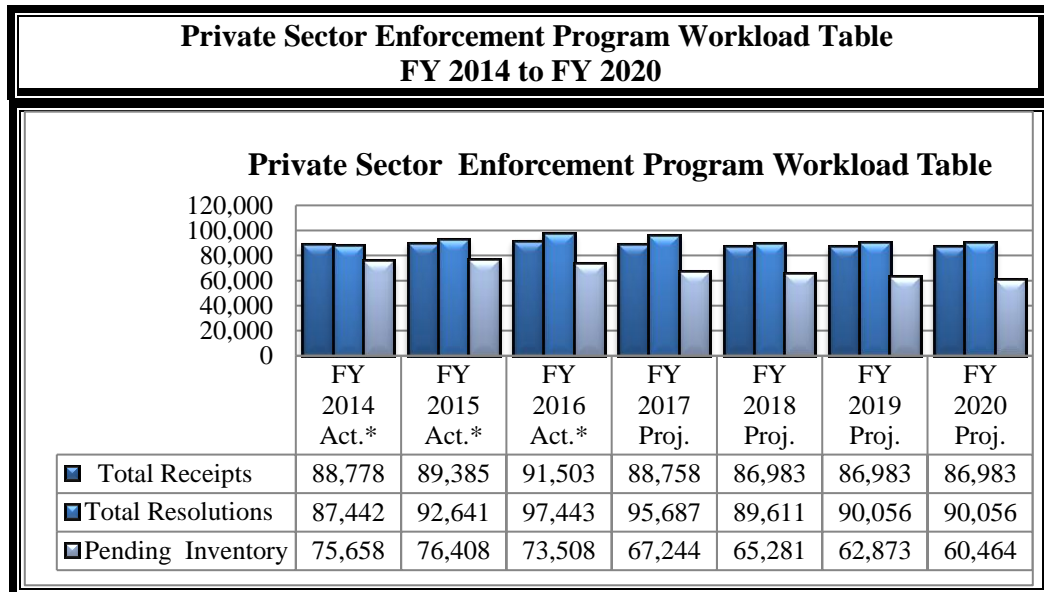


Chart 3 below depicts the actual Workload for Private Sector Enforcement for FYs 2014 through 2016 and projected Workload through FY 2020. As Chart 3 demonstrates, we had reduced receipts in FY 2014, an increase in FY 2015, followed by a projected gradual decline for FYs 2016 – 2020.

Although we realized a lower level of resolutions in FY 2014 due to the impact of the shutdown, this was followed by an increase in resolutions in FYs 2015 and 2016, as we realized the productivity of hires made in the latter half of FY 2014 and the hiring in FY 2015 and 2016. FYs 2017 through 2020 resolutions are projected to decline due to the minimal level of front-line hiring feasible under the FY 2017 and FY 2018 budgets. Additionally, the pending inventory figures continue to reflect a favorable decline with each successive year as a result of dropping receipts and investigator productivity resulting from the EEOC’s focus on vigorously using its priority charge handling procedures (PCHP) to manage its inventory.

Chart 3: Private Sector Enforcement Program Workload Table



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

Table 5 details the actual private sector charges received by statute for FY 2014 – FY 2016 and the projected charges through FY 2020. As can be seen by Table 5 the largest portion of the charges received by the agency involves those with allegations covered by Title VII.

Table 5: Charges Filed by Statute

Charges Filed by Statute FY 2014 to FY 2020							
	FY 2014 (Act.)	FY 2015 (Act.)	FY 2016 (Act.)	FY 2017 (Est.)	FY 2018 (Est.)	FY 2019 (Est.)	FY 2020 (Est.)
Title VII Only							
Charges filed	47,134	46,675	46,833	45,888	44,970	44,970	44,970
Charges resolved	46,841	48,446	49,834	49,487	46,345	46,575	46,575
Title VII With Concurrents*							
Charges filed	63,589	63,900	65,090	63,295	62,029	62,029	62,029
Charges resolved	63,061	66,046	69,673	68,317	63,979	64,297	64,297
Age Discrimination in Employment Act Only							
Charges filed	7,852	7,558	7,648	7,462	7,313	7,313	7,313
Charges resolved	7,697	7,985	8,206	8,153	7,635	7,673	7,673
Age Discrimination in Employment Act w/Concurrents							
Charges filed	20,588	20,144	20,857	20,117	19,715	19,715	19,715
Charges resolved	20,148	21,273	22,594	22,080	20,678	20,780	20,780
Equal Pay Act Only							
Charges filed	31	41	48	44	43	43	43
Charges resolved	54	43	57	50	47	47	47
Equal Pay Act with Concurrents							
Charges filed	938	973	1,075	1,004	984	984	984
Charges resolved	1,024	1,018	1,201	1,115	1,045	1,050	1,050
Americans with Disabilities Act Only							
Charges filed	14,509	15,301	15,997	15,355	15,048	15,048	15,048
Charges resolved	13,916	15,447	16,479	16,068	15,048	15,123	15,123
Americans with Disabilities Act w/Concurrents							
Charges filed	25,369	26,968	28,073	27,005	26,465	26,465	26,465
Charges resolved	24,441	27,429	29,575	28,686	26,865	25,998	25,998
Genetic Information Nondiscrimination Act Only							
Charges filed	25	23	30	26	25	25	25
Charges resolved	19	29	24	27	25	25	25
Genetic Information Nondiscrimination Act w/Concurrents							
Charges filed	333	257	238	243	238	238	238
Charges resolved	308	257	248	254	238	240	240
Total*							
Charges filed	88,778	89,385	91,503	88,758	86,983	86,983	86,983
Charges resolved	87,442	92,641	97,443	95,687	89,611	90,056	90,056

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

Mediation Program

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

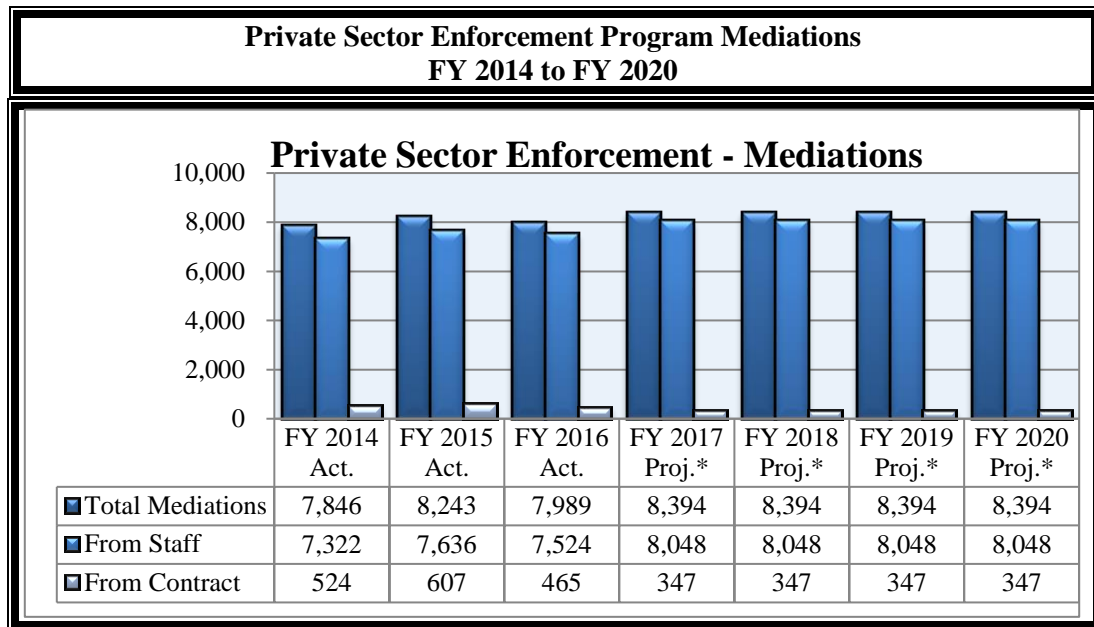
Additionally, the program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, Charging parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In FY 2016, 97 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program result in fewer charges that remain in our inventory for investigation, thus alleviating the growth of the overall charge inventory.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. At the conclusion of FY 2016, the agency achieved 7,989 successful resolutions out of 10,461 conducted compared to the 8,243 successful resolutions out of 10,579 conducted in FY 2015. By the end of FY 2016, mediations were completed in an average of 104 days and with over \$163.5 million in benefits secured compared to 98 days and over \$157.4 million in benefits obtained in FY 2015. With the steady funding level in this request, the Commission anticipates hiring 6 new mediators in FY 2018, but this will be offset by the projected loss of 6 mediators. This request retains the FY 2016 and FY 2017 contract mediation budget level of \$440,000 for FY 2018. These funds allow us to continue to provide a fair, efficient and timely forum to resolve charges where staff mediators may not be available. In an effort to expand our mediation program and reach more underserved areas, District offices will submit plans for district-level pro bono or intern mediation programs by September 1, 2017 with a goal of implementation in 2018. We will also continuously monitor our ability to replace separating mediators throughout the FY in order to increase our mediation resolutions. Additionally, we will be conducting a mediator training program in FY 2018.

Through outreach to employer representatives and other stakeholders, we will continue to emphasize and highlight the value of ADR where appropriate to resolve charges of discrimination filed with the Commission. The success of the mediation program builds a persuasive case to help convince employers to participate in our mediation program. By the conclusion of FY 2016, the agency secured a cumulative total of 2,675 agreements to mediate (UAMs), a 10 percent increase over the prior year.

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

Chart 4: Private Sector Enforcement Program Mediations



*May not add due to rounding

a. State and Local

The president’s request for FY 2018 is to maintain the FY 2017 funding for State and Local activities of \$29,443,921. The FY 2018 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in supporting the EEOC’s mission to stop and remedy unlawful employment discrimination. The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with EEOC field staff, to explain the provisions of Federal, state and local laws regarding employment discrimination to various groups and other members of the public.

During FY 2016, we strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its TERO and FEPA partners. EEOC offices continued to use the model MOU, approved by the Commission just before FY 2013, as a template for agreements with individual Indian tribes. Under the MOU, each tribe wishing to enter into an MOU with the EEOC must first adopt a non-discrimination ordinance covering employment on the tribe’s reservation or land.

We have also continued to engage in more focused dialogue with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to the EEOC's Strategic Plan including previously redeveloping mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. Specifically, since FY 2014, the EEOC and FEPAs have entered into work-sharing agreements or extensions, which included agreements to work together to further provisions of the EEOC's Strategic Plan, and EEOC and FEPAs have continued to cooperate in compliance and enforcement efforts as well as identify, plan or conduct joint enforcement, outreach, and technical assistance/training activities in support of SEP priorities or EEOC district level priorities. Moreover, during FY 2016, we continued to provide training and guidance to the staff of our FEPA partners either in person or via webinars on a range of topics including charge processing and technical discussions.

During FY 2017, the EEOC will enhance our Digital Charge System (DCS) to provide electronic notifications and document exchange between the EEOC and FEPAs. This will allow the FEPAs to receive electronic notification of Charges of Discrimination (Form 5) that are dual-filed with the FEPAs, as well as access to electronic copies of the Form 5 and Notice of Dual-Filing Forms (Form 212). Additional functionality is planned and will be shared with FEPAs so that we will be able to manage a transition to digital file sharing with each FEPA.

During FY 2016, State and Local Programs received \$29.4 million as part of the agency's overall appropriation. The reimbursement rate remained at \$700 per charge. With respect to Performance Measure 7, the EEOC continued to gather and monitor targeted equitable relief (TER) data reported by FEPA agencies. As of the end of FY 2016, the proportion of FEPA-reported resolutions containing TER increased to 20.2 percent which well exceeds the FY target of 15 to 17 percent.

EEOC field offices will continue to invite FEPAs in their jurisdiction to participate in training offered to EEOC staff. In addition, the EEOC continues to explore new technologies that would even more effectively enhance communication. This will remain a focal point in FYs 2017 and 2018, as we continue to identify opportunities to link technology advances with improved interactions with our partners.

Table 6 below depicts the actual State and Local receipts, total resolutions and pending inventory for FYs 2014 - 2016, and projections for FYs 2017- 2020.

Table 6: State and Local Workload Projections

State and Local Workload Projections FY 2014 to FY 2020							
Workload	FY 2014 (Actual)	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (CR)	FY 2018 (Estimate)	FY 2019 (Estimate)	FY 2020 (Estimate)
Charges Beginning	44,693	43,432	44,761	44,694	44,496	44,298	44,100
Receipts	40,424	37,935	37,006	40,314	40,314	40,314	40,314
Total Workload	85,117	81,367	81,767	85,008	84,810	84,612	84,414
Resolutions	42,114	39,669	36,373	39,837	39,837	39,837	39,837
Charges Deferred to EEOC	1,188	1,184	700	675	675	675	675
Pending Inventory	41,815	40,514	44,694	44,496	44,298	44,100	43,902

Systemic Program

Tackling systemic discrimination -- where a discriminatory pattern or practice or policy has a broad impact on an industry, company or geographic area -- is central to the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits effectively use government resources because they address significant legal issues, broad policies, or have a broad impact on an industry, profession, company or geographic area. Without systemic enforcement, many discriminatory systems and structures would persist - leading to more harm to individuals subject to such discriminatory practices and potentially more individuals filing charges of discrimination against their employers. Research studies also document that systemic enforcement is a greater driver of employer compliance than individual investigations or cases.

Upon the 10th anniversary of the agency's *Systemic Task Force Report*, the EEOC has found that its enforcement efforts have been successful in readdressing discriminatory policies, practices and patterns of discrimination affecting tens of

thousands of workers across the country. The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of EEOC systemic investigations and lawsuits over the past decade, more than 70,000 workers have received jobs, wages, and benefits and many more have benefited from positive changes in workplace practices. Notably, EEOC tripled the success rate for conciliation of systemic matters from 21 percent to 64 percent over the past decade and the EEOC's litigation program has achieved a remarkable 92 percent success rate in its systemic cases over the past 10 years.

In FY 2016, EEOC field offices resolved 273 systemic investigations and obtained over \$20.3 million in remedies during the administrative process. These resolutions included voluntary conciliation agreements in 71 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. In addition, the agency issued reasonable cause determinations finding discrimination in 113 systemic investigations. At the litigation phase, the EEOC resolved 22 systemic suits for a total of \$36 million in remedies.

Table 7: Systemic Program

Systemic Program FY 2014 to FY 2016			
	FY 2014	FY 2015	FY 2016
Systemic Resolutions	260 investigations	268 investigations	273 investigations
Systemic Cause Findings	118 investigations	99 investigations	113 investigations
Systemic Litigation Filed	17	16	18
Pending Systemic Inventory	526 investigations	515 investigations	570 investigations

Investments in staffing, training, and technology have resulted in a 250 percent increase in systemic investigations in the past five years. Coordination of systemic investigations and cases has significantly increased, with staff regularly sharing information and strategies on systemic cases and partnering across offices on lawsuits. The agency is developing new approaches to more proactively address areas where significant employment problems persist and where government enforcement is most needed. The EEOC is also studying the types of remedial provisions that work to advance opportunity and reduce discrimination in the workplace. In addition, the agency is exploring approaches to relief where the interests of the employees, employer, and the EEOC align to result in lasting improvements to workplace practices and policies.

EEOC must continue to invest in training and the technology to support it. Training investments will allow for more efficient identification of potential systemic cases, along with the appropriate relief, which will help ensure the creation of jobs and changes in policies that will stop discrimination from continuing. To be cost efficient, this training must leverage current technology, along with the staff to support and maintain it, as these technology investments will

also support our enforcement efforts to recover relief for parties - which is critical to an effective systemic program.

With this budget request, the EEOC will be able to fulfill its commitment to building on the solid foundation of the current program to ensure the quality and success that the Commission expects in the pursuit of strong systemic cases.

b. Litigation

Since 1972, the Commission's litigation program has served a vital role in fulfilling our mandate to enforce the federal civil rights employment laws. Recognizing its resource limitations, the Commission has long emphasized that the litigation program should focus on cases that have the potential to impact multiple workplaces or large groups of applicants or employees, emerging or novel issues where the agency's expertise may be especially critical to achieving a successful outcome, and individual cases where broader law enforcement goals can be advanced with the successful resolution of the case.

For the past decade, the agency remains firmly committed to focusing its resources on cases of systemic discrimination, which typically involve broad-based employment practices affecting large numbers of individuals. The Commission's active docket of litigation changes from day to day but at the end of FY 2016, the agency was actively litigating 47 systemic cases representing 28.5 percent of the total active litigation docket. And consistent with the Commission's SEP, the agency has been successful in ensuring that the great majority of the cases selected for litigation raise priority issues, including discriminatory barriers to employment (chiefly recruitment and hiring practices), patterns of harassment, emerging and developing legal issues, protecting the rights of immigrants and other vulnerable populations, and discriminatory pay practices.

As the agency has increased its focus on developing and litigating systemic cases, the cost of funding the litigation program has risen. Systemic cases can be highly efficient, by addressing significant barriers for many workers in one proceeding, yet they also require considerable resources in terms of professional staff time and litigation expenses, such as retaining expert witnesses, voluminous motion and discovery practice, extensive travel and high interpreter costs for cases involving immigrant workers. Moreover, systemic cases often continue in active litigation over a multi-year period and last far longer than smaller-sized cases. In addition to these systemic-related costs, the agency's general litigation expenses per case have risen in recent years, due in large part to the explosion of e-discovery and the larger volume of discovery.

The Commission hired three trial attorneys in FY 2016 and 12 trial attorneys during the first two quarters of FY 2017, while losing 27 trial attorneys during the same time period. These staffing resources will be directed to handling systemic litigation, as well as litigating cases that present other high priority issues described above. With this budget, the Commission will also continue to bring cases that reach communities, population groups and geographic locations where private enforcement of anti-discrimination laws is rare. Absent litigation by the EEOC,

victims of discrimination in these areas would have minimal access to the legal system to protect their rights. In addition, Commission attorneys will continue to spend a significant portion of their time working closely with investigators to develop investigation plans, interview witnesses, analyze evidence and assist in charge resolutions.

The Commission carefully identifies where to focus its limited litigation resources. The Commission projects filing at least 100 new merit lawsuits in FY 2017 which would be an increase in filings from the previous year. Since at least FY 2010, the EEOC has averaged a favorable outcome in over 90 percent of its suits. Even in its systemic litigation, which is more complex, the EEOC has averaged a favorable outcome in approximately 92 percent of its systemic suits over the past ten years. In all of our litigation, the Commission seeks to secure substantial injunctive and equitable relief as well as appropriate monetary relief for all aggrieved individuals.

2. Federal Sector Programs

a. Federal Sector Enforcement Activities

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

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

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

Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 provide the Commission with its mandate that all federal personnel decisions be made free of discrimination, and require federal agencies to establish affirmative programs of equal employment opportunity (EEO) for all federal

employees and job applicants (42 U.S.C. §2000e-16 and 29 U.S.C. §791). Under these laws, and through subsequent statutes and amendments, Congress gave the EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million men and women across the country and around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides agencies in identifying and removing barriers to equality of employment opportunity so that the American people have a model federal work force that fully reflects everyone's contributions.

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

b. Federal Sector Improvements – Hearings

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

In FY 2016, the EEOC secured \$77.0 million dollars in relief for parties who requested hearings. At the end of FY 2016, there were a total of 8,193 hearings requests received, which reflects an increase of 5.7 percent over the number received in FY 2015 (7,752). Additionally, in FY 2016 the Commission's hearings program resolved a total of 6,792 complaints, which is 6.8 percent above the level in FY 2015, (6,360). As our workload table below projects, with the full productivity of our new hires made in FY 2016, resolutions are anticipated to climb 18 percent over the FY 2016 level to 7,983 in FY 2017 and a further 2 percent increase in FY 2018, to 8,145 resolutions. We project, as shown in Table 8 on the following page, that with the growth of resolutions in FY 2018, this will produce the first drop in inventory in many years of 3.3 percent, to 12,988 and the pending inventory will decline further in FYs 2019 through 2020.

Table 8: Hearings Workload Projections

Hearings Workload Projections FY 2014 to FY 2020							
Workload	FY 2014* (Actual)	FY 2015* (Actual)	FY 2016* (Actual)	FY 2017 (CR)	FY 2018 (Estimate)	FY 2019 (Estimate)	FY 2020 (Estimate)
Hearings Beginning	8,756	10,689	12,161	13,512	13,431	12,988	12,376
Receipts	8,086	7,752	8,193	7,952	7,752	7,752	7,752
Consolidations	(42)	(46)	(50)	(50)	(50)	(50)	(50)
Total Workload	16,800	18,395	20,304	21,414	21,133	20,690	20,078
Resolutions	6,347	6,360	6,792	7,983	8,145	8,314	8,314
Pending	10,453	12,035	13,512	13,431	12,988	12,376	11,764

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

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with Performance Measure 3 of the Strategic Plan, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite and tailor case processing commensurate with agency resources. The system which was piloted in four of our field offices in FY 2014, was expanded nationwide by the end of FY 2015, and was fully operational and producing positive results during FY 2016.

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

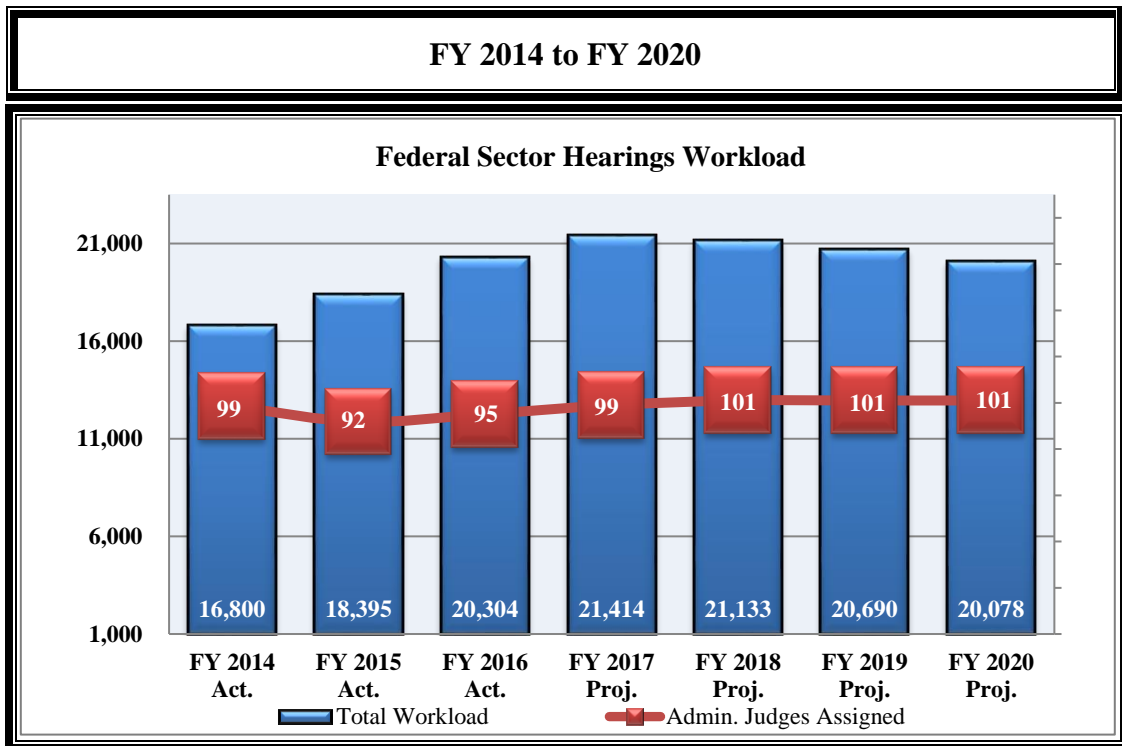
cases, and to conduct research on novel issues. We will continue to evaluate and quantify the efficiencies gained through this Case Management System while also working to identify the most effective practices to increase efficiencies across the agency.

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

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

Chart 5 on the next page demonstrates the actual workload and number of administrative judges assigned to handle hearing complaints for FYs 2014 through 2016 and projections for FYs 2017 through 2020. Based on recent data, hearings receipts are projected to decline in FY 2017 and a further decline is projected for FY 2018, remaining steady through FY 2020. Resolutions increased beginning in FY 2016 due to the hiring that occurred in FYs 2014 and 2015. FY 2017 will reflect a further increase in resolutions due to some limited hiring, and then additional increases in resolutions will occur in FYs 2018 through 2020 due to greater efficiencies achieved with technology enhancements for the hearings process and expanded use of case management techniques, which will prompt a steady decline in the pending inventory.

Chart 5: Federal Sector Hearings Workload



c. Federal Sector Appeals Programs

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

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

Each of the 3,751 appellate decisions issued in FY 2016 applied relevant law and precedent to the unique facts presented in each individual case. The EEOC’s federal sector appellate attorneys must exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that justice delayed is not justice denied. The table on the next page details the EEOC’s appellate adjudication results and projections.

Table 9: Appeals Workload Projections

FY 2014 to FY 2020							
Workload	FY 2014 (Actual)	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (CR)	FY 2018 (Estimate)	FY 2019 (Estimate)	FY 2020 (Estimate)
Appeals Beginning	4,305	4,541	4,340	4,111	4,735	5,517	6,568
Receipts	4,003	3,649	3,523	4,350	4,350	4,350	4,350
Total Workload	8,308	8,190	7,863	8,461	9,085	9,867	10,918
Resolutions	3,767	3,850	3,751	3,726	3,569	3,299	3,029
Pending	4,541	4,340	4,111	4,735	5,517	6,568	7,890

During the last six FYs, the EEOC’s appellate federal sector program has issued 608 decisions finding discrimination and provided “make whole” relief to these victims of discrimination. In FY 2016, there were 111 findings of discrimination issued by the EEOC’s federal sector appellate attorneys. During this same period, the EEOC’s appellate program secured \$5.1 million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC’s federal appellate program also issued 116 decisions that addressed one or more of the priority issues identified in the EEOC’s Strategic Enforcement Plan.

The agency has been successful in managing its appellate inventory through the use of targeted management techniques and improvements in technology. With regard to technological innovations, in FY 2012, the Commission issued regulations requiring agencies to submit appeal-related documentation in digital format. Further, these regulations encouraged complainants and their representatives to submit their appeals and briefs in digital format.

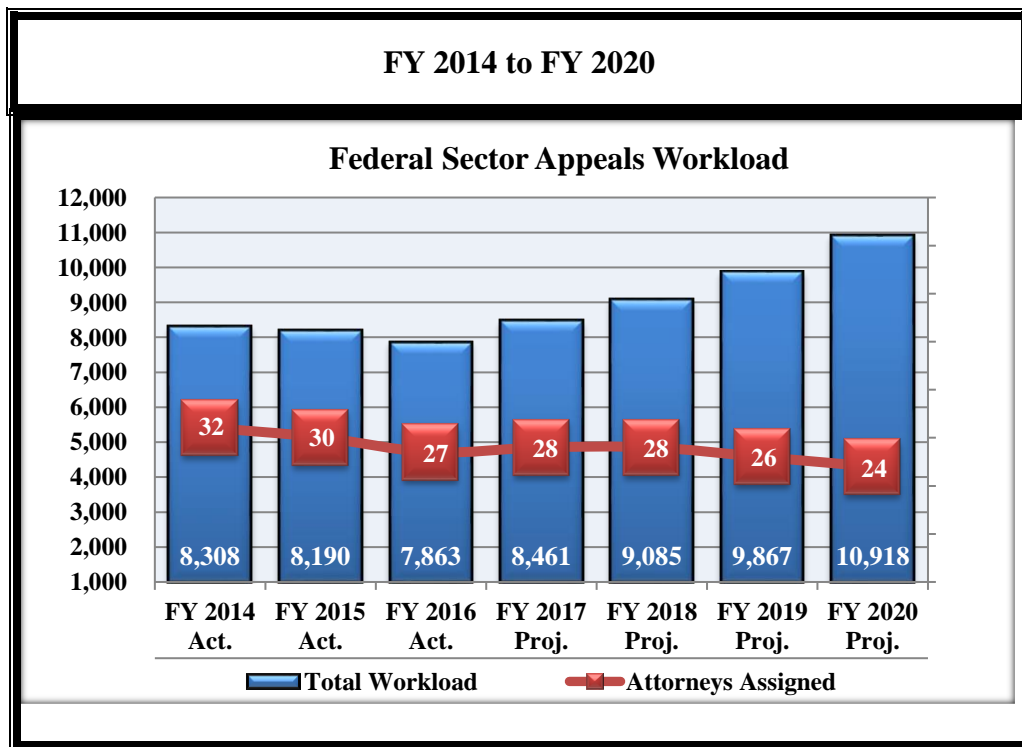
In FY 2015, the EEOC designed, developed, and deployed the adjudicatory components of the Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can upload documentation for hearings and appeals. During FY 2016 the EEOC held numerous online and telephonic training sessions, and made numerous refinements based on the results of a user survey and other feedback. The agency is planning additional enhancements that will enable it to seamlessly transmit documents to the parties, allow complainants to request a hearing or appeal online, and allow parties to review the status of the hearing or appeal online. In addition to the gains in efficiency and cost savings, these technological innovations will make the appellate process more transparent for all parties and will reduce the agency's reliance on appellate support staff to prepare and scan paper documentation received by the parties.

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

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

Chart 6 below identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2014 through 2016, and projections for FYs 2017 through 2020.

Chart 6: Federal Sector Appeals Workload



The EEOC will continue to explore ways and techniques to slow the rate of growth of its inventory by using sound case management principles and process

improvement techniques without compromising quality. The EEOC will focus on resolving its oldest cases, prioritizing cases with the broadest impact; and quickly addressing those appeals which seek to preserve access to the EEO process. Cases in this category represent about 40 percent of the incoming appeals. In addition, staff will be trained to enhance their effectiveness in individual case management. The office will continue to fulfill its responsibilities under the Strategic Enforcement Plan and the Federal Complement Plan and the Commission's Strategic Plan.

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

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

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

d. Oversight of Federal Agencies EEO Programs

To implement the federal government's policy prohibiting employment discrimination, agencies are required to maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation by all federal employees. The EEOC, serving in its oversight capacity for these efforts, implemented EEO MD-715, which details strategies for identifying and removing barriers to free and open workplace competition, requires agencies to incorporate EEO principles into their missions, and report their progress to the EEOC. If an agency identifies barriers to equal employment opportunity, the Commission assists the agency in eliminating those barriers. The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by reviewing their annual MD-715 submissions, providing in-person and telephonic technical assistance, and issuing written feedback. During FY 2016, EEOC staff conducted 74 technical assistance sessions that covered: (1) anti-harassment program implementation and effectiveness; (2) reasonable accommodation program and procedures; (3) timely conversion of Schedule A employees to the competitive service; (4) diversity within each agency's Senior Executive Service cadre; (5) any other areas in which an agency is non-compliant. By the end of this FY each of the 74 agencies with which the EEOC conducted a technical assistance session will

receive written feedback with a progress assessment and recommendations for improvement.

Performance Measure 5 of the Commission’s Strategic Plan mandates the design and implementation of an integrated data system intended to identify pervasive discriminatory practices and policies in federal agencies. The Commission’s development of an integrated data system under this measure will be the culmination of recent efforts to collect, analyze, and respond to information about agencies’ efforts to create model EEO programs. The Commission has developed the Federal Sector EEO Portal (FedSEP) to capture statistical data contained in agencies’ MD-715 reports, and allow for the upload and analysis of EEO complaint data (EEOC Form 462), as well as supporting narrative documentation. Information available to the hearings and appellate units will be combined with agency complaint data, workforce data, and barrier analyses to build a more complete picture of how agencies are progressing in their development of model EEO programs. The EEOC is also developing a root cause analysis tool to assist agencies in identifying policies, procedures and practices that may adversely affect a particular EEO group’s opportunities. The Commission expects to complete designing the tool by the end of the calendar year and post in Fed SEP in early September 2017.

In an effort to improve the timeliness and efficiency of the federal sector EEO process, the Commission’s regulations provide federal agencies an opportunity to request variances from the current administrative process. During FY 2016, the Commission received and reviewed a number of these “pilot projects.” During FY 2017, the Commission will determine which proposals to approve for agencies’ implementation.

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

In FY 2016, the EEOC offered 39 open-national enrollment courses including new courses on special emphasis program management and anti-harassment. Customized classes -- created in response to agency requests -- were provided to more than 30 different federal agencies and reached 350 federal employees with over 300 hours of customized course content. To assess the effectiveness of these efforts, the EEOC has created several evaluative tools, including an agency-participant satisfaction survey and a tool to measure participant knowledge, understanding and ability to respond to unlawful workplace harassment. In addition -- in accordance with the FCP and in response to increasing stakeholder demand for no-cost education and training on EEO laws – the EEOC has developed toolkits on retaliation, harassment prevention, reasonable accommodation, and LGBT issues in the workplace. Finally, through the EEOC's YouTube channel, the

agency continues to provide educational videos, and introduced a “NewsFlash” series to disseminate via email articles on current EEO topics such as religious accommodation and Youth@Work. With these and other initiatives, the EEOC plans to increase outreach to its federal sector stakeholders by 10 percent in both FY 2017 and FY 2018.

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

A. Introduction

In FY 2016, the agency engaged in increased outreach efforts to ensure that the needs of the diverse audiences we serve across the nation are met. We continued our partnerships with employers, colleges and universities, advocacy groups, immigrant and farm worker communities, governmental entities, and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

Under Strategic Objective II of the Plan, the agency established the following outcome goals:

1) Members of the public understand and know how to exercise their right to employment free of discrimination; and 2) employers, unions, and employment agencies (covered entities) better address and resolve EEO issues, thereby creating more inclusive workplaces.

The three strategies for achieving the goals of Strategic Objective II can be summarized as follows:

- Target outreach to vulnerable workers and underserved communities.

“Vulnerable workers” are those workers who are unaware of their rights under the equal employment laws, or are reluctant or unable to exercise their rights. This includes, but is not limited to, low wage earners, farm workers, refugees, victims of human trafficking, and youth in their first jobs.

“Underserved communities” have been defined as those communities whose demographics, geographic location, or economic characteristics impede or limit their access to services provided by the EEOC.


- Target outreach to small and new businesses.
- Provide up-to-date and accessible guidance on the requirements of employment antidiscrimination laws.

Performance Measures 8 through 11 were developed to track our progress in pursuing these strategies under Strategic Objective II.

B. Performance Measures and Results

Performance Measures 8 and 9 focus on encouraging interactive and sustained partnerships with community organizations and businesses that are in the communities we are trying to reach. For these two measures, we defined “significant partnerships” as an interactive and sustained relationship with an organization, community group, advocacy group, etc., that represents or serves vulnerable or underserved communities and enhances the EEOC’s ability to reach those communities.


Vulnerable and Underserved Communities

Performance Measure 8: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.			
	FY 2016	FY 2017	FY 2018
Targets	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.
Results	The agency increased the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities to 140.		
			Target Exceeded

The baseline established in FY 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. In FY 2015, the agency exceeded its target of 116 significant partnerships and established a new FY total of 130 relationships. The FY 2016 target for this measure was to maintain the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.

By the end of FY 2016, the agency had increased the number of significant partnerships from 131 to 140. This includes the addition of the national Memorandum of Understanding (MOU) signed by the EEOC and the Embassy of Ecuador on November 10, 2015. This MOU is designed to further strengthen collaborative efforts to provide immigrant, migrant, and otherwise vulnerable Ecuadorian workers and their employers with guidance, information, and access to education about their rights and responsibilities under the laws enforced by the EEOC. Under the national framework of the MOU, the two entities will cooperate to provide outreach and training, as well as assist with enforcement efforts as needed. During FY 2017 and FY 2018, the agency will continue to provide support and guidance to outreach efforts and partnership development strategies within the vulnerable worker and underserved communities in order to sustain the performance target for these vital partnerships.

Small and New Businesses

Performance Measure 9: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent small or new business (or with businesses directly).			
	FY 2016	FY 2017	FY 2018
Targets	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.
Results	The agency increased the number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) to 111.		
			Target Exceeded

In FY 2012, the agency established a baseline of approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency's objective of preventing employment discrimination through education and outreach to employers. In FY 2015, the agency exceeded its target of 92 significant partnerships and established a new FY total of 109 relationships. The FY 2016 target for this measure was to maintain the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly). At the end of FY 2016, the agency had increased its relationship with the number of significant partnerships representing business communities from 109 to 111 - an increase of two new partnerships for the FY.

Efforts to ensure continued relations included preparing and coordinating the EEOC's report to the Small Business Association (SBA) Office of the National Ombudsman for its Annual Report to Congress. The report grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The ombudsman's most recent report issued for FY 2014 gives the EEOC the highest possible rating of "A." Throughout the year, we have also facilitated the participation of field staff in roundtables and other interactive practices by the regional SBA Regulatory Fairness Boards, which are comprised of small business leaders in the community.

In FY 2017 and FY 2018 the agency will continue, through regular conference calls and other interactions, to provide support and guidance to districts in their on-going efforts to sustain and grow their significant partnerships in the small business community.

Social Media Plan


Performance Measure 10: By FY 2013, the EEOC implements a social media plan.			
	FY 2016	FY 2017	FY 2018
Targets	N/A****	N/A****	N/A****
Results	N/A****		
			N/A****

**** N/A – Not applicable for FYs 2016 through 2018. – Measure completed by Commission vote in September 2015.

Performance Measure 10 was designed to ensure that the agency used social media technologies to provide information to reach the EEOC's stakeholders, effectively. By extension, the measure would insure that the EEOC's social media strategies were consistent with the agency's Strategic Enforcement Plan, the Chair's priorities, and other appropriate directives.

Measure completed. On September 30, 2015, the Commission approved the agency's Communications and Outreach Plan, which included the social media plan, and set out the overall communications strategy. To reference this document, go to <https://www.eeoc.gov/plan/communications-outreach.cfm>.

Sub-regulatory Guidance Review and Revision

Performance Measure 11: The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.			
	FY 2016	FY 2017	FY 2018
Targets	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.
Results	Two substantive policy documents and additional materials were approved and provided to the public during the FY.		
			Target Exceeded

Performance Measure 11 provides for the agency's sub-regulatory guidance and documents to be reviewed and, where necessary, updated and accompanied by plain language text. The agency's enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with those laws. Although the regulations the agency issues set the basic legal framework for

the implementation of those laws, sub-regulatory materials, including the EEOC's guidance documents, provide more tangible assistance to those with rights and responsibilities under such laws.

In the first half of FY 2016, the agency approved and released two sub-regulatory guidance documents and other resource materials to the public. On December 1, 2015, the Commission issued: *Living with HIV Infection: Your Legal Rights in the Workplace under the ADA and Helping Patients with HIV Infection Who Need Accommodations at Work*. On December 23, the Commission issued: *Questions and Answers for Employees: Responsibilities Concerning the Employment of Individuals Who Are, or Are Perceived to Be, Muslim or Middle Eastern and Questions and Answers for Employers: Responsibilities Concerning the Employment of Individuals Who Are, or Are Perceived to Be, Muslim or Middle Eastern*.

In the second half of FY 2016, the agency approved and released the *Proposed Enforcement Guidance on National Origin Discrimination* (June 2, 2016), and the *Final Enforcement Guidance on Retaliation and Related Issues* (August 25, 2017). In the first half of FY 2017, the agency released the *Final Enforcement Guidance on National Origin Discrimination* (November 18, 2017), and the *Proposed Enforcement Guidance on Unlawful Harassment* (January 10, 2017).

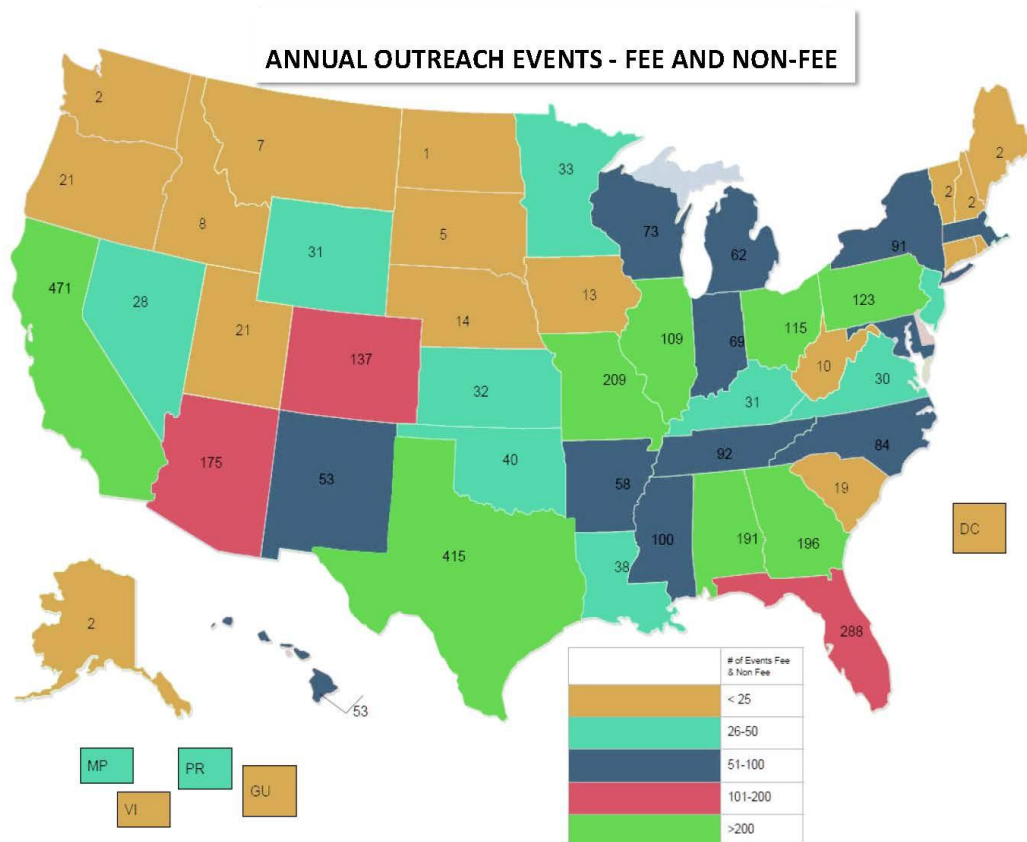
The agency also released the following documents during the second half of FY 2016 and the first half of FY 2017: *Fact Sheet: Bathroom Access Rights for Transgender Employees Under Title VII of the Civil Rights Act of 1964* (May, 2, 2016); *Employer-Provided Leave and the Americans with Disabilities Act* (May 8, 2016); *Small Business Fact Sheets: Final Wellness Rule and Title II of GINA, and Final Wellness Rule and Title I of the ADA* (May 17, 2017); *Legal Rights for Pregnant Workers Under Federal Law and Helping Patients Deal with Pregnancy-Related Conditions and Restrictions at Work* (June 14, 2016); *Sample Notice for Employers Sponsoring Wellness Plans and Questions & Answers on Sample Notice* (June 16, 2016); *Small Business Fact Sheet and Questions & Answers on Retaliation* (August 29, 2016); *Small Business Fact Sheet and Questions & Answers on National Origin Discrimination* (November 21, 2016); *Depression, PTSD, and Other Mental Health Conditions Your Rights* (December 12, 2016).

During the second half of FY 2017 or in early FY 2018, the Commission is scheduled to issue Final Enforcement Guidance on Harassment, and documents to assist federal agencies in complying with requirements of EEOC's Final rule on Affirmative Action for People with Disabilities in Federal Employment. Those documents will include Questions and Answers on providing Personal Assistance Services for Individuals with Targeted Disabilities and Guidance on what should be included in agency written reasonable accommodation procedures.

C. Outreach

Building upon efforts to prevent employment discrimination through education and outreach in the nation's workplaces, we will continue a vigorous and far-reaching outreach program to meet the needs of diverse audiences.

As the map below shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Possessions of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. With the level budget in the FY 2018 budget for outreach activities, we will maintain our outreach to individuals across the United States, including underserved areas across the country. We will continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2016, the EEOC conducted over 3,600 outreach events reaching 316,245 individuals nationwide. Additionally, in FY 2016, the Commission’s fee-based programs trained 14,000 individuals at more than 200 events. With our funding, the EEOC will continue to provide service to vulnerable communities and underserved areas and to assist the small or new employer community as well as provide outreach and education on other important topics that arise throughout the year in an overall effort to fulfill the goals and objectives of the agency. In FY 2017, we will begin surveying attendees at our Technical Assistance Program Seminars to gauge impact of training on improvements in the workplace to advance equal employment opportunity.



Through public relations, training and education, the EEOC enhances public awareness of emerging issues of employment discrimination in America’s workplaces. Our outreach is meant to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce. Approximately 35 percent of our outreach is

conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and fair employment practice agencies. Employers' knowledge of our laws contributes to their ability to independently identify, prevent and eliminate workplace discrimination. Employees' and job applicants' knowledge of our laws also contributes to their ability to understand their rights and responsibilities in the workplace.

The EEOC has significantly increased its outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Approximately 15 percent of outreach conducted is to small employers. Agency offices conducted 567 no-cost outreach events directed toward small businesses in FY 2016, reaching 26,497 small business representatives. The most popular topics for small business audiences were an overview of the laws enforced by the EEOC, charge processing procedures, sexual harassment, Title VII, LGBT and the ADA. Also, working with the Small Business Administration's Office of the National Ombudsman, the EEOC participated in several Round Table discussions at various locations around the country with small businesses and organizations that represent small businesses as well as a Regulatory Fairness Hearing held in Washington, DC. Under the leadership of a former EEOC Commissioner, the Small Business Task Force launched the small business website at the end of FY 2016 as part of its activities to continue to reach out to small employers and make online access to information from us easier, more comprehensible and more directly responsive to the real-life issues that they face in the workplace.

In addition, the EEOC is strongly committed to providing outreach and technical assistance to stakeholders in underserved communities across the nation, including those with limited English proficiency. Approximately 35 percent of the outreach conducted is to these vulnerable communities. Immigrant and farm worker communities are included as a priority for outreach. Consistent with the Strategic Enforcement Plan, the issue of human trafficking of those from vulnerable communities is a focus for the EEOC. We are working diligently and consistently with several organizations, governmental and non-governmental, to help stamp out the trafficking of vulnerable groups as well as pave the way for other groups to have access to employment such as those who are released from incarceration and are trying to re-enter the workforce. Staff members traveled to states and communities where no EEOC office is located or where certain communities are reluctant to come forward to complain of employment discrimination, and partnered with local community organizations, consulates, and other entities to reach these workers. For example, 1,444 events, reaching 56,063 individuals, were targeted for migrant farm worker communities and their advocates to provide education and information about discrimination. There were 183 events focused on human trafficking issues; working with community-based organizations devoted to trafficking issues, and reaching 12,146 people. There were also 144 events that reached 10,410 people and focused on the topics of limited English proficiency. In addition, more than 10 events, reaching 3,100 people, focused on the issue of the use of arrest and conviction records in employment; raising awareness about the impact on those who are trying to re-enter the workforce and become productive citizens. Finally, the EEOC also provided 100 off-site intake and counseling services in neighborhoods where persons with limited English proficiency may be less likely to visit agency offices.

The EEOC also upgraded and developed initiatives for targeted outreach, training and education. During FY 2016, the Youth@Work initiative was updated to include new materials, fact sheets and presentations pertaining to topics such as, arrest and conviction, LGBT, immigrant, migrant/vulnerable workers, harassment and bullying, disabilities and the responsible use of social media issues.

In addition, two projects which will be ongoing in FY 2017 include the development of an ADA/health care work group and a work group on harassment. The ADA/Healthcare Work group was established to develop and build partnerships with large hospitals and health care facilities to provide training to increase the awareness and requisite obligations under the ADA policies related to identifying reasonable accommodations for covered employees and granting leave as an accommodation. Also, in FY 2016, the Select Task Force on the Study of Harassment in the Workplace issued a report which included recommendations to develop additional resources for targeted outreach. A work group is being established to develop resources which will include written materials, videos and mobile friendly website information.

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

1. Non-fee-based Outreach

Table 10 below shows funding for Outreach (non-fee-based). Our budget request for FY 2017 for Strategic Objective II was \$6.0 million. The proposed request for FY 2018 will support the maintenance of our existing outreach activities across the United States.

Table 10: Budget Request Summary through Outreach

FY 2016 to FY 2018			
(Dollars in thousands)			
	FY 2016 (Actual)	FY 2017 (Annualized CR)	FY 2018 (Request)
Outreach (Non-fee-based)	\$6,000	\$6,000	\$6,000
Total	\$6,000	\$6,000	\$6,000

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

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

In FY 2016, the institute trained over 14,000 individuals at more than 200 events, which included 30 Technical Assistance Program Seminars (TAPS) that were attended by over 5,100 participants. The one- and two-day TAPS seminars are responsive to employers' information and training needs. Through the TAPS seminars, the EEOC educated employers and employees about their respective rights and obligations, and provided detailed information about identifying and preventing workplace discrimination. Table 11 below shows the financial summary of the Revolving Fund.

Table 11: Summary of Financing for the Revolving Fund

FY 2014 to FY 2020							
(Dollars in thousands*)							
	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 CR	FY 2018 Est.	FY 2019 Est.	FY 2020 Est.
Total Obligations	3,781	2,644	5,253	3,743	3,743	3,500	3,500
Offsetting collections from:							
Federal Funds	1,286	1,216	1,492	1,400	1,700	1,450	1,500
Non-Federal Sources	1,916	2,887	2,522	2,000	2,000	2,200	1,900
Unobligated balance, start of year	1,986	1,407	2,866	1,627	1,284	1,241	1,391
Unobligated balance, end of year	1,407	2,866	1,627	1,284	1,241	1,391	1,291
Net Budget Authority	5,188**	5,510**	6,880**	5,027	4,984	4,891	4,791

*May not add due to rounding

**Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2014 \$288,000, FY 2015 \$146,000 and FY 2016 \$136,000(included in the Net Budget Authority line above.)

EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE

In July 2016, the agency held its 19th annual Examining Conflicts in Employment Laws (EXCEL) Conference directed at both federal sector and private sector practitioners. This format continues to expand the event to a larger audience base that is comprised of EEO managers, HR professionals, attorneys, union officials, and other EEO professionals. Overall, the event attracted more than 500 attendees. This consolidated approach to blending various audiences at a single site had at its foundation the goal to promote cost savings in a limited budgetary environment. Among the highlights of the 2016 EXCEL conference, which had as its theme "Inform...Invest...Innovate," were presentations by keynote speakers Freada Kapor Klein of the Kapor Center for Social Impact, civil rights leader Ernest Green from the California Department of Fair Employment and Housing, and Kevin Kish and Kate Kendell, directors with the National Center for Lesbian Rights.

The 2017 EXCEL Conference will take place June 27-29, 2017, in Chicago, Illinois. This year's conference will again offer separate tracks for federal sector attendees and for private sector attendees (the latter group includes state and local governments). The conference will offer plenary sessions with presentations by the EEOC's Chair, and other high ranking agency officials, leaders of other federal

agencies, and nationally renowned civil rights leaders and speakers. Additionally, there will be over 70 federal sector workshops that will cover a wide array of subjects that are of interest to EEO practitioners. These sessions will be presented by experts who are responsible for enforcing EEO laws as well as other federal officials who will discuss their agencies' priorities and regulatory agenda. The 20th annual EXCEL conference theme is “Embracing the Future: People, Purpose, Passion”.

VIII. STRATEGIC OBJECTIVE III - Deliver Excellent and Consistent Service Through a Skilled and Diverse Workforce and Effective Systems

A. Introduction

This objective is intended to ensure that the agency delivers excellent and consistent service through its efforts to support a skilled workforce while deploying effective systems – many of which service the public directly. Effective customer service and operating systems can positively influence the general public’s understanding of our ability to address their employment discrimination concerns in the workplace. This measure was designed to focus on issues regarding staff and infrastructure, which are mission critical components of any successful organization.

The goal of this strategic objective is that all interactions with the public are timely, of high quality, and are informative. As noted in Strategic Objective I, it is a significant agency priority to enhance the timeliness and ensure the continued quality of our enforcement activities in the private, state and local government, and federal sectors. In addition, the agency is committed to meeting the evolving needs of the 21st century workplace and responding to developments in the interpretation of anti-discrimination law. Moreover, given the agency’s mission, it is critical that the agency foster a diverse and inclusive workplace to better serve the rich diversity of America. The EEOC strives to serve as an example to other employers by fostering an inclusive workplace that values the diverse backgrounds, experiences, and perspectives of its workforce. Finally, to improve the agency’s customer service, the EEOC must ensure the effectiveness of our systems by leveraging technology to streamline, standardize, and expedite critical functions.


To these ends, we developed three strategies for achieving Strategic Objective III:


- Effectively engage in workforce development and planning, including identifying, cultivating, and sustaining a skilled and diverse workforce;
- Rigorously and consistently implement charge and case management systems to deliver excellent and consistent service; and
- Use innovative technology to facilitate responsive interactions and streamline agency processes.



For this objective, we adopted Performance Measures 12 and 13 to support and monitor the agency’s progress toward our FY 2017 targets (along with two previously identified measures, Performance Measures 2 and 3, starting on Page 22 and cross-referenced under Strategic Objective I).

B. Performance Measures and Results

Workforce Quality, Diversity, and Skills

Performance Measure 12: The EEOC strengthens the skills and improves the diversity of its workforce.			
Target (a)	FY 2016	FY 2017	FY 2018
Number of employees with disabilities	500	500	500
Results	468		
			Target Partially Met

Target (b)	FY 2016	FY 2017	FY 2018
Number of employees with targeted disabilities	123	123	123
Results	96		
			Target Partially Met

Target (c)	FY 2016	FY 2017	FY 2018
Percentage of hires made within 78 days	85%	85%	85%
Results	84%		
			Target Not Met
			Overall Targets Partially Met*

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

The FY 2016 target for Performance Measure 12, Subpart (a) was to increase the number of persons hired with disabilities by 20 percent over 5 years, or at least 29 employees with disabilities each year over the FY 2015 target of 471 employees with disabilities, to 500 total. Successful performance under Subpart (b) was to increase the number of employees with targeted disabilities by 5 percent, or at least 11 individuals each year over the FY 2015 target of 112 employees with targeted disabilities, to a total of 123. And finally, Subpart (c) required the agency to improve and streamline the hiring process to increase the percentage of all hires made within 78 days to 85 percent in FY 2016.


By FY-end 2016, the agency had partially met its targets for Performance Measure 12. The agency did not meet its goal under Subparts (a) and (b) for hiring employees with disabilities because hiring was much lower than originally projected. Due to budget limitations, the total number of new employees hired during the FY was 62; - 25 external

hires and 37 internal selections. There were also four Schedule A hires of individuals with disabilities not included in the total of 62. This limited external hiring meant the EEOC did not meet the administrative target it set to bring on board at least 29 employees with disabilities in FY 2016 under Subpart (a) because most the positions were filled by existing EEOC staff who were redeployed into other positions. It is important to note that this strategy will be continued in 2017 and 2018 as EEOC follows the guidance set forth by OPM's April 12th memo on restructuring the workforce. The new hires raised the total to 468 staff with disabilities at the end of the year, which was short of the FY 2016 strategic goal of 500. Under Subpart (b), the agency did not meet its administrative target of hiring at least 11 persons with targeted disabilities – bringing on board only 2 new staff members. The resulting total of 96 persons hired with targeted disabilities was less than the 123 individuals in the FY 2016 strategic goal.

In FY 2016, the agency continued to implement strategies to increase the number of employees with disabilities, and help the EEOC move closer to meeting its annual human capital goals under Subparts (a) and (b). These strategies included creating a repository of Schedule A applications and allowing easier access by hiring managers to these resumes to allow for broader consideration of qualified applicants. Additionally, specialized training initiatives, such as webinars that focused on “best practices” and “lessons learned” for increasing the number of individuals with disabilities, including those with targeted disabilities formed part of the strategy. Overall the EEOC is still trending ahead of most federal agencies, including Cabinet level departments, regarding hiring and retention rates for individuals with disabilities.

Several factors both internal and external to the agency had an impact on timely hires under Subpart (c). A top priority for the agency has been to hire necessary staff in human resources and create efficient procedures to ensure more timely hires. Of the reported 62 new hires-to-date, 52, or approximately 84 percent, were made within 78 days. This is 2 days fewer than the 80 days required by OPM/OMB's Time to Hire metrics. In addition, the EEOC coordinated with the Office of Personnel Management (OPM) to migrate an upgraded version of USASTAFFING that will provide a full range of features. The agency anticipates improving its time-to-hire response because of streamlined procedures, training existing HR staff on the current processes and making additional hires to ensure the EEOC HR office is fully staffed. Meeting these aggressive targets will continue to be a priority for the agency during FY 2017 and for FY 2018 and beyond.

Streamlining and Increasing Agency Responsiveness in the Charge System through Technology

Performance Measure 13: The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.			
	FY 2016	FY 2017	FY 2018
Targets	Meet targets determined in FY 2012.	N/A****	N/A****
Results	The Digital Charge System was launched in all 53 offices in January 2016, allowing employers to receive and transmit charge-related documents. The Online Charge Status system was launched on March 23, 2016. The Online Intake System and Charging Party Portal are expected to be launched in 1 st QTR FY 2017.		
			Target Partially Met*

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

**** N/A – Not applicable for FY 2017 and FY 2018; established targets met in FY 2016.

Performance Measure 13 requires the agency to leverage technology to improve the private and state and local government sectors’ charge process, including streamlining services and increasing responsiveness to customers throughout the process. This measure includes three primary projects: 1) Digital Charge System (formerly called ACT Digital); 2) Online Charge Status; and 3) Online Inquiry System.


Digital Charge System: Launched as a pilot in May 2015, the Digital Charge System (DCS) allows the EEOC and employers to transmit charge documents electronically to each other. By January 2016, all 53 EEOC offices had implemented DCS with respondents, which will improve customer service, ease the administrative burden on staff, and reduce the use of paper submissions and files. This initiative will also provide long-term benefits of improving collaboration and knowledge sharing, enhancing data integrity, reducing paper file storage and manual archiving/ destruction requirements, and enabling a more mobile workforce.

Additional features provided to employers using the DCS in FY 2016 allowed employers to include attachments to their position statements, easily change their passwords, designate multiple contacts, and upload responses to Requests for Information (RFI) from the EEOC. In addition to the benefits listed above, respondents can now receive other correspondence from the EEOC, including RFIs through the portal. They can transmit their decision on accepting mediation, their position statements, their responses to RFIs, Requests for Extension of Time to File their position statement, and other correspondence. The EEOC also delivered training to the field and to the respondent community on how to use these features. The second phase of the Digital Charge System, which will be implemented during FY 2017, will focus on providing online communications and electronic document transfer with the EEOC’s charging parties.

Online Inquiry System: During FY 2016, the EEOC also worked to develop technology to provide the public with the option to perform self-screening, submit a pre-charge inquiry, and use an online calendar to schedule an appointment for an intake interview. This technology will reduce calls and wait times for charging parties seeking information about the charge process, increase electronic communication, and reduce agency staff time spent on administrative tasks. The system is currently being piloted in five EEOC offices, with a planned roll-out to all offices during FY 2017.

Online Charge Status: The Online Charge Status system was launched on March 23, 2016. The system provides up-to-date status on individual charges, as well as an overview of the steps that charges follow from intake to resolution. Additionally, the system provides contact information for EEOC staff assigned to the charge. With the new system, charging parties can access information about their charge at their convenience, while allowing EEOC staff to focus on investigating charges. Companies or other entities that have charges of employment discrimination filed against them also can access the system and receive the same information on the status of the charge. Since the release of the Online Charge Status system at the end of March 2016, it has been used 375,000 times to look up the status of charges.

Budgetary Resource Alignment

Performance Measure 14: EEOC's budgetary resources for FY 2014-2018 align with the Strategic Plan.			
	FY 2016	FY 2017	FY 2018
Targets	<p>Prepare the EEOC's FY 2018 Performance (OMB) Budget that aligns resources with the Strategic Plan.</p> <p>Prepare the EEOC's FY 2017 Congressional Budget.</p> <p>Develop a final FY 2016 Operating Plan based on approved FY 2016 appropriations.</p>	<p>Prepare the EEOC's FY 2019 Performance (OMB) Budget that aligns resources with the Strategic Plan.</p> <p>Prepare the EEOC's FY 2018 Congressional Budget.</p> <p>Develop a final FY 2017 Operating Plan based on approved FY 2017 appropriations.</p>	<p>Prepare the EEOC's FY 2020 Performance (OMB) Budget that aligns resources with the Strategic Plan.</p> <p>Prepare the EEOC's FY 2019 Congressional Budget.</p> <p>Develop a final FY 2018 Operating Plan based on approved FY 2018 appropriations.</p>
Results	<p>The EEOC's final FY 2016 Operating Plan was issued on January 14, 2016.</p> <p>The EEOC's FY 2017 Congressional Budget was submitted to Congress on February 9, 2016.</p> <p>The EEOC's FY 2018 Performance Budget, although prepared for September 2016 submission, was not required pursuant to OMB Memorandum M-16-10.</p>		
			Target Met

The FY targets for Performance Measure 14 are to submit the EEOC’s FY 2017 Congressional Budget Justification (CBJ) and prepare the EEOC’s FY 2018 Performance (OMB) Budget that aligns with the agency’s Strategic Plan for FYs 2012-2016 (as modified on February 2, 2015 – See Section XI, Interim Adjustments to the Strategic Plan) per OMB timeframes. The FY 2018 Performance Budget Data Call was issued to Headquarters and Field Directors on July 13, 2016. However, OMB Memorandum M-16-10 directed all federal agencies to submit their FY 2018 Congressional Budget Justifications to OMB after January 2017, following the inauguration of a new President based on the November 2016 presidential election.

C. Program Areas

1. Highlighted Resource Area

Table 12 shows our highlighted budgetary resources for Information Technology (IT) under Strategic Objective III. For this strategic objective, the agency’s resources are allocated between Strategic Objective I and Strategic Objective II to identify the full cost of conducting our front-line programs, including all of the elements of our operations supporting those programs.

Table 12: Highlighted Resource Area

Excellent & Consistent Services Through a Skilled and Diverse Workforce and Effective Systems				
	FY 2016 (Actual)	FY 2017 (CR)	FY 2018 (Request)	Change From FY 2017
Information Technology	\$14,363	\$16,023	\$17,204	\$1.181
Total	\$14,363	\$16,023	\$17,204	\$1.181

2. Human Resources Function

a. Workforce Planning

In FY 2018, the EEOC will continue to implement workforce planning activities that focus on position management and classification. We are aggressively reviewing our staffing patterns and making recommendations to realign resources to ensure we are efficiently carrying out our mission. The Agency initiated a comprehensive review of classified positions in the second quarter of 2017 with a goal to complete the review of mission critical occupations by the end of the current FY. The agency will continue to review staffing needs and workforce deployment to ensure we are able to effectively and efficiently carry out the EEOC mission. Per the Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce (M-17-22), the agency, in consultation with OMB, is developing an agency reform plan.

b. Training

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

We have also maintained a focus on providing our staff with on-going training and sharing of case management techniques that prepare them to investigate and resolve the charges that come through our doors. A nationwide training program on the investigation of Systemic Charges, which was completed in FY 2016, allowed us to provide staff with on-going training to ensure that they are prepared to effectively meet the public demand for our services. During FY 2017, webinar training was provided to our staff to ensure they are prepared. The training sessions have covered a variety of issues including updated procedures for entering and maintaining accurate information tracking and reporting on SEP issues and other topics of interest. The webinar training will be continued in FY 2018 since it has proven to be an effective mechanism to convey relevant information and timely updates to our staff in all of our 15 districts.

In addition, in FY 2016, we delivered the Intermediate Skills training for investigators with a minimum of 12 years of experience. During 2015 and 2016, the agency trained a total of 132 new investigators through an intensive session focusing on core skills necessary for conducting interviews, drafting charges, analyzing data and making recommendations for findings on the merits. In FY 2017, we will be offering this two-week New Investigator Training to 52 staff hired since last year's training. We will deliver this same training course in FY 2018 for any new investigator hires. Beginning in FY 2017, we are launching nationwide training for investigators on conciliation and negotiation skills. We will also continue to offer in FY 2017 and 2018 to EEOC and FEPA investigators the Intermediate Skills training. Prospectively, for FY 2018 we will develop and deliver training to address the needs of staff as they perform their investigative duties in an evolving environment of technological advances, Commission priorities, and legal developments. This training will equip them with the skills and knowledge to continue to capably respond to the dynamic changes to our processes and the resultant impact on their duties and responsibilities.

In FY 2018, the agency will continue to focus on systemic training with a renewed focus on conciliation training per the direction of Acting Chair Lipnic. Employees will also be encouraged to complete individual development plans (IDPs) that focus on a blend of technical and professional development training in order to increase current skills. Senior Executives are required to complete executive development plans (EDPs) in 2017 and this requirement will continue in 2018. As the Commission's information technology infrastructure improves we are able to conduct more training using virtual platforms such as Adobe Connect and Skype. This is a critical need given most EEOC employees are based in field offices.

During FY 2017, the EEOC issued a Statement of Work proposal to solicit bids for a Learning Management System (LMS). This will help the agency to strategically plan and administer the learning activities of its staff. The agency is using the results of the requirements study conducted in 2016 to procure a system that will track employee course completions, conduct pre and post testing to measure results and gather the data needed to submit required reports on agency training activities to the Office of Personnel Management.

c. Mentoring Program

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

We plan to expand the local mentoring efforts in 2018 to a nationwide detail initiative, "Shadowing Opportunities" program and cross-training opportunities for our administrative staff to development skills to help them compete more successfully for opportunities in our mission-critical occupations including investigations and EEO Specialist positions.

d. Performance Management

All EEOC GS employees were placed on standardized performance plans by the end of the second quarter of FY 2017. The agency is moving ahead with Phase II of the performance management modernization project by piloting USA Performance, an electronic performance management system administered by the Office of Personnel Management. Six offices are piloting the program with full implementation scheduled for the first quarter of 2018.

The agency is continuing its focus on increasing efforts to deal with poor performers. A management directed study in FY 2016 revealed that managers often refuse to address poor performance because they believe they will not be supported by senior management and also have not been afforded many training opportunities in this area. The Office of the Chief Human Capital Officer is redoubling efforts to train supervisors through formal training, individual consultations with Employee Relations/Labor Relations and performance

management experts and sustained communication efforts to underscore that managing performance is an inherent requirement of management. Per the Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce (M-17-22), the agency, in consultation with OMB, is developing a plan to maximize employee performance.

3. Addressing Internal Workplace Issues

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

To fulfill the Commission's vision "of justice and equality in the workplace," and as a key component of the EEOC's model workplace initiative, the Commission is exploring an expansion of its internal workplace dispute resolution program by creating an ombudsman's office. Through confidential employee engagement, the ombudsman would promote better communication, foster constructive dialogue, increase collaboration, identify systemic issues, facilitate equitable outcomes, and improve transparency of the organization.

4. Customer Service

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

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone and e-mail. The IIG consists of in-house staff that serves as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail. The IIG received over 585,000 calls in FY 2016. An average of 43 percent of callers utilized the Interactive Voice Response system and needed no further assistance. Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. Each month our Information Intake Representatives (IIRs) answered more than 9,400 calls and more than 2,500 emails

from individuals wanting more information or wishing to discuss their situation with an IIR. In FY 2016, approximately 78 percent of calls and emails answered by the IIRs were fully resolved by the IIR without being referred to other staff in EEOC field offices.

Beginning in FY 2015, the agency undertook a number of actions to enhance the operations of the IIG. The first action was to restructure the operation and consolidate the functions to allow for greater adaptability to changing requirements and technology; a reduction in operational and training travel costs; and improved morale with a team-structured environment conducive to peer-to-peer feedback and support.

The EEOC also took steps to increase the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). The EEOC is one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Two new staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FYs 2017 and 2018, we will continue to assess the public demand for ASL services to determine if additional staffing resources are needed to support this aspect of our customer service program.

Additionally, to achieve a goal of employing staff that could perform their work 100 percent remotely, the EEOC partnered with the National Telecommuting Institute (NTI) to hire individuals who, because of their limited mobility, need to work from home. NTI is a non-profit organization whose mission is to identify and develop work-at-home jobs for home-based individuals who are physically disabled. By the end of FY 2015, the EEOC hired five staffers through NTI, all of whom are part of the Social Security Administration's (SSA) Ticket to Work program. We have hired an additional four staffers through the NTI program in FY 2016 and foresee continuing to use the program through FY 2018. The EEOC was the first federal agency with which NTI has placed full-time employees. Because of the success of this effort, the option for 100 percent telework is being expanded to all interested IIRs, beginning in the fourth quarter of FY 2016. This has resulted in cost savings by reducing our overall footprint.

Additionally, in the last six 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's intake, investigation and resolution of charges. Individuals may now contact the agency by phone, by mail, by e-mail, by going to EEOC's website, or by visiting the EEOC field offices. We are continuing to explore additional avenues to ensure that our access to the public utilizes evolving technologies and other streamlined approaches to enhance customer service. During the second quarter of 2017, we launched the pilot of the Online Intake System in five of our

offices, with plans to achieve full implementation by the end of the FY. This system allows potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

5. Information Technology - *Building a Digital Workplace*

The EEOC is committed to building a digital workplace to increase our efficiency and to provide timely service to the public. This encompasses everything the agency does, from increasing the effectiveness of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed to stop and remedy unlawful employment discrimination.

Operating its legacy case management applications while transitioning to new, more effective, digital systems is complex, and its success is essential to the agency's mission. This program is directed by agency's Action Council for the Transformation to Digital Services (ACT-Digital), and in FYs 2016 and 2017 their efforts include:

- Launching an Online Charge Status System in March 2016. At the end of the first full year of its availability, the system had been used over 375,000 times to view the status, possible next steps and staff contact information of private party charges.
- Launching a pilot of Online Inquiry, the initial component of the EEOC's Public Portal, in March 2017. Online Inquiry allows a potential charging party to complete an assessment and questionnaire, submit an inquiry, schedule an interview, and upload and receive documents from the EEOC online. The Public Portal will be rolled out to all EEOC offices during FY 2017.
- Updating the agency's Integrated Mission System (IMS) application to a "Next Generation" (IMS NXG) enterprise case management solution. Major components of the legacy IMS system are based on outdated technology that must be updated to provide content management, workflow-based activity processing, and accessibility. Phase II of this effort, with which the private-sector component of the agency will process cases in a majority-digital platform, will be rolled out in late FY 2017.
- Continuing the digital build-out of the Federal sector operations, including digitizing its hearings and appellate processes within the agency's Federal Sector EEO Portal (FedSEP). FedSEP now includes over 757,000 documents in its digital repository.

For digital projects to achieve the goals of increased efficiency and improved service, the EEOC must invest in the infrastructure necessary to support a digital environment. In FYs 2016 and 2017, accomplishments in this area include:

- Migrating the EEOC Field Offices and Headquarters an Ethernet-based MPLS network – this effort nearly quadrupled the effective bandwidth to agency offices and provides considerably more flexibility in meeting bandwidth requirements going forward.
- Shifting resources from the agency’s aging Novell directory and email services to investments in Microsoft Office 365. Rather than using funds to support and patch outdated systems, this investment will: bring significant efficiencies and, ultimately, save resources; improve and secure access to agency systems; increase internal collaboration; and support email integration with digital case files. The current goals are to migrate to Active Directory and Outlook by the end of FY 2017.
- Supporting the use of cloud services, with scanning, business intelligence and advanced analytics solutions migrating to Microsoft Azure in FY 2017. The use of FedRAMP-certified cloud services will afford better protection to data sets containing sensitive Personally Identifiable Information (PII).
- Investing in new equipment to replace the EEOC’s laptops that are eight years old, and do not have the capacity or speed to deliver the efficiencies that digital systems offer. Making this a priority in FY 2016 resulted in the award of a multi-year acquisition vehicle to upgrade the agency’s laptops. Over 2,000 new laptops will be deployed to agency staff during FY 2017.
- Developing plans to equip all EEOC Offices with the managed wireless access that a collaborative digital workplace requires.

Securing the EEOC’s digital workplace is a critical component of the agency’s plans, with priorities developed and put in place to protect data that is central to the agency’s mission and the privacy of the people EEOC serves. In FY 2016, the agency focused on providing additional security controls for its public-facing digital services and implementing automated controls on its desktop applications. These steps have resulted in a significant reduction in successful malware attacks, while reducing costs associated with remediation by \$300K.

The agency plans to follow the directory service migration and these security enhancements by initiating the implementation of mandated two-factor authentication for logical access to systems in FY 2017. Additionally, in FY 2018, The EEOC will modernize the agency’s aging VPN services, including integration with the two-factor authentication solution.

On the privacy front, the agency was active within the new Federal Privacy Council, continues to review its privacy program per the A-130 July update, and published its revised *Policy on the Protection of Sensitive Information* in September 2016.

IT funds provided in FY 2018 also will enable the agency to deliver Enterprise Analytics and Reporting. The EEOC needs to move towards better utilizing its data for analytics,

such as to support decision making, and operational reporting, to support mission results. Currently, the EEOC uses four separate toolsets for analytics and operational reporting. FY 2018 funds will provide a common, state-of-the-art reporting platform for use with private, Federal sector, and outreach analysis; allowing a cross-sharing of resources, consistent training, and enhanced analytical functionality.

Many of the accomplishments above were funded through cost-savings achieved in other areas. As an example, the EEOC re-competed our Help Desk services contract, improving service-level agreements and increasing skill competency requirements, at a cost savings of approximately \$396K annually. We also transitioned our Microsoft services from device-based licensing to user-based licenses, a critical component of our migration to digital services, without an increase in license costs. This migration will also achieve savings by decreasing legacy maintenance expenses associated with our prior directory/email services, content management system licensing, web-meeting services, and other redundant technologies.

A major point of concern is the significant increase required to support Financial Management Shared Services costs. Oracle Federal Financials (OFF), a shared government service provided through the Department of Interior (DOI), provides core financial management services for the EEOC. DOI has notified the EEOC that the operations and maintenance costs for the shared financial services support will be rising significantly, and without additional functionality. The EEOC absorbed the FY 2017 increase of approximately \$1.0 M, and the FY 2018 increase has been projected at approximately \$300,000.

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IX. VERIFICATION AND VALIDATION OF DATA

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

The EEOC continually reviews the information we collect in our databases for accuracy by using software editing programs and program reviews of a sample of records during field office technical assistance visits. In addition, headquarters offices regularly conduct analyses to review the information collected in order to identify any anomalies that indicate erroneous entries requiring correction to collection procedures. In FY 2015, we developed a new system for informing reporting employees of their login credentials in order to make that information more secure.

Greater use of the EEO-1 by field staff continues to assist in identifying non-filers, which has enabled the agency to collect information more rapidly and completely. Recent implementation of the Federal Sector EEO Portal that enables all federal agencies to electronically submit annual equal employment opportunity statistics (EEOC Form 462 and MD-715) continues to improve the quality and timeliness of the information received electronically. Finally, we continue to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. IMS includes many automated edit checks and rules to enhance data integrity. Since several of our performance measures require us to use data to assess our achievements, it is significant that we can now obtain this data much more quickly and with greater data accuracy.

The EEOC's Office of Inspector General (OIG) continues to review aspects of the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in our reports. We use the OIG's information and recommendations to continually improve our systems and data. Additionally the agency's Research and Data Plan calls for the conduct of a data inventory that when completed will provide the EEOC with: 1) a clear overview of what data we have in our databases, what the data are used for; what opportunities there are for streamlining the EEOC's databases, and what data categories not previously addressed need to be added to our databases; 2) an information baseline to inform the development of an EEOC knowledge management capability that would assist EEOC management to know what our data means; and 3) a foundation for moving forward in a well-informed proactive, operational mode.

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X. PROGRAM EVALUATIONS

Program evaluation is an important component of the EEOC's effort to assure that its programs are operating as intended and achieving results. Program evaluation is a thorough examination of program design and/or operational effectiveness that uses rigorous methodologies and statistical and analytical tools. These evaluations also use expertise internal and external to the agency and the program under review to enhance the analytical perspectives and lend credence to the methodologies employed, the evaluation processes and findings, and any subsequent recommendations.

Independent program evaluations continue to play an important role in formulating the strategic objectives and performance goals detailed in the EEOC's Strategic Plan for FYs 2012-2016 (as modified on February 2, 2015) and helped shape some of the program issues and key focus areas for improvement. They are an invaluable management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability. To that end, we have undertaken the following program evaluations to advance our performance-based management initiatives under the Government Performance and Results Modernization Act of 2010, and to improve the effectiveness of key agency programs:

Strategic Enforcement Plan FY 2013-2016, U.S. Equal Employment Opportunity Commission (EEOC), Office of Research, Information and Planning. The Commission approved an updated Strategic Enforcement Plan for FYs 2017-2021 on September 30, 2016. ORIP will conduct a program evaluation of EEOC's updated Strategic Enforcement Plan (SEP). The evaluation will parallel and enhance upon ORIP's evaluation of the EEOC's Strategic Enforcement Plan (SEP) FYs 2013-2016. That report included survey results and comments from many EEOC headquarters' and field staff regarding the impact of SEP implementation on the agency's enforcement efforts. It also provided recommendations for changes from agency staff and officials charged with SEP implementation.

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XI. INTERIM ADJUSTMENTS TO THE STRATEGIC PLAN

To fully realize the benefits of implementing the EEOC's newly adopted Strategic Plan, approved by the Commission in February 2012, in November 2013, the agency requested a waiver from OMB to permit the agency to forego the development of an entirely new Strategic Plan that would have begun in 2014. On December 10, 2013, OMB granted a deferral from the requirement to formulate a new Strategic Plan on December 10, 2013. Moreover, on January 22, 2014, the EEOC and OMB agreed that the agency would provide an interim modification, authorized under Circular A-11, Section 230.17, that would: 1) permit an extension of the agency's current plan; 2) fill the two-year gap after our plan expires in FY 2016; and 3) "position [the EEOC] to join the rest of the federal government in releasing an updated Strategic Plan in February 2018" (i.e., the beginning of the next government-wide strategic plan cycle).

Consistent with the waiver granted by OMB, the agency has made interim modifications to its February 22, 2012 Strategic Plan for FYs 2012-2016, modified on February 2, 2015. The bases for these modifications are twofold: 1) to include the previously to be determined baseline and/or target statistics not yet established at the time the Strategic Plan was approved by the Commission; and 2) to extend the performance period of the agency's current Strategic Plan two years past its expiration in FY 2016 to include targets for performance in FYs 2017 and 2018, as authorized by the Office of Personnel Management (OPM) on December 10, 2013. As the modifications were adopted, they were included in the agency's Performance and Accountability Report (PAR) and its performance budget. The modifications made to the Strategic Plan are described below.

Established Final Goals for Predetermined Performance Measures

The performance measures in the Strategic Plan published on February 22, 2012, did not include final goals for a limited number of new performance measures adopted by the agency, primarily because baseline data did not exist for these measures and data collection, and assessments were slated to begin at the onset of the new Strategic Plan's reporting period, beginning in FY 2012. Since that time, the agency has developed annual targets and final goals for those performance measures identified below. As targets and/or final goals were adopted for measures, they were incorporated as an addendum into other agency reports such as the EEOC's PARs for FYs 2012 and 2013, published in November 2012 and December 2013, respectively, and budget submissions to Congress for FYs 2014 and 2015, and subsequent annual PARs and budget submissions to Congress.

Performance Measure 4: By the end of FY 2018, 22-24 percent of the cases in the agency's litigation docket are systemic cases.

Consistent with this measure, during FY 2012, the agency established a baseline for performance under this measure of 20 percent because it represented the proportion of systemic cases on the active litigation docket at the end of the FY. Utilizing the baseline, as well as a comprehensive review of historical suit filing, resolution, and systemic case development trends, the agency projected targets for performance through FY 2016, as expressed in a series of target ranges.

Performance Measure 6: By FY 2018, 65-70 percent of the EEOC's administrative and legal resolutions contain targeted, equitable relief.

In 2013, the EEOC enhanced its Integrated Mission System (IMS) database to collect data and generate reports on resolutions with different types of TER. Based on TER data captured in IMS during the FY, the agency formulated a baseline of 64 percent of TER resolutions containing TER. However, to more fully capture the variance in the number of resolutions involving TER, the agency also developed a series of ranges for its future targets through FY 2016 to include an increase in resolutions with TER within a range of 63-67 percent in FY 2014; 64-68 percent in FY 2015; and 65-70 percent in FY 2016; maintained through FY 2018.

Performance Measure 7: By FY 2018, 15-17 percent of resolutions by FEPAs contain targeted, equitable relief.

As with Performance Measure 6, the agency also determined the baseline percentage of merit factor resolutions containing TER by reporting FEPAs was 14 percent in FY 2013. To better capture the variance in the number of FEPA resolutions achieved through TER, we developed a series of ranges for future targets through FY 2016 to include an increase in FEPA resolutions with TER within a range of 13-15 percent in FY 2014; 14-16 percent in FY 2015; and 15-17 percent in FY 2016; maintained through FY 2018. (Baseline percentages established under Performance Measure 7 for FEPAs are different from Performance Measure 6 due to variations between charge processing systems at the FEPAs with whom the EEOC has work-sharing agreements).

Performance Measure 8: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.

The baseline established in FY 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. Annual target performance requires the EEOC to increase the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities by 10 percent, nationally, over the baseline through FY 2018.

Performance Measure 9: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent small or new businesses (or with businesses directly).

In FY 2012, the agency established a baseline of approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency's objective of preventing employment discrimination through education and outreach to employers. Annual target performance requires the EEOC to increase the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly) by 10 percent nationally, over the baseline through FY 2018.

Established Extended Performance Targets for FYs 2017-2018

As noted earlier, EEOC and OMB agreed the agency would provide an interim modification, authorized under Circular A-11, Section 230.17. Consistent with the approved extension, the performance targets for FYs 2017 and 2018 are detailed in the graphics below.

Performance Measure 1: By FY 2018, the EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.		
	FY 2017	FY 2018
TARGETS	<p>The agency distributes implementation guidance for the new Strategic Enforcement Plan.</p> <p>The agency begins to implement the Strategic Enforcement Plan.</p> <p>If required in the Strategic Enforcement Plan, District Offices and the Office of Federal Operations develop local and federal sector enforcement plans by March 31, 2017.</p>	The agency fully implements the new Strategic Enforcement Plan.

Performance Measure 2: By FY 2018, TBD % of investigations and conciliations meet the criteria established in the new Quality Enforcement Practices (QEP) Plan (formerly the Quality Control Plan).		
	FY 2017	FY 2018
TARGETS	TBD% of investigations and conciliations meet targets for quality.	TBD% of investigations and conciliations meet targets for quality.

Performance Measure 3: By FY 2018, 100 % of federal sector case inventory are categorized according to a new case management system and TBD % of hearings and appeals meet the criteria established in the new Federal Sector Quality Control Plan (renamed the Federal Sector Quality Practices (FSQP) Plan).		
	FY 2017	FY 2018
TARGETS	<p>100% of incoming and old case inventory are categorized</p> <p>TBD% of hearings and appeals meet targets for quality.</p>	<p>100% of incoming and old case inventory are categorized</p> <p>TBD% of hearings and appeals meet targets for quality.</p>

Performance Measure 4: By the end of FY 2018, 22-24% of the cases in the agency's litigation docket are systemic cases.		
	FY 2017	FY 2018
TARGETS	Maintain targets at 22-24%.	Maintain targets at 22-24%.

Performance Measure 5: By FY 2018, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.		
	FY 2017	FY 2018
TARGETS	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plan.	Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.

Performance Measure 6: By FY 2018, 65-70% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.		
	FY 2017	FY 2018
TARGETS	Maintain targets at 65-70%.	Maintain targets at 65-70%.

Performance Measure 7: By FY 2018, 15-17% of resolutions by FEPAs contain targeted, equitable relief.		
	FY 2017	FY 2018
TARGETS	Maintain targets at 15-17%.	Maintain targets at 15-17%.

Performance Measure 8: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities.		
	FY 2017	FY 2018
TARGETS	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.

Performance Measure 9: By FY 2018, the EEOC is maintaining the number of significant partnerships with organizations that represent small or new businesses (or with businesses directly).		
	FY 2017	FY 2018
TARGETS	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.

Performance Measure 10: By FY 2013, the EEOC implements a social media plan.		
	FY 2017	FY 2018
TARGETS	N/A***	N/A***

*** Not applicable for FYs 2016 through 2018; Established targets met in FYs 2013 and 2015.

Performance Measure 11: The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.		
	FY 2017	FY 2018
TARGETS	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.

Performance Measure 12: The EEOC strengthens the skills and improves the diversity of its workforce.		
TARGETS	FY 2017	FY 2018
a) Number of employees with disabilities	500	500
b) Number of employees with targeted disabilities	123	123
c) Percentage of hires made within 78 days	85%	85%

Performance Measure 13: The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.		
	FY 2017	FY 2018
TARGETS	N/A***	N/A***

***Not applicable for FYs 2017 and 2018; Established targets met in 2016.

Performance Measure 14: The EEOC's budgetary resources for FY 2014-2018 align with the Strategic Plan.		
	FY 2017	FY 2018
TARGETS	Prepare the EEOC's FY Performance (OMB) Budget that aligns resources with the Strategic Plan. Prepare the EEOC's FY Congressional Budget. Develop a final operating plan for the FY.	Prepare the EEOC's FY Performance (OMB) Budget that aligns resources with the Strategic Plan. Prepare the EEOC's FY Congressional Budget. Develop a final operating plan for the FY.

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XII. ADMINISTRATION AND SUPPORT

A. Introduction

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

B. File Disclosure Workload

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) and Section 83 of the EEOC's Compliance Manual (Section 83) will stabilize at slightly over 22,000 through FY 2020.

Table 13 below depicts the actual FOIA workload for FY 2016, and projections for the number of requests received, processed, and pending for FYs 2017 through 2020.

Based on FY 2016 actual workload data, the number of FOIA requests received each year for FYs 2017 through 2020 is projected to be approximately 17,680, and the number processed each year is projected to be approximately 17,068.

Table 13: Freedom of Information Act (FOIA)

FY 2015 to FY 2020*						
	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (Annualized CR)	FY 2018 (Est.)	FY 2019 (Est.)	FY 020 (Est.)
Carryover Previous Year	1,160	1,562	2,174	2,786	3,398	4,010
Receipts	17,883	17,680	17,680	17,680	17,680	17,680
Total Workload	19,043	19,242	19,854	20,466	21,078	21,690
Processed	17,481	17,068	17,068	17,068	17,068	17,068
Pending FOIA	1,562	2,174	2,786	3,398	4,010	4,622

*May not add due to rounding

Table 14 on the following page depicts the Section 83 actual workload for FY 2016 and projections for FYs 2017 through 2020 for Section 83 requests received, processed, and pending at the end of the FY.

Based on FY 2016 actual workload data, the number of requests for Section 83 charge file disclosures for FYs 2017 through 2020 will be approximately 4,623 annually, and the number of Section 83 requests processed will be slightly less than 4,100 annually.

Table 14: Section 83 Disclosures

FY 2015 to FY 2020*						
	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (CR)	FY 2018 (Estimate)	FY 2019 (Estimate)	FY 2020 (Estimate)
Carryover Previous Year	8,651	9,506	10,044	10,582	11,120	11,658
Receipts	5,215	4,623	4,623	4,623	4,623	4,623
Total Workload	13,866	14,129	14,667	15,205	15,743	16,281
Processed	4,360	4,085	4,085	4,085	4,085	4,085
Pending Section 83	9,506	10,044	10,582	11,120	11,658	12,196

*May not add due to rounding

C. Finance and Administration

*Office Expansions, Rehabilitations, and Relocations**

Since 2005, we have collaborated with the General Services Administration to right-size space to achieve optimum assigned staff and space capacity ratio of a 70 percent or more capacity utilization rate of EEOC-occupied space.

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

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

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

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

Based on the above, the following is a summary of 2016 completed space actions and 2017-2019 planned space actions⁶:

- 2016: Completed or scheduled for completion expiring lease, relocation and office-wide re-configuration Commission projects: Cincinnati and Oklahoma City.
- 2017: Previously funded or to be funded expiring lease, relocation and office wide re-configuration Commission projects: Baltimore, Boston (succeeding lease completed), Buffalo, Fresno (relocation completed), Jackson, Kansas City (Information Intake Group), Memphis, Philadelphia, and headquarters/Washington, D.C. (Phase I); deferred FY 2016 actions for Cleveland, El Paso, Greensboro, Honolulu, Las Vegas, Phoenix, Seattle (Information Intake Group), and San Juan (lease extended for 5-years).
- 2018: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Albuquerque, Birmingham, Charlotte, Dallas, Denver, New York, Oakland, and headquarters/Washington, D.C. (Phase II); and deferred FY 2017 actions for Indianapolis and Mobile.
- 2019: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Atlanta, Minneapolis, Pittsburgh, San Diego, and San Jose; deferred FY 2017 action for Chicago and Detroit; deferred FY 2014 action for St. Louis.

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

D. GINA Study Commission

Section 8 of Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 requires that a commission designated by members of Congress be established on May 21, 2014 to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA. In order to abide by our statutory responsibilities, should such a Commission be established, we anticipate that we would need to cover the following costs for the eight-member

⁶ Space planning actions will be updated as necessary to accommodate the proposed EEOC/OFCCP merger to be completed by the end of FY 2018.

commission: shared rent and security; IT services; per diem, including air fare; postal services; and other miscellaneous expenses. We are requesting funding in the amount of \$209,000.

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

APPENDIX A: GENERAL STATEMENT OF LAWS

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

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

Statutes Enforced

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

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

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

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

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

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

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

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

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

Enforcement Methods

Private Employers, State and Local Government Respondents

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

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

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

Federal Agency Respondents

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

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

Data Reporting and Record Keeping

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

Leadership and Coordination of Federal EEO Efforts

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

APPENDIX B: EVALUATION AND EVIDENCE

1. Agency Context

Agency Strategy to Advance the Use of Evidence in Decision Making

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

Recent Progress

The Research and Data Plan approved by the Commission in September of 2015 is a multi-year research plan that identifies research needs for the SEP priority areas and includes an integrated approach for working with all offices within the agency. The 2016 study "*Effectiveness of Practices Adopted to Remedy Discrimination as Injunctive Relief*" was initiated as ORIP tested a process for coding conciliation agreements to build a data base of remedies that can be used to measure impact. The goal of researching problematic practices was met when ORIP assisted the Council of Economic Advisors in the examination of Ban the Box legislation. It examined the possibility that such legislation had the unintended consequence of harming employment opportunities for African Americans.

The Data Inventory project, required by the Research and Data Plan, completed its preliminary examination of the private charge component of the Integrated Management System (IMS).

Current Barriers

The critical barriers to expanding the integration of the EEOC's information and data policy into budget, performance, and management decision making continues to be a lack of staff with capacity to move into a more complex analysis of charge data. Moreover, increased demand for investigative support work has also limited our ability to conduct these complex studies. The focus in the upcoming year will be to increase staffing with expertise in operations research and evaluation. This would assist in streamlining the production of charge-based workload reports and their delivery.

In FY 2017, the number of ORIP analysts to assist in the development of statistical evidence for systemic cases increased significantly, and, currently, only the Atlanta and Indianapolis District Offices are without an ORIP analyst. This may allow some additional focus on research outlined in the Research and Data Plan. However, this still falls short of

having an ORIP analyst in each District Office. One social science research analyst was hired to backfill a vacancy in survey processing, who served as the survey coordinator for the EEO-3, EEO-4, and EEO-5 surveys, which at one time was filled by three employees. In addition, this individual was responsible for all form clearance work, including the computation of burden costs for expiring surveys and those that require OMB approval. This individual was also expected to conduct research projects included in the Commission's Research and Data Plan. Unfortunately, the individual left a short time after being hired to take a position at the Centers for Disease Control and Prevention. Finally, given the number of employees engaged in research and survey processing (16), coupled with the volume of materials necessary for analyses, there is an increased need for administrative support that could provide immediate relief, pending funding availability.

It is anticipated that the number and quality of systemic investigative resolutions will increase and analytic reports will be generated for investigators in a shorter time frame. It is also anticipated that an additional research project from the Research and Data Plan will be completed and that the process for producing and distributing workload reports will be more efficient.

2. Evaluation proposals

The EEOC is considering the following evaluation proposals.

Study the Effectiveness of the Pay Data Collection on the EEO-1. The EEOC has committed to assessing the utility of EEO-1 summary pay data scheduled for collection in the 2017 survey year; however, we are currently awaiting OMB's decision on the petition by two outside organizations to rescind its approval of the pay data collection notice.

Study the Effectiveness of Practices Adopted to Remedy Discrimination as Injunctive Relief. Effective injunctive relief is a key element in resolving discrimination investigations and litigation. A number of scholars have examined personnel practices that are often required as injunctive relief to remedy discrimination and have attempted to measure the impact or outcomes of those practices. The proposed research would identify personnel practices associated with injunctive relief in order to measure the impact of these practices in ensuring nondiscrimination. A literature review will examine empirical methods for identifying and isolating the relevant injunctive relief and practices, as well as methods to measure the efficacy of the injunctive relief. Once a literature review is completed, a research design will be implemented to promote the use of practices identified as effective in reducing discrimination and to analyze the efficacy of these forms of injunctive relief (as obtained in EEOC litigation and conciliation, as well as other settlements). There are a number of benefits to studying the types and effectiveness of injunctive relief, including the identification of practices to assist employers and to measure the Commission's impact in addressing and remedying discrimination.



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