

2020 CONGRESSIONAL BUDGET JUSTIFICATION

SUBMITTED TO THE CONGRESS OF THE
UNITED STATES OF AMERICA

MARCH 2019

U.S. Equal Employment Opportunity Commission

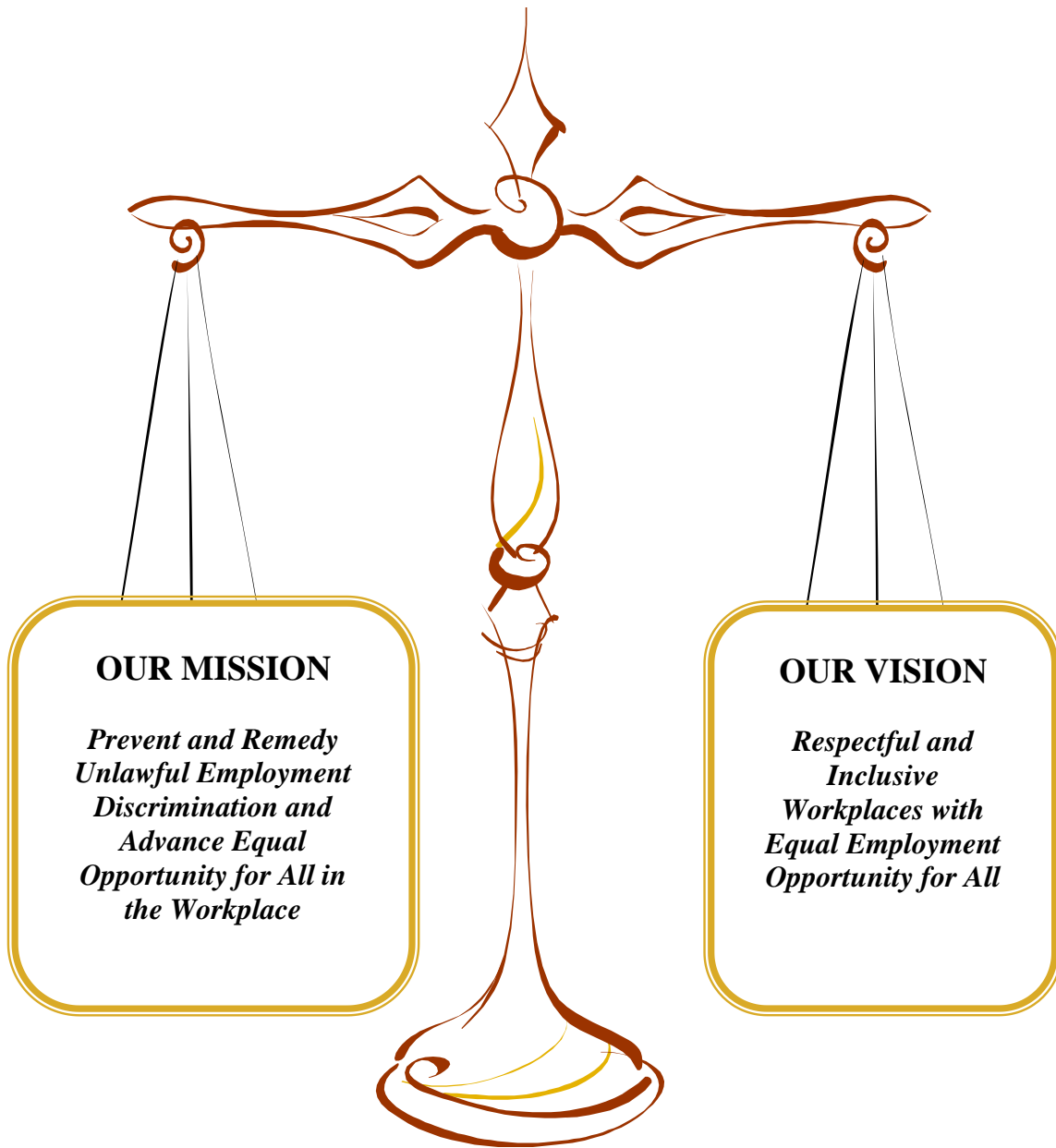


*Fiscal Year 2020
Congressional Budget Justification*

*U.S. Equal Employment
Opportunity Commission*

March 2019

*Submitted to the
Congress of the United States*



OUR MISSION

*Prevent and Remedy
Unlawful Employment
Discrimination and
Advance Equal
Opportunity for All in
the Workplace*

OUR VISION

*Respectful and
Inclusive
Workplaces with
Equal Employment
Opportunity for All*

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I. CHAIR'S REPORT

A. Fiscal Year (FY) 2020 Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to stopping and remedying employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information or family medical history. The FY 2020 Budget requests \$355,800,000 for the EEOC, which includes \$28,025,000 for State and Local programs. This request represents a decrease of \$23.700 million from the FY 2019 enacted level.

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

- **Title VII of the Civil Rights Act of 1964 (Title VII)**, as amended, prohibits employment discrimination based on race, color, religion, sex, and national origin.
- **The Age Discrimination in Employment Act of 1967 (ADEA)**, as amended, prohibits employment discrimination against workers age 40 and older.
- **The Pregnancy Discrimination Act of 1978 (PDA)** amended Title VII to clarify that discrimination based on pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat women affected by pregnancy and pregnancy-related medical conditions the same as any other employees with temporary disabilities with respect to terms and conditions of employment, including health benefits.
- **The Equal Pay Act of 1963 (included in the Fair Labor Standards Act) (EPA)**, as amended, prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Titles I and V of the Americans with Disabilities Act of 1990 (ADA)**, as amended, prohibit employment discrimination based on disability by private and state and local government employers. Section 501 and 505 of the Rehabilitation Act of 1973 provide the same protections for federal employees and applicants for federal employment.
- **Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)**, prohibits employment discrimination based on an applicant's or employee's genetic information (including family medical history).

Together, these laws protect individuals from employment discrimination (including unlawful harassment) based on race, color, religion, sex, national origin, age, disability, and genetic information. They also make it illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination. Finally, provisions in the ADA, the Rehabilitation Act, and GINA strictly limit covered entities from obtaining

health-related information from applicants and employees and require that any genetic or medical information a covered entity has about an applicant or employee be kept confidential.

B. Chair's Message

Herewith, I present the U.S. Equal Employment Opportunity Commission's (EEOC's) FY 2020 Congressional Budget Justification. The FY 2020 Budget request of \$355,800,000 includes \$28,025,000 for state and local fair employment practice agencies (FEPA's) and tribal employment rights organizations (TERO's).

On January 23, 2017, President Trump designated me Acting Chair of the EEOC. Now into my third year it has been an honor to lead this important civil rights agency. As I said at the beginning of my tenure: "The core values and core mission of the EEOC remain. We exist to enforce some of our nation's most important civil rights laws in employment and we will continue to do just that". The Commission has had impressive results in a number of areas over the past two-plus years. Nearly every metric by which the Commission measures its performance is trending in a positive direction, many significantly, some for the first time in many years, and they indicate a high level of performance for the agency. I am grateful to the staff of the EEOC for responding to the needs of the public we serve and for always looking for continuous improvement. And, I am deeply respectful of the staff's focus on the mission of the agency. But, the agency needs sufficient funding to have appropriate staff levels to continue to build on the positive momentum we have made. And, we need to be able to continue to upgrade the technology infrastructure and ensure our staff have the skills to fulfill our statutory obligations for the public we serve in the most effective and efficient manner possible.

As an agency we seek to increase the equality of employment opportunity in the workplace and remedy past discrimination through high quality investigations, early and voluntary resolution of matters (including mediation and quality conciliations), strategic litigation to enforce the laws under our jurisdiction, voluntary compliance efforts, and enhanced outreach and education.

The agency completed a new Strategic Plan for FYs 2018-2022, unanimously adopted by the Commission in 2018. That plan states the agency's mission to: "Prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all in the workplace", and the agency's vision as: "Respectful and inclusive workplaces with equal employment opportunity for all". There is still much work to be done.

The Budget request for the new FY traditionally provides an opportunity for reflection on the past year and scrutiny of the agency's capacity going forward. Let me reflect on some of the highlights from this past year.

Highlights from 2018

FY 2018 proved to be a very busy one for the agency. Throughout the entire FY 2018 and now into FY 2019 national attention was on the issue of harassment, particularly sexual harassment, in our nation's workplaces. The EEOC did not miss a beat. Using every available tool of the agency, as an educator and trainer to prevent harassment, as an

enforcer of the law, and as an agency that could lend its expertise to others, the agency, across the country, stepped up its efforts. When the moment called the agency met it – head on.

Congressional recognition of the nation’s attention on the pervasiveness of sexual harassment in our workplaces, and the commensurate support for the EEOC’s FY 2018 Budget, allowed the agency to build on the work of the *EEOC’s 2016 Select Task Force on the Study of Harassment in the Workplace*, which I co-chaired with former Commissioner Chai Feldblum. Of note, the Select Task Force recommended that employers consider different, innovative approaches to conducting anti-harassment training for employees. During FY 2017, the Commission developed new, customizable harassment prevention training (known as the “Respectful Workplaces Training”). The Commission began offering this new fee-based training at the beginning of FY 2018 after extensive “training of our own trainers.” Demand for this training by employers, provided through the Commission’s Revolving Fund, has been high and we expect that to continue. Further, the EEOC sent a strong message on the enforcement front about harassment, filing 66 lawsuits challenging workplace harassment, 41 of which alleged sexual harassment. This is more than a 50 percent increase in suits challenging sexual harassment over FY 2017. Twice during 2018, in June and August, the EEOC coordinated the filing of federal courts cases around the country. This was the first time the EEOC employed this type of coordinated enforcement technique in many, many years.

On June 11, 2018, the agency reconvened a one-day only public meeting of the Select Task Force entitled “*Transforming #MeToo into Harassment-Free Workplaces: A Reconvening of the EEOC’s Select Task Force on the Study of Harassment in the Workplace.*” Then, in October 2018, the full Commission held an open public meeting: “*Revamping Workplace Culture to Combat Harassment.*”

Long before #MeToo, combatting workplace harassment has been a high priority for the Commission for many years. I expect that to continue to be the case in coming years. Significantly, in FY 2018, the agency did see a 13.6 percent increase in charges filed about sexual harassment. The EEOC, although one player in the national attention on this topic, will continue to do its part and lead on this issue.

But, as much as harassment dominated the headlines and the agency doubled-down on its work, not to be overlooked is how much other work was done at the agency during the past year. In short, we continued to give vitality to all of the statutes within our jurisdiction – from both enforcement and outreach and training perspectives.

We culminated the year-long focus on Age Discrimination in June 2018 with the issuance of the report, “*The State of Age Discrimination and Older Workers in the U.S. 50 Years After the Age Discrimination in Employment Act (ADEA).*” This report built on the June 14, 2017, Commission meeting entitled, “*The ADEA @ 50—More Relevant Than Ever.*” We passed the 10-year anniversary of the *Americans with Disabilities Act Amendments Act of 2008* with resolution of some significant ADA cases and case filings that reflect the success of the ADA. The same could be said of the *Pregnancy Discrimination Act of 1978* which marked its 40th anniversary in 2018.

The agency took a major leap forward on the data analytics front making one of the most significant operational changes to the agency in more than 20 years. Recognizing the need to enhance our agency's data analytics capabilities, I appointed the agency's first Chief Data Officer (CDO) in November 2017. My charge to the new CDO was to develop an enterprise-wide data analytics strategy which not only supports the mission of the EEOC, but also makes our data readily available and easily accessible to those within the agency, as well as the public.

To accomplish this task, the EEOC's Office of Research, Information and Planning (ORIP) needed to take on new additional data governance and data transparency functions and make certain changes to its organizational structure to position itself as a 21st century data analytics organization. ORIP was originally created as a program office within the EEOC in 1997 and since that time had not undergone any changes or reorganizations. Effective May 29, 2018, ORIP officially became the EEOC's Office of Enterprise Data and Analytics (OEDA). Additionally, in April 2018, I approved the creation of the agency's first Data Governance Board (DGB) to provide executive leadership and oversight for the development and implementation of the policies and processes which govern the collection or creation, management, use, and disclosure of EEOC data. The creation of OEDA and the DGB allowed the agency to address serious issues about data privacy and confidentiality. The guiding principle of the EEOC's DGB is to ensure intra-agency data transparency to promote efficient and appropriate use of, and investment into, agency data resources.

As discussed in greater detail later in this request, the agency made significant progress toward strategically managing our workload across all sectors of our work. Suffice to say, the agency dramatically reduced its inventory of private sector charges resulting in the lowest inventory of charges in more than a dozen years. Further, our litigation program has been restored to solid footing and our educational outreach was expanded.

As to staffing, due to judicious use of our FY 2018 funds, and relying solely on separation savings, I authorized the hiring of 400 positions throughout the year. With thanks to the Acting Chief Operating Officer (COO) and Deputy COO, the operational heads across the country and especially to our office of the Chief Human Capital Officer (OCHCO) we completed the hiring surge by the close of the FY. Among the mission critical positions, this included 97 investigators and 23 administrative judges for the federal sector and 36 attorneys in the Office of General Counsel.

Finally, Congressional support for the EEOC in FY 2018 allowed the agency to meet a number of critical work force needs that the agency had not been able to meet in many years. For example, all of the agency's mediators, from across the country, were able to meet together for three days of training for the first time in 19 years. The agency was able to bring its entire new class of investigators to Washington for training. Training was held for field office and enforcement managers, administrative judges from the federal sector, systemic coordinators and data analysts, as well as Deputy and Field Directors. Because the agency has been making technological improvements to its processes for the past few years and because many staff are new to their positions, these trainings are critical to bringing many new staff up to speed and to collaboration about the efficiencies needed to allow the agency to be as productive as possible.

Fiscal Year 2020 Priorities

The EEOC's priorities for FY 2020 are to make the critical investments needed to focus the Commission on effectively fulfilling our statutory responsibilities and addressing the needs and challenges of the workforce of the future.

All of the Workload

The Commission must be forthright about the true workload of the agency in order to ensure all divisions of the agency are being adequately resourced. Stakeholders working with and observers of the EEOC have long expressed concerns about the agency's ability to resolve discrimination charges filed by private and federal sector employees and job seekers in a prompt manner, while simultaneously ensuring that the rights of the charging parties and respondents receive appropriate attention and respect. Balancing these interests – timeliness and quality – requires a proper understanding of the agency's workload.

Further, Congress and other observers of the EEOC have long focused on the agency's inventory of private sector charges, a.k.a. "the backlog." But the backlog of private sector charges is only one backlog at the EEOC. In fact, the Commission has three significant backlogs: a) the inventory of private sector charges; b) the requests for hearings appeals in the federal sector; and c) Freedom of Information Act (FOIA) requests. While significant progress has been made over the past two years on reducing the private sector backlog, the other aspects of the agency's work in the federal sector and with FOIA requests cannot be given short shrift. Further, attention on the backlogs does not give adequate recognition to the many other aspects of how the agency serves the public, including through our outreach and education efforts across the country, the work of the Office of Legal Counsel in providing important information to the public on the law, and the enforcement work of the Office of General Counsel in both litigation and appellate cases.

Managing the Inventory and Reducing the Backlog(s)

The Private Sector Inventory of Charges

Achieving and maintaining a balanced and manageable inventory is crucial to providing quality customer service to our primary stakeholder: the American workforce. I caution that the focus on the private sector backlog of charges, in and of itself, significantly understates the amount of work that takes place by the agency before an individual even decides to file a charge. At the end of FY 2017, the EEOC responded to over 540,000 calls to the agency's toll-free number and 154,200 inquiries in field offices, resulting in the filing of 84,354 charges of discrimination. At the end of FY 2018, the EEOC responded to over 530,000 contacts. Significant amounts of staff resources are invested with individuals who make inquiries of the EEOC and those inquiries take time, interviews, analysis, and may or may not result in a charge being filed.

A second cautionary note is a focus on the rate of cause finding (3 to 4 percent) in the charges the agency investigates. This "cause finding rate" significantly understates the amount of charges the agency resolves with merit (16 to 18 percent). (Resolutions with merit are defined as charges with outcomes favorable to charging parties and/or charges with meritorious allegations. These include negotiated settlements, withdrawals with benefits, successful conciliations, and unsuccessful conciliations). Coming to "resolution"

of a charge filed with the EEOC, whether by mediation or through to the conciliation stage of the administrative process, requires an even greater use of agency resources. It is a significant amount of the agency's work.

On any given day, the EEOC averages about 4,000 charges in intake, over 1,000 charges in conciliation, and 7,500 to 8,000 charges in mediation, in addition to the tens of thousands in investigation. By the end of FY 2018 we had similar numbers.

In July 2017, and again in May 2018, I gathered Commission senior leadership from headquarters and the field offices to discuss successful strategies utilized in the field, to facilitate cross-program collaboration, and to devise and foster sustainable responses to charge processing challenges in light of our persistent resource constraints. The strategies deployed have proven effective. In FY 2017, EEOC staff resolved 99,109 charges, reducing the pending workload to 61,621 charges (a 16.2 percent reduction in one year). In FY 2018, staff resolved 90,000 charges, reducing the inventory to 49,607 charges, a decrease of 19.5 percent over the FY 2017 and 34 percent from FY 2015 (a high-water mark). This is the lowest pending inventory of private sector charges in more than a dozen years. It is important this momentum continues with FY 2020 funding.

The Federal Sector

In addition to our private sector enforcement activities, the EEOC is responsible for federal sector enforcement. Charges of discrimination in our federal workplaces are no less important than in the private sector. The Commission has adjudicatory responsibilities in the federal EEO complaints process and oversight responsibilities for federal programs. The adjudicatory system involves the receipt of hearings requests from complainants, who are either federal employees or applicants. During the past two years we increased hiring for administrative judges and implemented strategies to increase efficiency in the hearings program. This resulted in a 30.4 percent increase in resolutions, and for the first time a decrease in the pending inventory of hearings. Case management improvements in the federal sector appeals program resulted in a nearly 20 percent decrease in the pending inventory from FY 2017.

In 2009, the EEOC proposed regulations, ultimately adopted as a final rule in 2012, that would allow agencies to petition the Commission for a variance from the administrative process, upon approval of a Commission vote. Timelines and guidance for agencies on how to submit variances was issued in 2014 in amendments to EEOC Management Directive 110 (See Ch. X), and a further resource – the Pilot Project Toolkit – was developed at the agencies' request in 2016. The first proposals were considered in 2016. Three variances have been granted and are currently being monitored by our Office of Federal Operations (OFO). It is important this momentum continues with FY 2020 funding.

Freedom of Information Act (FOIA) Requests

Various factors have caused an increase in Freedom of Information Act (FOIA) requests, creating a third inventory backlog. At the end of FY 2016, the EEOC carried a backlog of 792 FOIA requests. At the end of FY 2017, that backlog had increased to 2,259 FOIA requests (an increase of 185 percent). In FY 2017, the Commission saw an 8 percent

increase in the number of FOIA requests received (from 17,680 requests in FY 2016 to 19,002 requests in FY 2017). By the end of FY 2018, we received over 17,600 FOIA requests. Requests for closed charge files constitute 97 percent of the FOIA backlog, a reflection of the agency's success in reducing the private sector backlog. In response to the FOIA backlog, we implemented a vigorous reduction plan and hired a FOIA attorney with technological expertise to help devise better ways to use technology to reduce the backlog. The results are showing: in FY 2018 we saw a 7 percent reduction in the FOIA backlog nationwide. It is important this momentum continues with FY 2020 funding.

Investing in the Agency of the Future

Our Own Workforce

In response to the Executive Order on Government Reform issued in FY 2017, we continue to undertake an extensive review of the agency's structure and processes and align our funding in response. Our Chief Human Capital Officer (CHCO) has begun the process of reviewing position descriptions to ensure they properly reflect current job requirements. In FY 2019, our CHCO will begin the process of creating a workforce plan to reduce duplicative efforts and improve organizational efficiencies and effectiveness. As noted earlier, in FY 2018 we hired 400 positions, resulting in 20 percent of the EEOC's staff being new to the agency or new to their positions. Because the EEOC's rate of separations (8.4 percent) in FY 2018 was less than the rate of new hires (9.97 percent), this was the first time in several years the agency experienced an increase in the total number of employees on board. Still, the 400 positions can be deceiving as this hiring surge resulted in only a slight increase in the overall FTE for the agency. Maintaining steady state in mission critical positions: investigators, administrative judges, and trial attorneys is crucial for the agency's continued success.

In addition, as of December 2018 the Commission has 453 retirement-eligible employees with an additional 1,106 employees reaching retirement eligibility in the next ten years. Updating the agency's succession plan is critical to prepare the agency for the future and I have charged the CHCO with building that succession plan.

The Office of Enterprise Data and Analytics (OEDA)

As mentioned earlier, a major achievement at the EEOC during FY 2018 was a revamping and upgrading of the agency's data analytics capabilities. Across the federal government, agencies are recognizing the importance of data-driven decision-making through enterprise-wide data and data analytics in enhancing mission effectiveness. The *President's Management Agenda* states that "[t]he Administration is developing a Federal Data Strategy to leverage data as a strategic asset to grow the economy, increase the effectiveness of the Federal Government, facilitate oversight, and promote transparency". Also, during FY 2018, the EEOC's Office of Inspector General (OIG) also assessed the agency's knowledge and use of data analytics strategies and capabilities. That report identified improvements, opportunities, and best practices for the EEOC's data analytics activities.

The new Office of Enterprise Data and Analytics (OEDA) has been designed to help the EEOC achieve more effectively achieve its mission in the 21st century, as well as allow

OEDA to provide greater and improved services to its customers both inside and outside of the agency. As part of the EEOC's FY 2018 hiring, I authorized 13 FTEs for OEDA to fill vacant positions and hire new employees with data analytics and data modeling experience. These additional hires, now on-board, provide a good foundation on which the new agency-wide data analytics organization is being built.

Unfortunately, many of the EEOC's current methods of data collection, reporting, and access are outdated and inefficient, requiring additional funding in FY 2020 in order to fulfill the President's call for agencies to create a "robust, integrated approach to using data to deliver on mission, serve customers, and steward resources". Our proposed FY 2020 funding request to modernize EEOC data and analytics directly supports all four strategies (Enterprise Data Governance; Access, Use, and Augmentation; Decision-Making and Accountability; and Commercialization, Innovation, and Public Use) contained in the *President's Management Agenda* goal of "Data, Accountability and Transparency: Creating a Data Strategy and Infrastructure for the Future".

The creation of OEDA and the upgrade of the agency's data capabilities also resulted in the Deputy Director of OEDA serving as a Federal Data Fellow of the Administration's Federal Data Strategy Team. This core group of cross-discipline Federal data experts will develop and plan a government-wide data strategy sponsored by the Executive Office of the President to develop practices and action steps for the Federal Data Strategy as part of the *President's Management Agenda*. It is significant for an agency the size of the EEOC to sit on the Federal Data Strategy Team.

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 the EEOC does its work, including making its processes more transparent and providing information to its constituents faster – electronically, online, and on demand. The EEOC has significantly increased the public's access to the agency's services through the launch of online systems for employees and employers involved in discrimination disputes. These secure systems give individuals and employers 24/7 access to submit inquiries, schedule interview appointments, check the status of charges, upload and download charge documents, make FOIA requests, and receive notices from the EEOC about investigative actions on charges. Because more than 60 percent of those submitting online inquiries or checking the status of charges use mobile devices, the agency made its Public Portal mobile responsive at the end of FY 2018.

Online access through the agency's inquiry and appointment system launched in November 2017 resulted in a 30 percent increase in the number of individuals submitting inquiries about potential discrimination charges and in more than 46,724 individuals scheduling intake interviews with EEOC staff in person or on the phone. The surge in demand for intake interviews has stretched agency resources to their limits, but this is a vital service we provide to individuals who believe they have experienced workplace discrimination. However, counseling of these individuals by EEOC staff have led to more than half deciding not to file charges of discrimination, therefore preventing charges that would eventually be dismissed from entering our system. Providing online capabilities to employees, employers, and the EEOC's staff enables faster communications and actions that save time and resources for the public we serve and for the agency.

In an increasingly mobile environment, our stakeholders want to be able to reach the agency through a variety of platforms. More than 60 percent of people who visit our website do so with their mobile devices. During FY 2018, the EEOC expanded 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. It is also important to note that our charge data system, the Integrated Management System (IMS) is near the end of life and the services it provides must be modernized. This legacy system increases operational security risks, limits the effectiveness of our public-facing applications, and its proprietary platform creates too much technical debt. The EEOC has submitted a project proposal to the Federal Technology Modernization Fund (TMF) to request upfront funding for this important effort. With sufficient funds in FY 2019, the EEOC plans to make its services more accessible to the public by fully implementing online access for charge inquiries, scheduling appointments, federal sector hearings and appeals processing 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 2019, the agency will 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.

As modernizing our infrastructure and business processes are multi-year efforts, it is important that this momentum continues with FY 2020 funding.

Outreach, Education and Strategic Law Enforcement

Importantly, the EEOC secured more than \$505 million for victims of discrimination in the workplace in FY 2018. This includes \$354 million in monetary relief for those who work in the private sector and state and local government workplaces through mediations, conciliation, and other administrative enforcement. The agency also recovered \$98.6 million in monetary relief for federal employees and applicants.

The agency's outreach programs reached more than 398,650 workers, employers, their representatives and advocacy groups this past FY at more than 3,900 events conducted by the EEOC.

In the federal sector, in FY 2018, the EEOC offered 32 open-national enrollment courses including new courses on cultivating respectful workplaces. These courses are well-received by federal agencies, and over 675 federal employees totaling 11 federal agencies

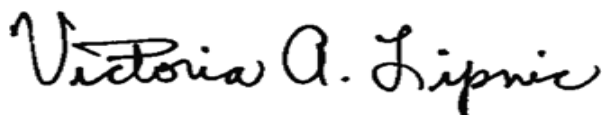
have been trained to date. Customized classes – created in response to agency requests – were provided to more than 36 different federal agencies, reaching 4,030 federal employees with over 744 hours of customized course content. To assess the effectiveness of these efforts, the EEOC has created an impact survey and customer satisfaction survey. In addition – in accordance with agency priorities and in response to increasing stakeholder demand for no-cost education and training on EEO laws – the EEOC has introduced information sessions called “1st Fridays with OFO,” and podcasts. Finally, through the EEOC’s YouTube channel, Facebook page, and Twitter, the agency continues to provide stakeholders with timely feedback on EEO trends and updates on policies, procedures, and regulations. The EEOC has increased outreach to its federal sector stakeholders by 100 percent on both Twitter and Facebook.

As explained earlier, we expect harassment to continue to be an issue in which the EEOC conducts a considerable number of outreach events. During FY 2018, the EEOC updated and created new outreach and resource materials. Further, slide shows targeted for different audiences, such as advocacy, employee, human resources, and legal audiences, will be created for staff to conduct outreach and training on harassment. Also, tool kits for advocacy groups and employers will be developed containing useful education materials on harassment prevention.

Finally, as there is continued Congressional interest in the agency’s “conciliations” in FY 2019 the EEOC has begun an internal evaluation project to review the conciliation process. A related project, the “Employment Opportunity Project” will build on the April 5, 2017 Commission meeting entitled *Examining the State of the Workforce and the Future of Work*, where a panel of witnesses offered their expertise about the millions of 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. This project, begun in FY 2019, is designed to provide more and better information about job opportunities for the EEOC to access or direct employers to when resolving charges or cases.

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Historically, the EEOC has been an agency that has been able to be bigger than it is, to “punch above its weight” as it were. But, we must be able to maintain a steady state of our workforce to meet the work and to improve service to the public. It has been my privilege to lead the Commission, now 55 years after the monumental *Civil Rights Act of 1964*, in the agency’s quest to fulfill the promise of America for all who want to work. In leading the EEOC, I borrow from President Lincoln: “I seek the greatest good for the greatest number by the greatest means necessary”. Accordingly, I respectfully seek sufficient funding to allow the EEOC to fulfill our service to the nation and its workforce.



Victoria A. Lipnic
Acting Chair

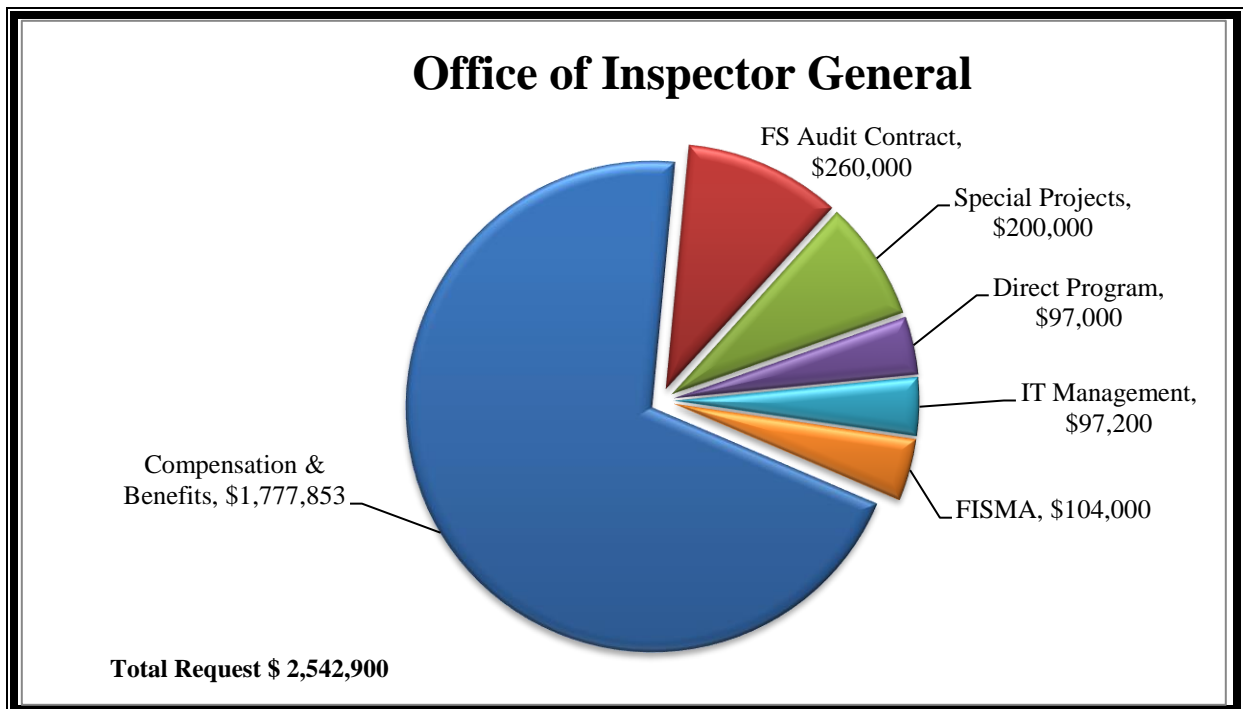
II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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

Office of Inspector General Initial Request	2,542,900
Aggregate amount of funds	\$2,542,900 ¹
Amount requested in OIG budget for training	\$62,000 ²
Amount requested to support CIGIE	\$ 6,847 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 2020.

³ .27% of \$2,542,900 or \$6,847 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 [\$29,500,000]\$28,025,000 for payments to State and Local enforcement agencies for authorized services to the Commission, [\$379,500,000]\$355,800,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: [Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act:] Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

B. Staffing and Funding Profile

Table 1 below depicts the EEOC's total agency staffing and funding profile by Strategic Objectives and Programs for FYs 2018 through 2020.

Table 1: Total Agency Staffing and Funding Profile

FY 2018 to FY 2020 <i>(Dollars in thousands*)</i>				
	FY 2018 (Actual)	FY 2019 (Enacted)	FY 2020 (Request)	Change From FY 2019
Strategic Objective I: Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities				
1. Private Sector Enforcement	\$298,800	\$296,600	\$279,840	\$(16,760)
State and Local	\$29,500	\$29,500	\$28,025	\$(1,475)
2. Federal Sector Enforcement	\$45,200	\$47,400	\$41,935	\$(5,465)
Total Strategic Objective I	\$373,500	\$373,500	\$349,800	\$(23,700)
Strategic Objective II: Prevent employment discrimination and promote inclusive workplaces 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>	\$379,500	\$379,500	\$355,800	\$(23,700)
Total Full-Time Equivalents**	1,968	1,890	1,788	(102)
Management Objective: Achieve organizational excellence				
Highlighted Resource Areas [Information Technology]	\$20,104	\$18,293	\$14,586	\$(3,707)

*May not add due to rounding.

**Includes 14 FTE Reimbursable from Revolving Fund.

C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to the EEOC's appropriation request for FY 2019 to FY 2020.

Table 2: Analysis of Change

FY 2020 (Dollars in thousands)			
	FY 2019 (Enacted)	FY 2020 (Request)	Net Change (+/-)
Spending Authority (Includes State and Local)	\$379,500	\$355,800	\$(23,700)
Explanation of Changes:			Amount
Compensation and Benefits	271,568	261,194	(10,374)
Total Compensation and Benefits*	271,568	261,194	(10,374)
Subtotal Compensation Changes			\$(10,374)
Program Support Changes			
1. Rent (adjustment to base – inflation)	30,801	31,051	250
2. DHS security (Adjustment to Base – Inflation)	3,234	1,000	(2,234)
3. Information Technology Enterprise Systems	18,293	14,586	(3,707)
4. Chief Human Capital Officer (OCHCO)	4,833	2,567	(2,266)
5. Additional program decreases**		(5,369)	(5,369)
Program Support Changes			\$(13,326)
Total Net Change			\$(23,700)

* FY 2020 Compensation and Benefits (C&B) reflects agency estimates as of December 2018. This estimate assumes no pay increase for FY 2020; FY 2020 separation savings - decrease of \$12,500, annualization of FY 2019 separations - decrease of \$2,801. The estimate assumes no hiring in both FYs 2019 and 2020, and for 2020 excludes awards. Annualization of FY 2019 within grade and promotions increase of \$ 2,830; FY 2020 within grade and promotions - increase of \$2,097.

** Reflects decrease to State and Local programs and other program decreases to include office construction and relocation and training.

D. Object Class – Agency Summary

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

Table 3: Object Class Schedule – Agency Summary

Agency Summary Requirements by Object Class FY 2018 to FY 2020 (Dollars in thousands)			
OBLIGATIONS BY OBJECT CLASS	FY 2018 (Actual)	FY 2019 (Enacted)	FY 2020 (Request)
Personnel Compensation			
11.1 Full-time permanent (FTP)	\$187,767	\$188,813	\$181,448
11.3 Other than FTP	1,793	2,200	2,200
11.5 Other personnel compensation	3,287	1,800	1,800
Total Personnel Compensation	192,847	192,813	185,448
12.1 Civilian personnel benefits	63,749	78,755	75,746
Total Compensation and Benefits	256,596	271,568	261,194
21.1 Travel of persons	3,527	2,800	2,800
22.0 Transportation of things	36	25	25
23.1 Rental payment to GSA	29,873	30,801	31,051
23.2 Other rent/communications	5,005	6,700	4,500
24.0 Printing and reproduction	124	250	250
25.1 State and local contracts	29,500	29,500	28,025
25.2 Security services (including DHS)	10,041	3,234	1,000
25.2 Other services from non-federal sources	31,265	20,405	13,175
25.2 Litigation support	3,673	3,450	3,450
25.3 Other goods & services from federal sources	3,004	5,300	5,200
26.0 Supplies and materials	5,223	3,850	3,850
31.0 Equipment	1,633	1,617	1,280
Total Other Object Classes	122,904	107,932	94,606
Agency Total	\$379,500	\$379,500	\$355,800

*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, the EEOC established an Executive Risk Steering Committee (ERSC), and formalized the group's membership, authority and responsibilities with a charter. The agency completed its first enterprise risk reviews and finalized the agency risk profile in June 2017. During FY 2018, we continued to improve our enterprise risk management framework, which identifies, prioritizes, and manages institutional risk at all levels of the agency. The Enterprise Risk Steering Committee met on August 15, 2018 to prioritize the agency's FY 2018 risk profile submissions. The agency will continue to incorporate enterprise risk management into decision-making and focus on the integration of risk management and internal controls.

The agency's risk management approach supports our ability to identify, analyze, and appropriately respond to strategic risks across the full spectrum of the EEOC's activities. Through ERM, we 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 the EEOC provides to the nation consistent with defined risk appetite and risk tolerance levels.
- Align our strategy, processes, people, technology, and information to support agile risk management.
- Provide greater transparency into risk by improving our understanding of interactions and relationships between risks in support of improved risk-based decision making.
- Establish clear accountability and ownership of risk.

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

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V. STRATEGIC PLAN AND PERFORMANCE MEASURES

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

1. Introduction

Equal opportunity for all is one of our nation's most cherished and hard-fought values. Since 1965, the U. S. Equal Employment Opportunity Commission ("the EEOC," "the agency," or "the Commission") has been the leading federal law enforcement agency dedicated to preventing and remedying employment discrimination and advancing equal opportunity for all in the workplace. *The U.S. Equal Employment Opportunity Commission Strategic Plan for FYs 2018-2022* ("the Strategic Plan") establishes a framework for achieving the EEOC's mission to "Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace," so that the nation might soon realize the Commission's vision of "Respectful and inclusive workplaces, with equal employment opportunity for all".

Through enactment of the GPRA Modernization Act of 2010 (GPRAMA), Congress has directed executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular A-11 from the Office of Management and Budget (OMB) instructs agencies on the necessary elements required in an agency's plan and the requirements to publish a new plan with the beginning of each new term of an administration. The Commission approved the EEOC's Strategic Plan on December 12, 2017. It is located at https://www.eeoc.gov/eeoc/plan/strategic_plan_18-22.cfm.

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

Strategic Objective I Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities. The corresponding outcome goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint. The five performance measures and FY 2018 results for these measures are more fully described in Section VI.B., starting on Page 27.

Strategic Objective II Prevent employment discrimination and promote inclusive workplaces through education and outreach. The corresponding outcome goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces. The three performance measures and FY 2018 results for these measures are more fully described in Section VII.B., starting on Page 54.

Strategic Objective III (Management Objective) **Organizational Excellence.** The corresponding outcome goals are: 1) A culture of excellence, respect and accountability; and 2) Resources align with priorities to strengthen outreach, education, enforcement and service to the public. The four performance measures and FY 2018 results for these measures are more fully described in Section VIII.B., starting on Page 63.

The Plan presents clear and realistic strategies for achieving each outcome goal and identifies 12 performance measures with annual targets to track the EEOC's progress as it approaches FY 2022. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the Strategic Plan Diagram, beginning on Page 21.

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

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

PERFORMANCE MEASURES		
<p>STRATEGIC OBJECTIVE I: Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities.</p>	<p>STRATEGIC OBJECTIVE II: Prevent employment discrimination and promote inclusive workplaces through education and outreach.</p>	<p>MANAGEMENT OBJECTIVE: Achieve organizational excellence.</p>
<p>Performance Measure 1 for Outcome Goal I.A.: By FY 2022, a significant proportion of the EEOC and FEPA’s resolutions contain targeted, equitable relief.</p> <p>Sub-Measure 1a.: By FY 2022, 86-88% of the EEOC’s resolutions contain targeted, equitable relief.</p> <p>Sub-Measure 1b.: By FY 2022, 17-19% of FEPA’s resolutions contain targeted, equitable relief.</p> <p>Performance Measure 2 for Outcome Goal I.A.: In each year through 2022, the EEOC continues to favorably resolve at least 90% of enforcement lawsuits.</p> <p>Performance Measure 3 for Outcome Goal I.A.: Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.</p> <p>Performance Measure 4 for Outcome Goal I.A.: By FY 2022, TBD% of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC’s recommendations.</p>	<p>Performance Measure 6 for Outcome Goal II.A. and II.B.: By FY 2022, the EEOC modernizes and expands utilization of technology to ensure the public has greater access to information about their rights and responsibilities.</p> <p>Performance Measure 7 for Outcome Goal II.A. and II.B.: By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in breaking employment barriers.</p> <p>Performance Measure 8 for Outcome Goal II.A.: By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.</p>	<p>Performance Measure 9 for Outcome Goal III.A: The EEOC’s performance improves with respect to employee engagement and inclusiveness.</p> <p>Performance Measure 10 for Outcome Goal III.A: Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.</p> <p>Performance Measure 11 for Outcome Goal III.B: Yearly progress on modernization of charge/case management systems for program offices until completed in 2021.</p> <p>Performance Measure 12 for Outcome Goal III.B: The budget process prioritizes funding for the EEOC’s strategic goals.</p>

PERFORMANCE MEASURES		
STRATEGIC OBJECTIVE I: Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.	STRATEGIC OBJECTIVE II: Prevent employment discrimination and promote inclusive workplaces through education and outreach.	MANAGEMENT OBJECTIVE: Achieve organizational excellence.
<p>Performance Measure 5 for Outcome Goal I.B.: By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.</p> <p>Sub-Measure 1a.: By FY 2022, 88% of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.</p> <p>Sub-Measure 1b.: By FY 2022, TBD% of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.</p>		

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

A. Introduction

Strategic Objective I, to combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities, reflects the EEOC’s primary mission of preventing unlawful employment discrimination through: 1) the administrative (investigation and conciliation) and litigation enforcement mechanisms Congress has entrusted the agency with in regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) the adjudicatory and oversight mechanisms Congress has entrusted the agency with in regard to federal employers.

There are two outcome goals for Strategic Objective I:

Outcome Goal I.A: Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and

Outcome Goal I.B: Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.

The EEOC currently conducts its enforcement activities under the guidance of the Strategic Enforcement Plan (SEP) for FYs 2017-2021. The SEP for FYs 2017-2021; was approved by vote of the Commission in December 2016. It is not a required document and it is distinct from the Strategic Plan, but rather is designed for the Commission to be transparent about its enforcement activity and priorities. In December 2012, the Commission issued a Strategic Enforcement Plan (SEP) for FYs 2013-2016 as a successor to the 1996 National Enforcement Plan (NEP). The Commission revised its Strategic Enforcement Plan in 2017. The SEP for FYs 2017-2021 was a successor to the SEP for FYs 2013-2016 which was a successor to the 1996 National Enforcement Plan (NEP), (the 1996 NEP, among other things, delegated authority to the General Counsel to initiate litigation without the express vote of the Commission, except in certain defined circumstances). Both SEPs established substantive area priorities and set forth strategies to integrate all components of the EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace.

The SEP focuses efforts on those activities likely to advance equal opportunity and freedom from discrimination in the workplace. The SEP recognizes that to be effective as a national law enforcement agency, the Commission must focus on those activities that have strategic impact. Strategic impact is defined as a significant effect on the development of the law or on promoting compliance across a large organization, community, or industry. The significance of an issue and the potential outcome determine strategic impact, in addition to the number of individuals affected.

The SEP for FY 2017-2021 also recognizes that an individual charge or case can have strategic impact, as defined above. Effective strategic enforcement includes a balance of individual and systemic cases, and of national and local issues, acknowledging that each may have strategic impact in varied ways.

The SEP for FY 2017-2021 clarifies the way the SEP substantive area priorities will be integrated into the EEOC's charge management system, the Priority Charge Handling Procedures (PCHP which was first created in 1995). It also reaffirms the importance of strengthening the integration of staff efforts across programs and offices and ensuring accountability to operate as "One EEOC." These efforts are essential to ensure that the agency's resources are leveraged most effectively.

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

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


**Table 4: Budget request Summary for
Strategic Application of Law Enforcement Authorities**

FY 2018 to FY 2020 (Dollars in thousands*)			
	FY 2018 (Actual)	FY 2019 (Enacted)	FY 2020 (Request)
Private Sector Enforcement	\$298,800	\$296,600	\$279,840
Administrative Charge Resolution	199,857	201,519	190,132
Mediation	23,986	23,051	21,748
Litigation	74,957	72,030	67,960
State and Local	29,500	29,500	28,025
Federal Sector Enforcement	\$45,200	\$47,400	\$41,935
Hearings	24,860	25,957	22,964
Appeals	14,012	15,124	13,380
Mediation	904	903	799
Oversight	5,424	5,416	4,792
Total	\$373,500	\$373,500	\$349,800

*May not add due to rounding.


B. Performance Measures and Results

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

Sub-Measure 1a: By FY 2022, 86-88 percent of the EEOC's resolutions contain targeted, equitable relief.			
	FY 2018	FY 2019	FY 2020
Targets	80-82%	Increase targets to 82-84%.	Increase targets to 84-86%.
Results	91%		
			Target Exceeded


An important activity undertaken by both the EEOC and state and local FEPAs is negotiating resolutions of charges after an investigation has determined that there is reasonable cause to believe that unlawful employment discrimination has occurred. It is neither appropriate nor feasible to set a target for the number of reasonable cause determinations the agency makes because every investigation is dependent on the facts of the case. However, it is appropriate to set a goal for the type of relief that should be sought in resolutions of cases once reasonable cause has been found.

The FY 2018 target for Performance Sub-Measure 1a is for at least 80-82 percent of the EEOC's resolutions to contain targeted, equitable relief. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate. As of the end of the FY, the agency had exceeded the targeted range; reporting 1,304 administrative resolutions and legal resolutions with TER out of a total of 1,428 resolutions, or 91 percent.

Sub-Measure 1b: By FY 2022, 17-19 percent of FEPA resolutions contain targeted, equitable relief.			
	FY 2018	FY 2019	FY 2020
Targets	15-17%	Increase targets to 15.5-17.5%.	Increase targets to 16-18%.
Results	17%		
			Target Met


The FY 2018 target for Performance Sub-Measure 1b was for at least 15-17 percent of Fair Employment Practices Agencies (FEPA) resolutions contain targeted, equitable relief. As of the end of the FY, the FEPAs had met the targeted range of 15-17 percent; reporting 990 FEPA merit resolutions with TER out of 5,863 merit resolutions, or 17 percent.

Both Sub-Measures 1a and 1b under Performance Measure 1 are designed to encourage the EEOC and the FEPAs to seek relief in these cases that goes beyond monetary damages for individual victims of discrimination. Performance Measure 1b for FEPAs also recognizes that with differences in their administrative procedures, other types of resolutions where targeted, equitable relief is secured should be included. While it is important that the EEOC and FEPAs seek meaningful relief for individuals, the ultimate interest of the Commission must be to protect all employees and job-seekers from unlawful discriminatory practices.

Performance Measure 2: By FY 2022, the EEOC favorably resolves at least 90% of the agency's enforcement lawsuits.			
	FY 2018	FY 2019	FY 2020
Targets	90% of the agency's enforcement lawsuits are favorably resolved.	90% of the agency's enforcement lawsuits are favorably resolved.	90% of the agency's enforcement lawsuits are favorably resolved.
Results	96%		
			Target Exceeded


Performance Measure 2 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success for this measure will ensure that we continue to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As stated in the SEP for FYs 2017-2021, effective strategic enforcement includes a balance of individual and systemic cases, and those involving national and local priority issues, recognizing that each may have strategic impact in varied ways. This measure is significant because the achievement of success in cases raising priority issues under the SEP is often challenging and resource-intensive, especially in cases involving emerging or developing issues and systemic cases. Our goal for this measure is to reach and when possible exceed our ambitious targets through FY 2022.

The FY 2018 target for Performance Measure 2 was for 90 percent of the agency's enforcement lawsuits to be favorably resolved. As of September 30, 2018, the agency had far exceeded the target; reporting that 135 out of 141, or 96 percent of its enforcement lawsuits were favorably resolved.

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

Performance Measure 3 focuses on the use and reporting of data to ensure the EEOC has a coordinated, strategic, and effective approach to systemic enforcement. To track our progress in identifying and resolving systemic discrimination, this performance measure will require that the EEOC maintain data and report annually.

Information on the number of ongoing systemic investigations, the number of systemic resolutions, systemic conciliation rate, monetary relief recovered, and examples of systemic investigative resolutions are available in the agency's [2018 Performance and Accountability Report](#).


Performance Measure 4: By FY 2022, a TBD% of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.			
	FY 2018	FY 2019	FY 2020
Targets	Establish a baseline and project future targets.	Increase targets to TBD%.	Increase targets to TBD%.
Results	The agency established a baseline and projected future targets.		
			Target Met

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


The FY 2018 target for Performance Measure 4 was to establish a baseline and project future targets for the number or percentage of agencies that successfully change their

practices. In FY 2018, the agency identified the appropriate data for establishing baselines and initiating benchmarking activities. The following baselines were established: 16 percent of federal agencies have compliant reasonable accommodation procedures; 48 percent of federal agencies have a compliant anti-harassment policy; and 45 percent of recommendations made in agency programs evaluations completed in FY 2016 are substantially implemented. Future targets were also established based on reasonable accommodations procedures, anti-harassment procedures, and program evaluation recommendations.

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

Performance Measure 5 Sub-Measure 1a: By FY 2022, 88% of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices (QEP) Plan.			
	FY 2018	FY 2019	FY 2020
Targets	84% of investigations meet criteria established in QEP.	Increase targets to 85%.	Increase targets to 86%.
Results	88% of investigations met criteria established in QEP.		
			Target Exceeded

Performance Measure 5 builds on the EEOC’s Strategic Plan for FYs 2012-2017 with a metric focused on quality in both the private and federal sector programs. In September 2015, the Commission approved a plan for Quality Enforcement Practices for Effective Investigations and Conciliations (formerly the Quality Control Plan) and known as the QEP. The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In FY 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in FY 2017. In FY 2018, we used those benchmarks to project future targets. Eighty-eight (88) percent of current inventory files reviewed during technical assistance visits met the criteria established in the Quality Enforcement Practices Plan.

Performance Measure 5 Sub-Measure 1b: By FY 2022, a TBD percentage of federal sector hearings and appeals meet criteria in the Federal Sector Quality Practices Plan.			
	FY 2018	FY 2019	FY 2020
Targets	Establish a baseline and project future targets.	Increase targets to TBD%.	Increase targets to TBD%.
Results	The agency established a baseline and projected future targets.		
			Target Met

Performance Measure 5 also provides targets for quality work in the federal sector. The Federal Sector Quality Practices Plan (FSQP) (formerly the Federal Sector Quality Control Plan) was approved by the Commission on January 10, 2017 and includes quality components for hearings and appeals. The FSQP also includes quality criteria for the Commission's oversight of federal agencies when reviewing affirmative employment and barrier analysis plans, evaluating federal agency complaint processes, and offering technical assistance to federal agencies.

The FY 2018 target for Performance Sub-Measure 1b was to establish a baseline and project future targets for federal sector hearings and appeals to meet criteria established in the FSQP. The agency implemented a checklist for assessing quality practices and applied it to a sampling of draft decisions to create a baseline from which to set Federal Sector Quality Practices Plan quality improvement goals in the outlying years. The baseline established was 80 percent of the files to meet the quality standards.

C. Program Areas

1. Private Sector Enforcement

Management of the Charge Workload

The public's demand for the EEOC's services to resolve charges of discrimination continues to challenge the agency, even as we invest in staff and systems to strengthen our enforcement, deliver excellent service to the public, and promote compliance with federal civil rights laws. In FY 2017, the EEOC resolved 99,109 charges, as 84,254 new charges were filed with the agency. With focused attention on reducing our pending inventory, the results for FY 2017 reflect a dramatic decline of 16.2 percent, to 61,612 charges. In FY 2018, we maintained the trend of resolving more charges than our receipt levels, resulting in a 19.5 percent drop in our pending inventory, to 49,607. As a result, we project a continued decline in inventory to 43,851 charges in FY 2019. Through the leadership of Acting Chair Victoria Lipnic, the EEOC has prioritized reductions in its inventory in order to build a more effective enforcement program. The focused priority of the Acting Chair led to the reductions realized in FY 2017 and FY 2018. However, without any hiring of investigators and mediators or the ability to backfill vacancies starting in FY 2019, the agency will return to a cycle of an increasing pending inventory, growing to 44,426 in FY 2020, 45,740 in FY 2021 and 47,055 in FY 2022. This will reverse the current trend, and by FY 2020, the EEOC will be receiving more charges than it resolves. The budget levels requested in FY 2020 will yield a loss of 50 investigators and mediator staffing will remain stagnant after three successive years of losses of a combined 19 positions.

The projected reductions to the pending inventory that are charted through FY 2020 before increasing back to higher levels by FY 2022 have been due to other management initiatives. Beginning in mid-2017 and throughout FY 2018, there was a renewed focus on achieving and maintaining a balanced and sustainable inventory. A variety of strategies have been discussed and shared with Field senior leadership to be incorporated into their local management "tool kit" as they seek solutions to meet their

current workload and to maximize efficiencies to charge investigation and resolution. This includes reemphasizing intake interviews with Potential Charging Parties to help sharpen issues and give us more information by which to categorize the charge and using office stand downs to review charges in the inventory and identify the next steps needed to resolve the charge.

This emphasis recognizes that in periods of limited resources, we must continually focus on alternatives that will enable us to reduce the inventory to a sustainable level. Throughout FY 2019 and FY 2020, we will continue to utilize this approach as part of a multi-pronged effort to ensure that we are managing our inventory efficiently while providing quality customer service to charging parties and respondents. Additionally, we will continue to focus on innovative approaches and to invest in training and systems to better manage the charge workload and better serve the public. The EEOC is committed to fully utilizing Priority Charge Handling Procedures (PCHP), which focus agency resources on charges where the government can have the greatest impact on workplace discrimination. Training of staff in effective case management through the rigorous use of PCHP is critical to efficient resolution of charges. The agency trained 52 investigators in FY 2017, 41 new investigators in FY 2018 and plans to conduct similar training in FY 2019 for all newly hired investigators who came on board in FY 2018 and early FY 2019. 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 review their charge status. In early FY 2018, we fully migrated our Online Intake System to all of our field offices after concluding our pilot launched in FY 2017. This coupled with the advances in technology, commitments to incorporate PCHP throughout the charge lifecycle, strategies for achieving a balanced inventory, and effective staff training, will ensure that the EEOC will be positioned to assure sound workload management and provide enhanced customer service in FY 2019 and beyond.

Chart 2 below shows pending inventory decreases from FY 2016 through FY 2019 but with the halt in hiring beginning in mid-FY 2019, there will be no replacement of staff. The gradual inventory increases results from the upward trend in receipts even with a renewed focus on inventory reduction strategies and inventory management approaches, both of which offset the drop in overall staffing since FY 2016. However, as the chart reflects, due to the lack of hiring activity, the pace of receipts will exceed resolutions beginning in FY 2020 and will continue in FY 2021 and FY 2022, resulting in a steady rise in pending inventory in those years.

Chart 2: Private Sector Charges Pending – Ending Inventory

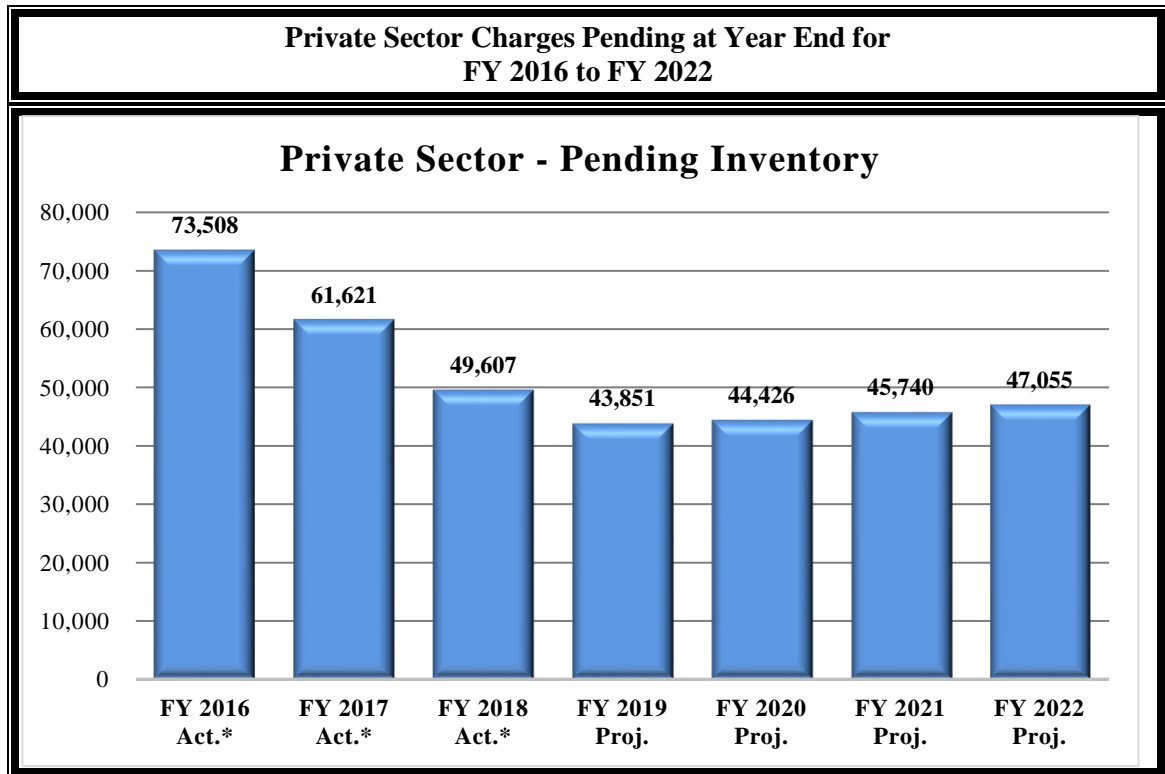
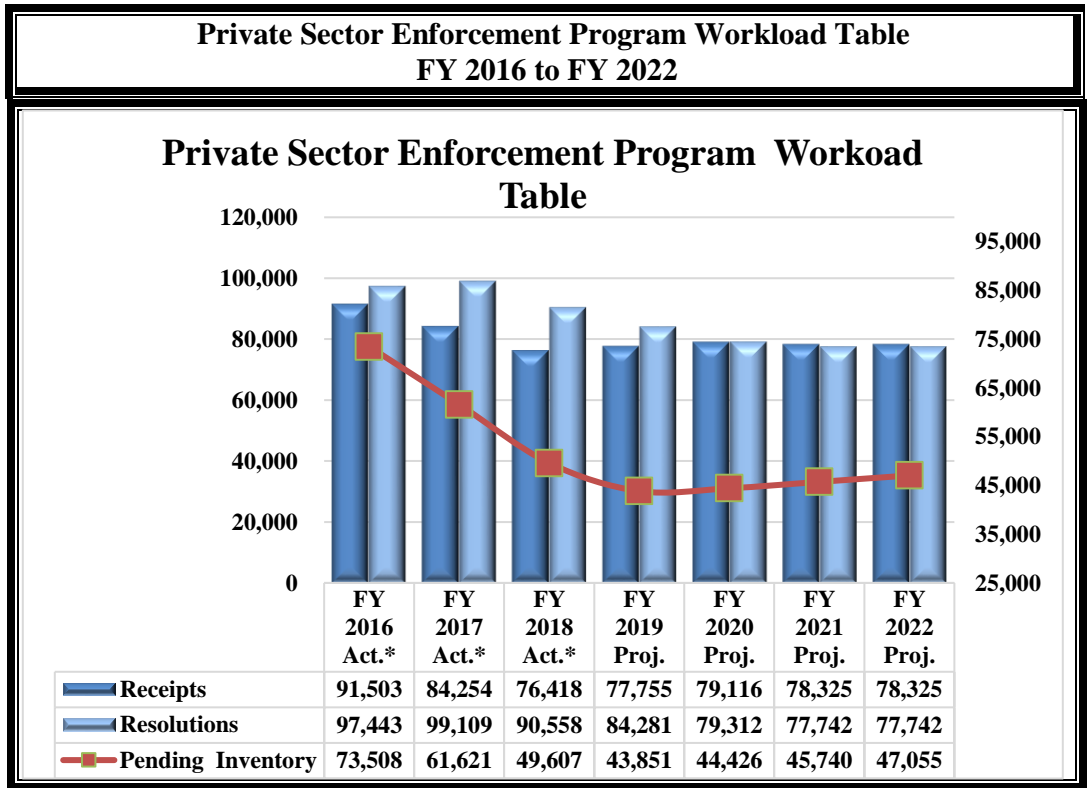


Chart 3 below depicts the actual Workload for Private Sector Enforcement for FYs 2016 through 2018 and projected Workload through FY 2022. As Chart 3 demonstrates, we experienced an increase in receipts in FY 2016, followed by a steady decline in FY 2017 through FY 2018, with a projected uptick beginning in FY 2019 through FY 2022.

The chart also reflects the steady decline in inventory through FY 2019, which will be achieved in spite of projected increases in receipts and no staff hiring in FY 2019 and beyond. Beginning in FY 2019 there is a steady decline in resolutions due to a halt in hiring that begins in FY 2019. The inventory level will grow beginning in FY 2020 and will continue into FY 2022 due to the on-going lack of new hires or replacements of departing staff. The efforts to manage the inventory will include a continued focus on vigorously using its priority charge handling procedures (PCHP) as well as incorporating other strategies.

Chart 3: Private Sector Enforcement Program Workload Table



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

Table 5 on the next page details the actual private sector charges received by statute for FY 2016 - FY 2018 and the projected charges through FY 2022. 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 2016 to FY 2022							
	FY 2016 (Act.)	FY 2017 (Act.)	FY 2018 (Act.)	FY 2019 (Est.)	FY 2020 (Est.)	FY 2021 (Est.)	FY 2022 (Est.)
Title VII Only							
Charges filed	46,833	42,937	38,427	39,362	40,051	39,651	39,651
Charges resolved	49,834	50,406	45,392	42,555	40,046	39,254	39,254
Title VII with Concurrents*							
Charges filed	65,090	59,466	53,694	54,756	55,715	55,158	55,158
Charges resolved	69,673	70,405	63,948	59,694	56,174	55,062	55,062
Age Discrimination in Employment Act Only							
Charges filed	7,648	6,782	6,066	6,216	6,324	6,261	6,261
Charges resolved	8,206	8,178	6,953	6,713	6,317	6,192	6,192
Age Discrimination in Employment Act w/Concurrents							
Charges filed	20,857	18,376	16,911	17,083	17,382	17,208	17,208
Charges resolved	22,594	22,430	19,943	18,817	17,708	17,358	17,358
Equal Pay Act Only							
Charges filed	48	24	43	33	34	33	33
Charges resolved	57	41	39	36	33	33	33
Equal Pay Act with Concurrents							
Charges filed	1,075	996	1,066	1,002	1,019	1,009	1,009
Charges resolved	1,201	1,225	1,214	1,086	1,022	1,002	1,002
Americans with Disabilities Act Only							
Charges filed	16,012	15,350	14,207	14,311	14,561	14,416	14,416
Charges resolved	16,479	17,253	16,627	15,073	14,184	13,904	13,904
Americans with Disabilities Act w/Concurrents							
Charges filed	28,073	26,838	24,651	24,925	25,361	25,108	25,108
Charges resolved	29,575	30,946	29,511	26,891	25,305	24,805	24,805
Genetic Information Nondiscrimination Act Only							
Charges filed	30	23	16	19	19	19	19
Charges resolved	24	27	18	20	19	18	18
Genetic Information Nondiscrimination Act w/Concurrents							
Charges filed	238	206	220	207	211	208	208
Charges resolved	248	267	288	248	233	228	228
Total*							
Charges filed	91,503	84,254	76,418	77,755	79,116	78,325	78,325
Charges resolved	97,443	99,109	90,558	84,281	79,312	77,742	77,742

*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 2018, 97.2 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC, and we anticipate similar results from our FY 2019 survey. 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.

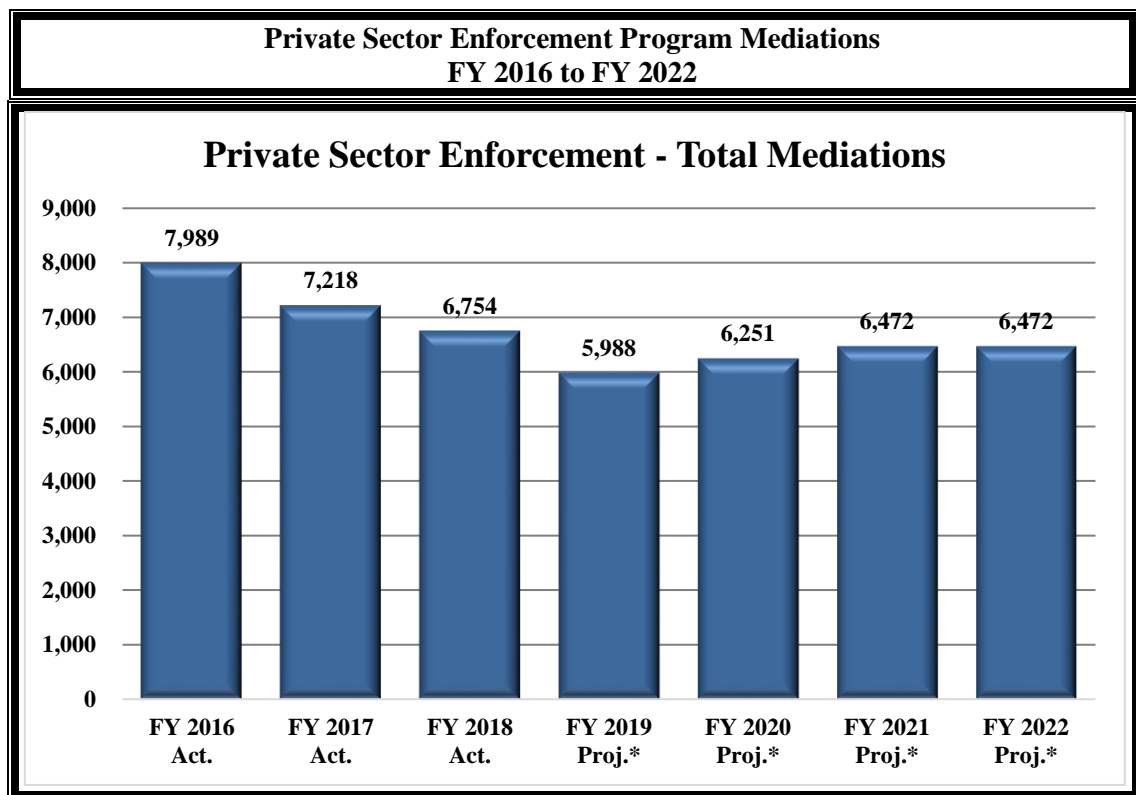
The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. At the conclusion of FY 2018, the agency achieved 6,754 successful resolutions out of 9,437 conducted compared to the 7,218 successful resolutions out of 9,476 conducted in FY 2017. During FY 2018, mediations were completed in an average of 99 days with over \$165.8 million in benefits secured compared to 100 days and over, \$163.6 million in benefits obtained in FY 2017. Federal sector mediations conducted by mediation staff increased dramatically in FY 2018 with 1,116 sessions conducted – a remarkable 436 percent increase from the 256 sessions conducted in FY 2017. The Commission anticipates no hiring activity for new mediators in FY 2019 and FY 2020. This continues the lack of any mediator hiring activity since FY 2017. As a result, we project a lower level of resolutions through our mediation process. This request also retains the FY 2019 contract mediation budget level of \$440,000 for FY 2020 - FY 2022. These funds allow us to continue to provide a fair, efficient and timely forum to resolve charges where staff mediators may not be available. Training in FY 2018 was provided both to the ADR Coordinators who manage the program in our Districts, as well as separate training that brought together all mediators and Coordinators for the first time in almost 20 years. The training highlighted program achievements, shared updates on decisions which affect the EEOC's enforcement, discussed strategies for win/win resolutions and identified approaches to Targeted Equitable Relief (TER) in mediation agreements. Other focus areas included unique issues involved in the mediation of charges alleging sexual harassment, successful strategies for motivating participants to resolution, securing agreements to mediate, and employee performance goals.

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program builds a persuasive case to help convince employers to participate in our mediation program. To that end, the Commission hopes to maintain

the progress achieved in FY 2018 where the Respondent participation rate increased to 27.6 percent from the 26.1 percent reported during FY 2017, focusing on providing information to smaller employers that, in the past, have declined to participate in the program. In addition to these efforts, the agency continues to promote the program through Universal Agreements to Mediate (UAMs) with employers. By the conclusion of FY 2018, the agency secured a cumulative total of 2,907 agreements to mediate, a 4 percent increase over the prior year.

Chart 4 below depicts total mediations, most mediations are conducted by staff, while contract mediations account for less than 10 percent of the total mediations.

Chart 4: Private Sector Enforcement Program Mediations



*May not add due to rounding

a. State and Local

The enacted FY 2019 appropriation maintains FY 2018 funding for State and Local activities of \$29,500,000. The FY 2020 request, though lower than the FY 2019 level, at \$28,025,000 will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with the EEOC field staff, to explain the provisions of Federal, state and local laws regarding employment discrimination to various groups and other

members of the public. Similarly, TEROs help the EEOC in addressing issues of employment discrimination on or near Indian reservations.

We have strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its TERO and FEPA partners. The EEOC offices continued to use the model MOU, approved by the Commission 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.

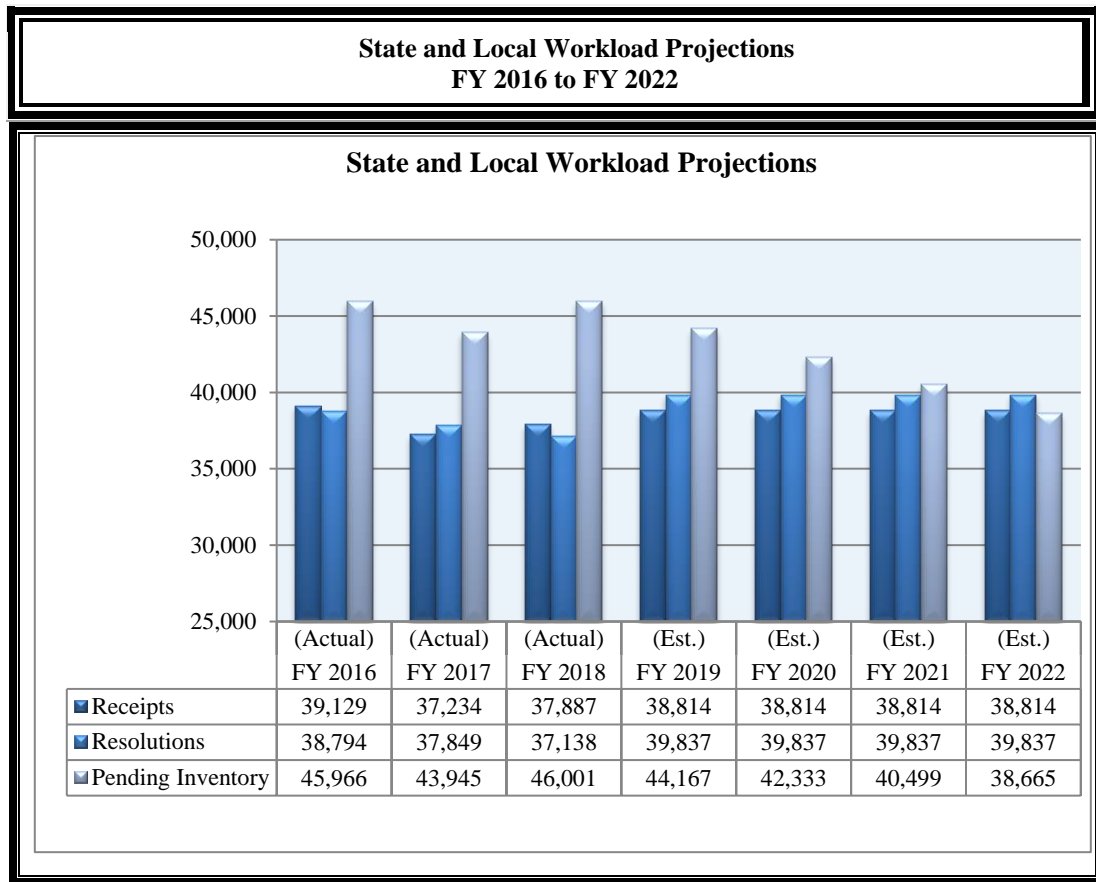
We have also continued to engage in more focused dialogue with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to the EEOC's Strategic Plan including previously redeveloping mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. Moreover, during FY 2017 and FY 2018, 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 and will retain this model into FY 2019 and beyond.

Throughout FY 2017 and FY 2018, the EEOC worked to enhance our Digital Charge System (DCS) to provide electronic notifications and document exchange between the EEOC and FEPAs. This modernization effort to the EEOC's charge management system, with which FEPAs are provided access to process their own charges of discrimination, enables the EEOC and FEPAs to receive electronic notification of Charges of Discrimination (Form 5) that are dual-filed with the corresponding agency, as well as have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212), and replaces the practice of transmitting copies of dual-filed charges by paper and mail. In FY 2019, OFP and OIT will continue to work cooperatively to identify and provide technology enhancements to our State and Local Programs.

During FY 2018, State and Local Programs received \$29.5 million as part of the agency's overall appropriation. The reimbursement rate remained at \$700 per charge.

The EEOC field offices will continue to invite FEPAs in their jurisdiction to participate in training offered to the EEOC staff. In addition, the EEOC continues to explore new technologies that would even more effectively enhance communication. The EEOC continued to gather and monitor targeted equitable relief (TER) data reported by FEPAs. For FY 2018, the proportion of FEPA-reported resolutions containing TER was within the range of the FY 2018 target of 15 to 17 percent. This will remain a focal point in FY 2019, 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 2016 - 2018, and projections for FYs 2019- 2022.

Table 6: State and Local Workload Projections



Systemic Program

Tackling systemic discrimination -- where a discriminatory pattern or practice or policy has a broad impact on an industry, company or geographic area -- is part and parcel of the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits efficiently 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 of 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.

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the EEOC's systemic investigations and lawsuits over the past 15 years, many thousands of workers have received jobs, wages, and benefits and many more have benefited from positive changes in workplace practices. Notably, the EEOC tripled the success rate for conciliation of systemic matters from 21 percent to between 45 - 64 percent

over the past decade and the EEOC's litigation program has achieved a remarkable 91 percent success rate in its systemic cases over the past 10 years (through FY 2018).

In FY 2018, the EEOC field offices resolved over 410 systemic investigations and obtained over \$30 million in remedies during the administrative process. These resolutions included voluntary conciliation agreements in over 115 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 26 systemic suits in FY 2018 for a total of \$42.7 million in remedies for 6,926 victims.

Coordination of systemic investigations and cases has significantly increased, with staff regularly sharing information and strategies on systemic cases and partnering across offices on lawsuits. The agency is also exploring approaches to relief where the interests of the employees, employer, and the EEOC align to result in lasting improvements to workplace practices and policies.

b. Litigation

Since 1972, the Commission's litigation program has served a vital role in fulfilling our mandate to enforce the federal civil rights employment laws. Recognizing its resource limitations, the Commission has long emphasized that the litigation program should focus on cases that have the potential to impact multiple workplaces or large groups of applicants or employees, emerging issues where the agency's expertise may be especially critical to achieving a successful outcome, and individual cases where broader law enforcement goals can be advanced with the successful resolution of the case. In addition, the litigation program focuses on population groups and geographic locations where private enforcement of anti-discrimination laws is rare, and individuals have minimal access to the legal system to protect their rights.

Consistent with the Commission's SEP for FYs 2017-2021, the agency has been successful in ensuring that the great majority of the cases selected for litigation raise priority issues, including discriminatory barriers to employment (chiefly recruitment and hiring practices), patterns of harassment, emerging legal issues, protecting the rights of immigrants and other vulnerable populations, and discriminatory pay practices. In all of our litigation, the EEOC seeks to secure substantial injunctive and equitable relief as well as appropriate monetary relief for all aggrieved individuals. In FY 2018, we used our litigation program to continue the national dialogue about sexual harassment in the workplace, increasing our litigation in this area and highlighting cases involving the plight of vulnerable workers and employer responsibility to prevent and remedy reports of harassment. In all, we filed 66 lawsuits challenging workplace harassment. Forty-one of these suits alleged a hostile work environment of sexual harassment, representing a 50 percent increase over the prior FY. Thirteen other suits raised claims of hostile work environment based on race. Thirty-four harassment suits were class cases, and another 5 were systemic cases. We successfully resolved 38 harassment suits, which was exactly twice as many as the prior year. The EEOC recovered about \$14.5 million for 376 victims of harassment through its litigation program,

eclipsing by a large margin the relief obtained and the number of victims benefited last year (\$2.2 million for 36 victims).

In FY 2018, the agency filed 199 enforcement suits, around 8 percent more than the amount filed in the previous FY (184). The filings in FY 2017 and FY 2018 reversed a significant declining trend in litigation filings that began in FY 2011, sinking to 86 filings in FY 2016. The agency expects to file slightly fewer enforcement suits in FY 2019 and again in FY 2020, in light of the expected net loss of around 25 attorneys over that period. While we will continue our focus on workplace harassment, it is likely that our litigation activity in this area will slightly decline with this Budget request. However, we expect a large number of cases, including systemic suits, to remain in our active docket given the rise in filings in FY 2017 and 2018. In addition, we expect that Commission attorneys will continue to spend a significant portion of their time working closely with investigators to develop investigation plans, interview witnesses, analyze evidence, and assist in charge resolutions.

The Commission's resource investments in its litigation program have paid dividends. 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 91 percent of its systemic suits over the past ten years. We expect to continue this high level of success with this Budget request.

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 2018, the EEOC secured over \$85 million dollars in relief for parties who requested hearings. At the end of FY 2018, there were a total of 6,926 hearings requests received, which reflects a decrease of 13.6 percent over the number received in FY 2017 (8,012). Additionally, in FY 2018, the Commission's hearings program resolved a total of 8,662 complaints, which is dramatic increase of 30 percent above the level in FY 2017 (6,661). In both FY 2017 and FY 2018 the Acting Chair made the hiring of Administrative Judges a priority. As our workload table below projects, with the full productivity of our new hires made in FY 2017 and FY 2018 as well as other enhancements made to our hearings process,

resolutions are anticipated to climb 5.2 percent over the FY 2018 level to 9,112 in FY 2019 and a further 7.4 percent increase in FY 2020, to 9,786 resolutions. We project, as shown in Table 7, that with the increase of resolutions in FY 2018 coupled with the processing enhancements implemented during the FY that led to the first drop in inventory in many years to 13,612, by FY 2019, the inventory will further decline to 12,117, and by FY 2020, the inventory level will be 33 percent lower than FY 2017, with a continuing decline in FY 2021 and FY 2022. However, these projections are dependent upon maintaining a consistent number of administrative judges across these FYs to ensure that resolution levels forecasted are achieved.

Table 7: Hearings Workload Projections

Hearings Workload Projections FY 2016 to FY 2022							
Workload	FY 2016* (Actual)	FY 2017* (Actual)	FY 2018* (Actual)	FY 2019 (Estimate)	FY 2020 (Estimate)	FY 2021 (Estimate)	FY 2022 (Estimate)
Hearings Beginning	12,161	13,624	15,465	13,612	12,117	9,948	8,048
Receipts	8,193	8,012	6,926	7,735	7,735	7,905	7,905
Consolidations	(50)	(89)	(118)	(118)	(118)	(118)	(118)
Total Workload	20,304	21,547	22,273	21,229	19,734	17,735	15,835
Resolutions	6,792	6,661	8,662	9,112	9,786	9,687	9,768
Pending	13,512	14,885	13,612	12,117	9,948	8,048	6,067

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

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with the Strategic Plan for FYs 2012-2016, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite and tailor case processing commensurate with agency resources. The system 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 the EEOC's 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 reported 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. With the implementation of the initial conference step for all offices, this has resulted in 70 percent of all hearing requests received in FY 2017 having an initial conference. We saw in FY 2018 the benefits from this process change nationwide and anticipate this will continue into FY 2019 and FY 2020.

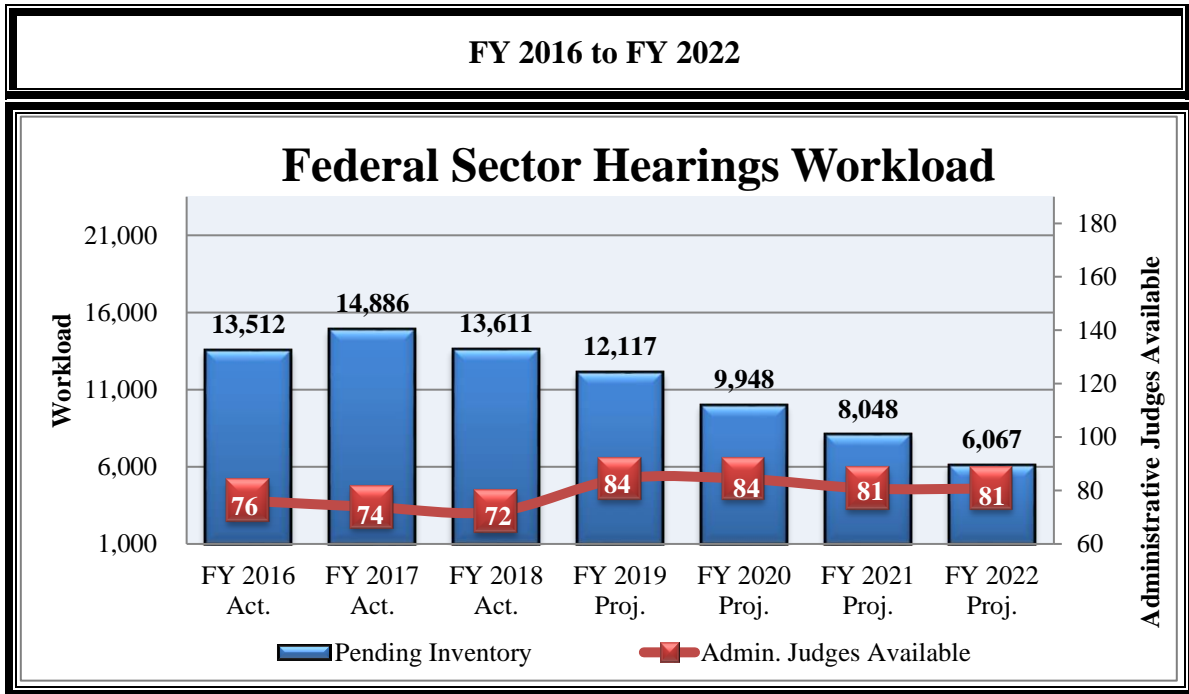
The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than three years, the EEOC has provided agencies with a digital method for submitting complaint-related documents. During FY 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). Beginning in 2017, administrative judges have been able to upload their orders and decisions for access by the agencies in cases before them. Using the FedSEP portal, agencies can now easily upload all documents for both hearings and appeals. This laid the groundwork for plans to expand FedSEP access in FY 2018 to complainants which will give all parties easy transmission and receipt of documents; allowing complainants to request a hearing or appeal online; and allowing parties to review the status of the hearing or appeal online. These new digital complainant services currently are being piloted, with an expected full roll out in 2019. In addition to the gains in efficiency and cost savings, these technological innovations will make the hearings and appeals process more transparent for all parties and 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 launched in FY 2018 and continuing through FY 2020 include exploring additional tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its AJs, thereby helping to manage the growing hearings inventory. Such investments will further improve customer service and increase efficiencies for individuals and federal agencies utilizing the federal sector hearings process.

Chart 5 on the next page demonstrates the actual workload and number of administrative judges assigned to handle hearing complaints for FYs 2016 through 2018 and projections for FYs 2019 through 2022. Based on recent data and as outlined in Table 7 above, hearings receipts are projected to decline in FY 2019 through FY 2020, with a slight uptick in FY 2021 that will remain steady in FY 2022. The increase in resolutions in FY 2018 resulted in part to the hiring that

occurred during the FY along with other enhancements to our process that were aimed at streamlining the assessment and actions taken on hearing complaints. FY 2019 will reflect a further increase in resolutions as the decline in inventory allows for more timely processing of newly filed charges using the enhanced procedures. The ability to increase the resolutions over the coming years will also be due to the 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 through 2022.

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.

The Commission ensures that its federal appellate adjudicatory functions are fair and efficient, and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. The EEOC's federal sector appellate attorneys exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that decisions are issued as expeditiously as possible. The table below details the EEOC's appellate adjudication results and projections.

Table 8: Appeals Workload Projections

FY 2016 to FY 2022							
Workload	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (Actual)	FY 2019 (Estimate)	FY 2020 (Estimate)	FY 2021 (Estimate)	FY 2022 (Estimate)
Appeals Beginning	4,340	4,111	3,658	2,942	3,311	3,910	4,779
Receipts	3,523	3,831	3,604	4,500	5,000	5,000	5,000
Total Workload	7,863	7,942	7,262	7,442	8,311	8,910	9,779
Resolutions	3,751	4,284	4,320	4,131	4,401	4,131	3,861
Pending	4,111	3,658	2,942	3,311	3,910	4,779	5,918

The Commission is exploring work method improvements through revising work processes and delegating greater authority to adjudicators in identified categories of cases with the goal of more expeditiously resolving cases identified as not having significant impact or based on established precedent to speed up adjudications. Additional collaboration with agencies to maximize the use of technological improvements in record submissions, perfection of defective records and reducing wasted efforts spent on records not ripe for adjudication will be undertaken through collaboration, training and educational outreach.

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

In FY 2018, there were 122 findings of discrimination issued by the EEOC's federal sector appellate attorneys, an increase of more than 79 percent from FY 2017. During this same period, the EEOC's appellate program secured \$13.6

million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC's federal appellate program also issued 84 decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP).

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, the EEOC has recognized the efficiency and cost savings that could be achieved by creating a digital infrastructure for the exchange of hearings and appeals related documentation. 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. The EEOC has continued to provide technical assistance to agencies and made numerous refinements to FedSEP based on federal agency stakeholder feedback.

In FY 2018, the EEOC continued to design and develop a complementary Complainant Portal. Phase 1 of the Complainant Portal became operational in the 4th quarter of FY 2018, giving complainants the capability to request a hearing or appeal online and submit appeal and hearing related documentation. 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. The EEOC continues to identify all "broad impact" appellate cases, as well as those that implicate areas of focus identified by the Commission.

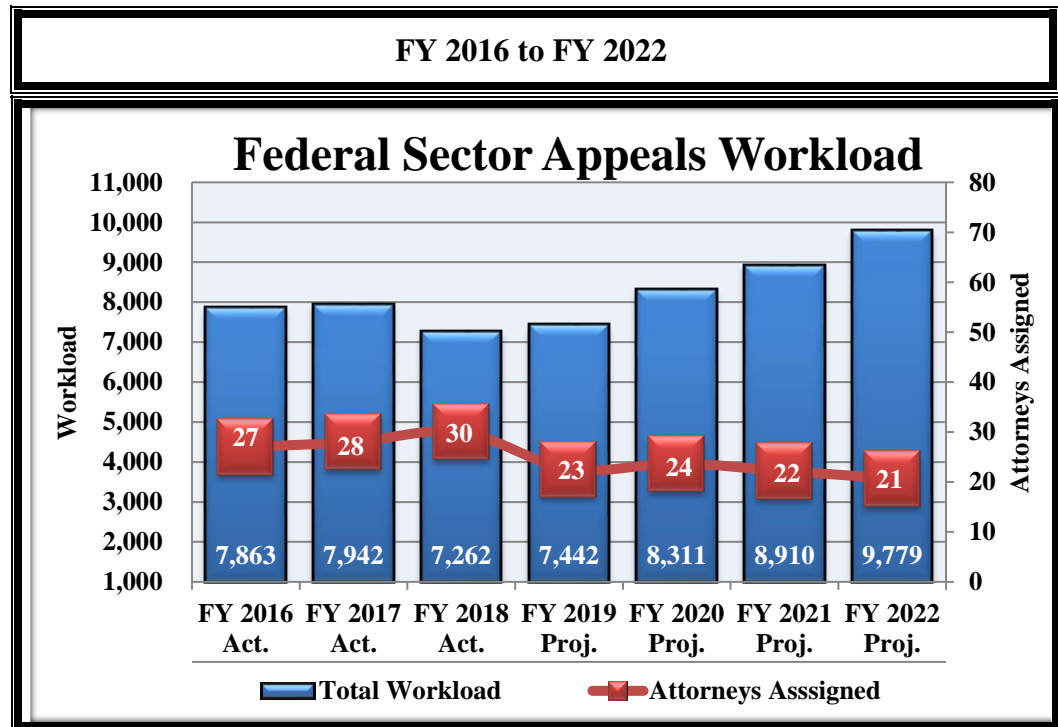
A critical component called for by the Case Management System was the development and implementation of a Federal Sector Quality Practices Plan that was approved by the Commission in early FY 2017. These practices are designed to deliver excellent and consistent service in adjudicating federal sector hearings and appeals, and in providing oversight of federal agencies' compliance with EEO laws. For example, in FY 2018, the Commission's hearings and appellate program collaborated on the development and implementation of a Summary Judgment Pilot. Under the auspices of this pilot, the EEOC's administrative judges identify and issue summary judgment decisions for those cases where the facts therein do not require extensive analysis. If appealed, the Commission's appellate program expedites review to ensure that summary judgment was appropriate, and, if relevant facts remain in dispute, quickly remand the matter for a full hearing.

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. For example, by the conclusion of FY 2018, the EEOC used these techniques to reduce the age of the pending inventory from 363 days at the end of FY 2017, to 313 at the end of FY 2018.

Chart 6 below identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2016 through 2018, and projections for FYs 2019 through 2022.

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 control the appellate inventory by focusing on resolving its oldest cases; prioritizing cases with the broadest impact; and quickly addressing those appeals which seek to preserve access to the EEO process. Cases in this category represent about 40 percent of the incoming appeals. The office will continue to fulfill its responsibilities under the Strategic Enforcement Plan and the Federal Complement Plan and the Commission's Strategic Plan for FYs 2017-2021.

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

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

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

d. Oversight of Federal Agencies' EEO Programs

To implement the federal government's policy prohibiting employment discrimination, agencies are required to maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation by all federal employees. The EEOC, serving in its oversight capacity for these efforts, implemented EEO MD-715, which details strategies for identifying and removing barriers to free and open workplace competition, requires agencies to incorporate EEO principles into their missions and report their progress to the EEOC. If an agency identifies barriers to equal employment opportunity, the Commission assists the agency in eliminating those barriers. The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by reviewing their annual MD-715 submissions, providing in-person and telephonic technical assistance, and issuing written feedback.

In FY 2018, the EEOC established a goal to issue feedback letters to agencies within 90 days of receiving their Affirmative Action Plans (AAPs). In the 160 feedback letters issued in FY 2018, the EEOC evaluated whether agencies had demonstrated that they had (1) compliant reasonable accommodation procedures, (2) posted their personal assistance services (PAS) procedures on their public website, and (3) adopted the regulatory goals for people with disabilities (PWD) and people with targeted disabilities (PWTD) in the grade level clusters. In FY 2018, the EEOC approved 23 percent of the submitted AAPs. Of the plans that were not approved, 88 percent of agencies did not post their PAS procedures, 66 percent of agencies did not issue compliant reasonable accommodation procedures, and 50 percent of agencies did not adopt the regulatory goals.

Agencies also received feedback on the status of their disability program, including their plans to recruit, develop, advance, and retain PWD and PWTD. Moreover, the EEOC evaluated agencies' efforts to remove barriers that impede PWD and PWTD within the workplace. In most letters, the EEOC provided guidance on

conducting barrier analysis on mission-critical occupations, the senior grade levels, management positions, and separations.

The EEOC also reviewed agency reasonable accommodation procedures in 2018. It received 149 requests from 116 agencies to review their procedures and approved 16 percent. In FY 2019, the EEOC expects to continue to review agencies' reasonable accommodation procedures until they comply with applicable regulations.

In an effort to improve its oversight of federal EEO programs, the EEOC implemented an integrated data system to analyze workforce demographic data as well as EEO complaint data. The Commission's continued development of this system will gradually incorporate other sources of data, including complaint data for hearings and appeals, the Federal Employee Viewpoint Survey, the 2010 Census, and responses to correspondence. This information will allow the EEOC to build a more complete picture of how agencies are progressing in their development of model EEO programs.

During FY 2018, the EEOC created and piloted an alternative coding system that was applied to FY 2016 Form 462 data. This new system will be applied to previous and future installments of Form 462 and a similar system will be developed for MD-715 to assist proactive prevention efforts. The EEOC also produced a new computerized Barrier Analysis Tool. Focusing specifically on the new hires and promotions phase of the employment life-cycle, this tool identifies triggers (red flags) and potential barriers to equal employment opportunities, and it provides recommendations on the next steps agencies should take to identify and remedy root causes of employment discrimination.

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.

In an effort to improve the timeliness and efficiency of the federal sector EEO process, the EEOC's regulations at 29 C.F.R. § 1614 allow federal agencies the opportunity to request variances from the current administrative process. During FYs 2017-18 the Commission reviewed "pilot projects" submissions and approved such projects for the U.S. Department of the Air Force, the U. S. Department of Interior, and the Federal Aviation Administration of the Department of Transportation. Each is designed to streamline the administrative process. The EEOC will monitor the approved pilots to determine whether any efficiencies have been realized and expects to receive for review additional pilot requests during FY 2019.

Concurrent with these oversight responsibilities in the federal sector, the Commission continues its education efforts to assist all stakeholders by: (1) creating and conducting fee-based training through the Revolving Fund; (2) creating and conducting customized EEO training for EEO professionals,

managers, employees and other stakeholders; and (3) participating in free outreach activities, including conferences, summits, meetings and other events where the Commission's presence would add value.

Through fee-based training, the EEOC conducted fifty sessions on Preventing Workplace Harassment and thirty-five Respectful Workplaces Trainings, which educated 3400 participants. Additionally, the EEOC has finalized contracts to provide Respectful Workplaces Training to all employees at both the National Labor Relations Board and the Federal Emergency Management Agency in the upcoming FY. The EEOC's presentations at brown bag events, webinars, online information sessions, and conferences continued the dialogue about the findings of the EEOC's "Report of the Co-Chairs of the EEOC Select Task Force on the Study Harassment in the Workplace" and provided attendees with the tools to champion alternative methods to standard compliance training.

During FY 2018, the EEOC held sixty-five customer-specific trainings with 2300 participants; thirty-four national training courses with 1190 participants spanning a total of 751 training hours; and conducted 118 customized courses at forty-three different agencies with 4130 participants. The EEOC also conducted 90 outreach sessions, which included six agency-sponsored webinars, fifteen EEOC webinars/information sessions and three brown bag sessions.

Also, during this year, the EEOC launched its YouTube page to share training videos and grew its social media presence on Facebook and Twitter by more than 1000 percent. The EEOC leveraged social media throughout FY 2018 not only to provide updates on EEO matters, but also to market its various fee and no-cost training opportunities. The EEOC also launched a monthly on-line information session and Q&A program known as "First Fridays with the EEOC", which provides members of the public an opportunity to learn from, and pose questions to, the EEOC's subject matter experts. The EEOC developed and hosted its first online fee-based course and introduced Adobe Connect as its new virtual training platform. The EEOC developed an electronic training and outreach form to increase efficiency of its receipt, assignment, and responses to stakeholder requests.

During FY 2018, the EEOC formed and conducted the first meeting of, the EEOC Education Consortium. The Consortium was created to advance high standards of practice and professionalism among EEO practitioners by providing its members with professional development, the opportunity for competency certification, a library and network for sharing training resources, and a nationwide platform for networking with other EEO practitioners and stakeholders.

The EEOC's federal sector participated at six stakeholder conferences to present materials on a variety of EEO issues and established a national Memorandum of Understanding for training and outreach with the National Organization of Blacks in Government. The EEOC also updated its New Investigator, Investigator Refresher, Counselor Refresher, MD-715, and Barrier Analysis training materials.

In addition to its training and outreach efforts and feedback on agency EEO programs, the EEOC continues to conduct research, which it presents to agencies to assist them in maintaining continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to full and fair workplace participation. In this regard, the EEOC continued its work with the Government Accountability Office and OPM to explore possible pay disparities in the federal sector. Using research first gathered in 2014 and refined in 2016, the EEOC issued a nationwide program evaluation in FY 2018, that focused on opportunities for women in federal public safety occupations (law enforcement, fire prevention and security), and that is intended as a resource on innovative leading recruitment and hiring practices for federal agencies to consider in their efforts to increase the participation of women in these occupations. The EEOC is in the process of a second program evaluation on promotion and retention barriers for women in these occupations, which will provide further guidance to agencies on these issues.

In addition to the Annual Statistical Report on the Federal Workforce, the EEOC is in the process of producing a report focusing on diversity and inclusion in the federal Information Technology (IT) workforce. The EEOC also published during FY 2018 an article in the EEO Digest that provided support for previous assertions that workplace civility training should focus on building a sense of community in the workplace and that sanctions for harassment should be swift, certain, and proportionate, and added that alternative dispute resolution methods, including mediation, could be effective even in severe cases of harassment. This research was also presented in a brown bag webinar that compared harassment prevention methods to crime prevention methods. In order to provide ongoing legal updates to the entire EEO community, the EEOC published four (quarterly) issues of the EEO Digest. This publication is a summary of important EEO cases and generally contains an article on a topic of interest for federal sector EEO programs. The resource is published on the external EEOC website, so all interested parties have access to the summaries and links to the complete cases.

Finally, during 2018, the EEOC continued its practice of using program evaluations to assist agencies at which the EEOC has observed potential barriers, complaint processing issues and/or structural EEO program issues. These included an evaluation of the Department of Health and Human Services and its subcomponents, the Veterans Benefits Administration, the Defense Security Service, and the Department of the Interior and its subcomponents.

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

A. Introduction

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

There are two outcome goals for Strategic Objective II:

Outcome Goal II.A: Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and

Outcome Goal II.B: Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.


The EEOC targets its education and outreach program to individuals who historically have been victims of employment discrimination. The Commission also provides outreach and education to particularly vulnerable communities that may be unfamiliar with our laws, such as those who are new to the workforce or low-skilled workers and new immigrants. Moreover, it is important for the agency to provide technical assistance to underserved segments of the employer community, including small and new businesses. Given their size and limited resources, such businesses are often less able to take advantage of the EEOC's training programs and are less likely to have in-house human resources professionals to assist them with compliance.

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

With a continued focus on providing clear, easy-to-understand materials for our diverse array of audiences, the EEOC will continue to conduct a full review of its sub-regulatory documents and update or augment them as needed with plain language materials.


Performance Measures 6 through 8 were developed by the Commission to track the agency's progress in achieving these outcomes.

B. Performance Measures and Results

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

Performance Measure 6 focuses on strengthening and expanding the impact of the EEOC's education and outreach activities by expanding use of technology. The implementation of a technology plan created in FY 2018 will better facilitate the dedication of resources to the most critical needs. The EEOC also will focus its technological advances on priority areas and specific communities to increase public access to information about rights and responsibilities under the laws the EEOC enforces.


In FY 2018, the EEOC conducted a needs assessment, set baselines of public access and developed and began implementing a technology plan. The EEOC used the federal government's Digital Metrics Guidance and Best Practices Guidance to gather metrics and establish baseline measurements of the public's use of technology to access EEOC information. Finally, the EEOC set goals for increasing information access in general and specifically on priority topics and to specific communities.

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

The EEOC is in a unique position to serve as a conduit to promote effective partnerships and to strengthen relationships among diverse groups with common goals. As a result, we believe we can facilitate effective interactions that can lead to reducing or eliminating employment barriers. For example, connecting an employer association with an advocacy group seeking to eliminate recruitment and hiring barriers may help to prevent discrimination and create job opportunities for qualified job seekers. Performance Measure 7 leverages our long-term significant partnerships with advocacy groups (particularly those that represent vulnerable or underserved workers) and associations or organizations that represent employers to achieve sustained benefits for the communities we serve.

The FY 2018 Target for Performance Measure 7 established a baseline and subsequent annual target for FY 2019 for measuring the EEOC’s success in leveraging the collaborations the agency has fostered with its significant partner organizations. During FY 2018, the agency modified the IMS outreach system to capture collaborations between advocacy groups and employers. This allowed for each office’s needs to be assessed and baseline statistics to be developed. The baseline of 31 joint outreach events with advocacy organizations and businesses was established. In FY 2019, the agency set a target of increasing the number of joint outreach events by 8 percent.

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

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

Performance Measure 8 will ensure that the EEOC’s sub-regulatory guidance documents and resource materials are reviewed and that, where necessary, they are updated and use plain language. The agency’s enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with them. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC’s Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws. These materials may or may not require a vote of the Commission and may include a range of guidance material, best practices, Q&A’s, and fact sheets.

Since FY 2016, the Commission has published its sub-regulatory legal policy and guidance documents for written input from the public and has considered all comments received in drafting final versions of the documents.

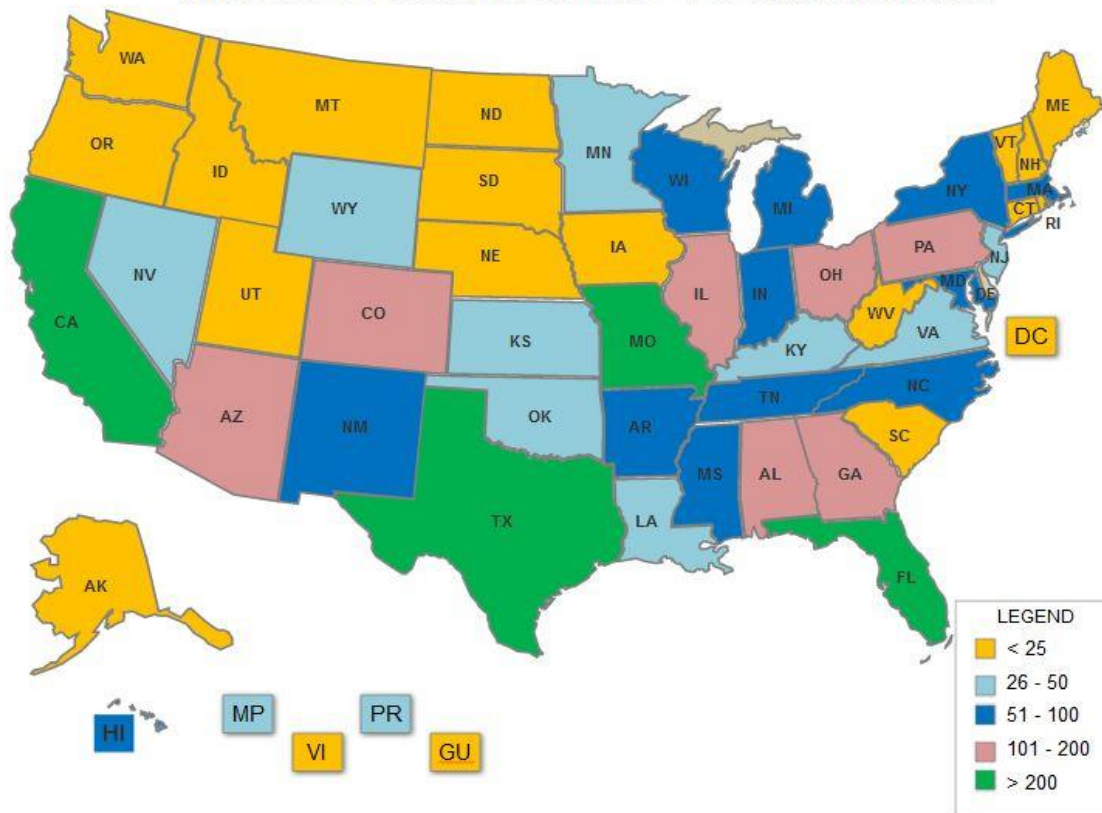
In FY 2018, the agency conducted an extensive analysis of existing EEOC guidance and developed documents for stakeholders about basic harassment principles, including Promising Practices for Preventing Harassment, issued in December 2017. In early FY 2018, the Commission issued Questions and Answers on Providing Personal Assistance Services for Individuals with Targeted Disabilities, a document to assist federal agencies in complying with the requirements of the EEOC’s Final Rule on Affirmative Action for People with Disabilities. In early FY 2019, the EEOC updated its ADA and GINA regulations governing employer wellness programs to conform with a court order vacating, effective January 1, 2019, the rules’ subsections on incentives. See 83 FR 65296-97 (12/20/18). In the second quarter of FY 2019, the Commission published a Notice of Proposed Rulemaking (NPRM) to make a limited technical procedural change to the federal sector processing regulations. See 84 FR 4015 (2/14/19). The Commission also published an NPRM proposing to amend its procedural rules to explicitly provide for digital transmissions of documents, among other limited changes. See 84 FR 5624

(2/22/19). Both of these NPRMs were approved unanimously by a vote of the Commission in late 2018.

C. Outreach

As the map below shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Possessions of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. With the FY 2020 Budget for outreach activities, we will maintain our outreach to individuals across the United States, including underserved areas across the country. We will be proactive through our outreach and education in addressing discrimination issues that confront workplaces. We plan to continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2018, the EEOC conducted over 3,900 outreach events reaching 398,665 individuals nationwide. We anticipate similar outreach levels in FY 2019. Additionally, in FY 2018, the Commission's fee-based programs trained 25,000 individuals at more than 425 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. The agency continues to survey attendees at our Technical Assistance Program Seminars to gauge the impact of training on improving and advancing equal employment opportunity in the workplace. We will continue this information collection and analysis to help guide us in our training efforts to measure the impact of our training and to make appropriate adjustments.

ANNUAL OUTREACH EVENTS - FEE AND NON-FEE



Through public relations, training and education, the EEOC enhances public awareness of 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 focused on outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Approximately 16 percent of outreach conducted is to small employers. Agency offices conducted 620 no-cost outreach events directed toward small businesses in FY 2018, reaching 42,619 small business representatives. 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.

The SBA Ombudsman's 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. The Ombudsman's report for FY 2017, gives the EEOC an "A" rating across-the-board, the highest rating possible, reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. The SBA highlighted the EEOC's Small Business Resource Center as an example of agency compliance assistance initiatives in the report for FY 2017. During FY 2019, the EEOC expects to continue to build on its outreach to the small business community.

The EEOC is strongly committed to providing outreach and technical assistance to stakeholders in underserved communities across the nation. Approximately 34 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 for FYs 2017-2018, the issue of human trafficking of those from vulnerable communities is a focus for the EEOC. We are working with several organizations, governmental and non-governmental, to raise awareness and address trafficking that occurs in various industries. 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, 1,320 events, reaching 108,174 individuals, were targeted for vulnerable and underserved communities. In FY 2017, there were 188 events focused on human trafficking issues; working with community-based organizations devoted to trafficking issues and reaching 9,372 people; FY 2018 activities have continued in this area and we expect to report similar figures to those in FY 2019.

As part of the efforts to further strengthen collaborative efforts to provide immigrant, migrant, and otherwise vulnerable workers and their employers with guidance and information about their rights and responsibilities under anti-discrimination laws, the EEOC maintains partnerships through Memoranda of Understanding (MOU) with various embassies and consulates. In FY 2018, the EEOC renewed a National MOU with the Embassy of Philippines and with the Embassy of Peru. In FY 2019, the EEOC entered into a national MOU with the Embassy of Ecuador. One of the EEOC's field offices entered into a new MOU with the El Salvadorian Consulate and several of the EEOC's field offices renewed MOUs with the Consulates of Mexico.

Veterans have unique needs in transitioning to and retaining civilian employment, and many are unaware that they are protected by anti-discrimination employment laws such as the Americans with Disabilities Act (ADA). In FY 2018, 87 events were conducted that focused on Veteran's matters related to employment discrimination and reached 27,318 individuals.

The EEOC has upgraded and developed initiatives for targeted outreach, training and education. During FY 2016, the Youth@Work initiative was updated to include new

materials, fact sheets and presentations pertaining to topics such as, arrest and conviction, LGBT, immigrant, migrant/vulnerable workers, harassment and bullying, disabilities and the responsible use of social media issues. In FY 2018, 447 events were conducted involving the Youth@Work initiative, reaching 38,178 individuals; FY 2019 activities are on track to meet or exceed these achievements.

In FY 2018, the issue of sexual harassment in the workplace began to receive extensive coverage throughout the country. Although addressing sexual harassment gained new prominence, the EEOC had already begun to take steps to study and address this issue. In FY 2016, the Select Task Force on the Study of Harassment in the Workplace issued a report designed to address the prevalence of harassment, including sexual harassment, in the workplace. The report recommended, among other things, that employers conduct anti-harassment training for employees as well as provide additional training for managers and supervisors on how to respond to harassing conduct and consider different approaches to training. In FY 2017, fee based anti-harassment training programs for employees, as well as managers, were developed, and at the beginning of FY 2018, the EEOC began to offer this new dynamic and anti-harassment training programs for employers. The training, known as “Respectful Workplaces,” goes above and beyond traditional anti-harassment training by providing context that is built around the universal desire for a respectful workplace. These training modules are customizable, with industry-specific and workplace-specific hypotheticals and strategies. In FY 2018, the EEOC delivered the anti-harassment training to federal and private entities across the United States, and we will continue to offer the supervisor and employee anti-harassment training in FY 2019 and FY 2020. The training was rolled out by the Commission in October 2017 just as the national spotlight on sexual harassment began. Demand for the training has been high among the EEOC’s stakeholders.

Preventing harassment through education and training was a primary focus of the EEOC’s outreach efforts in FY 2018:

	2018 Total Events	2018 Total Attendees
All Harassment	1,513	151,671
Harassment - Sexual	949	96,735
Harassment – Non-Sexual	762	75,712

In FY 2018, there were 1,513 outreach events involving harassment, reaching 151,671 attendees. This includes 762 events which covered the topic of sexual harassment that were attended by 75,712 attendees. During FY 2018, the EEOC began to update and create new outreach and resource materials. Slide shows targeted for different audiences such as advocacy, employee and human resources were developed for staff to conduct outreach and training on harassment. In FY 2019, the EEOC will continue to prioritize efforts to prevent harassment, including sexual harassment.

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

1. Non-fee-based Outreach

Table 9 on the next page shows funding for Outreach (non-fee-based). Our Budget request for FY 2019 for Strategic Objective II was \$6.0 million. The proposed request for FY 2020 will support the maintenance of our existing outreach activities across the United States.

Table 9: Budget request Summary through Outreach

FY 2018 to FY 2020 (Dollars in thousands)			
	FY 2018 (Actual)	FY 2019 (Enacted)	FY 2020 (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, an instrument established by Congress in 1992.

In FY 2018, the Institute trained over 25,000 individuals at more than 425 events, which included 33 one and two-day Technical Assistance Program Seminars (TAPS), 5 half-day workshops, 34 federal courses, and over 350 on-site trainings (customer specific training delivered at the workplace for private sector employers and federal agencies). The number of training events and individuals trained increased significantly the previous year, due in part to the agency’s emphasis on education and training regarding harassment in the workplace, and the Institute’s corresponding Respectful Workplaces training initiatives.

The half-day, one and two-day TAPS seminars are responsive to employees and employers’ information and training needs; and address their respective rights and obligations in the workplace. The programs also provide detailed information about identifying and preventing workplace discrimination. Federal courses are designed to meet training requirements for EEO practitioners working throughout the federal government; over 1,000 Federal Sector practitioners received training during the reporting period.

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

Table 10: Summary of Financing for the Revolving Fund

FY 2016 to FY 2022 <i>(Dollars in thousands*)</i>							
	FY 2016** Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Est.	FY 2020 Est.	FY 2021 Est.	FY 2022 Est.
Total Obligations	5,003	2,103	4,786	4,679	4,800	4,890	4,988
Offsetting collections from:							
Federal Funds	1,333	1,325	1,725	2,110	2,160	2,200	2,245
Non-Federal Sources	2,522	1,766	3,062	2,569	2,640	2,690	2,743
Unobligated balance, start of year	2,828	1,679	2,092	2,093	1,907	1,907	1,907
Unobligated balance, end of year	1,680	2,667	2,093	1,907	1,907	1,907	1,907
Net Budget Authority	6,683**	4,770	6,879	6,586**	6,707	6,797	6,895

*May not add due to rounding

**Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2016 \$136,000, FY 2017 \$207,000, FY 2018 \$132,000, FY 2019 \$186,000 (included in the Net Budget Authority line above.)

EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE

In FY 2019 and FY 2020, the EEOC will build on the success of its annual Examining Conflicts in Employment Laws (EXCEL) Training Conference, which has been held for more than 20 years. EXCEL is directed at both federal sector and private sector EEO practitioners. In FY 2018, the conference was held in Washington, DC on July 10 – 12, 2018. This year’s attendance was more than 1,000 participants, the largest audience in many years. As with prior years, FY 2019 and FY 2020 conferences will offer separate tracks for federal sector attendees and for private sector attendees (the latter group includes state and local governments). The conference will offer plenary sessions with presentations by the EEOC Chair and Commissioners and other high ranking agency officials, as well as leaders of other federal agencies and nationally renowned civil rights leaders and speakers. In addition, there will be many federal sector workshops that cover a wide array of subjects that are of interest to EEO practitioners. These sessions will be presented by experts who are responsible for enforcing EEO laws as well as other federal officials who can discuss their agencies' priorities and regulatory agenda. The FY 2019 EXCEL Training Conference is scheduled for July 30-August 1, 2019, in Atlanta, Georgia.

VIII. MANAGEMENT OBJECTIVE– Achieve organizational excellence

A. Introduction

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

The Commission has developed two outcome goals for its Management Objective:


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

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

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


B. Performance Measures and Results

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

Performance Measure 9: The EEOC’s performance improves with respect to employee engagement and inclusiveness.			
	FY 2018	FY 2019	FY 2020
Results	<p>The agency conducted focus groups via “Ask the Agency” forum.</p> <p>The agency established baseline EEOC FEVS scores for employee engagement and inclusiveness quotient based on a 3-5-year trend analysis.</p> <p>The agency implemented plans to maintain or increase FEVS scores.</p>		
			Target Met

Performance Measure 9 takes a holistic approach to assessing and strengthening the agency’s efforts to improve employee engagement and inclusiveness. We do not focus solely on improving FEVS scores because that is only one snapshot of agency performance. Annual focus groups and climate assessments will enable an ongoing feedback mechanism to engage with staff and seek their input on solutions to agency challenges.


The FY 2018 target for Performance Measurement 9 was to conduct an annual focus group and climate assessment(s) for feedback on agency culture; establish baseline FEVS scores on the EEOC staff engagement and inclusiveness quotients on a rolling average in comparison to other government agency averages, and develop implementation plans to maintain or increase the EEOC’s FEVS scores, accordingly. The Building Employee Satisfaction Together (BEST) workgroup conducted focus groups via “ASK the AGENCY” forums. “ASK the AGENCY” is a platform for leaders to obtain feedback from staff on programs and projects and how management of those programs/projects helps drive the agency’s culture. The agency established baseline FEVS scores for Employee Engagement Index (EEI), and Inclusiveness Quotient (IQ) of 65 percent and 58 percent, respectively, based on the 3-5-year trend analysis. The agency also developed plans to increase FEVS scores by providing additional training on the performance management system and conducting an agency-wide team building exercise.

Performance Measure 10: Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.			
	FY 2018	FY 2019	FY 2020
Targets	Develop and implement feedback surveys and other mechanisms to obtain data and set baselines for various services, such as Online Charge Status, the EEOC Public Portals, and the Digital Charge System. Review the results at the end of the FY to set targets for next year.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each FY and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each FY and review results at the end.
Results	The agency developed and implemented a feedback survey, set baselines, and targets for next year.		
			Target Met

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

The FY 2018 target for Performance Measure 10 was to obtain data and evaluate feedback surveys and related mechanisms from the public and targeted audiences the Commission serves to establish a baseline for measuring the agency’s delivery and increased accessibility and project future targets. A staff survey was conducted to garner feedback on various aspects of the Online Inquiry System, the Digital Charge System, and Integrated Mission System. The survey results were analyzed and used to guide further system developments in FY 2018 to address user concerns as well as recommendations for enhancements to make the system more user friendly and responsive to both the EEOC’s staff and the public. The input from this survey will also guide future changes in FY 2019.

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

Performance Measure 11: Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2021.			
	FY 2018	FY 2019	FY 2020
Targets	<p>The agency completes a shared vision and develops high-level plans with resource requirements for modernizing the charge/case management systems for the agency.</p> <p>Collect data and establish a baseline for the number of charges (private) and cases (federal) for which no paper records are required, i.e., fully digital.</p> <p>Report on progress at year's end and adjust the plan, as necessary.</p>	<p>Set goals for increasing the number/percentage of fully digital charge and case files from FY 2019-2022. Report on progress quarterly and adjust the plan, as necessary.</p>	<p>Report on progress quarterly and adjust the plan, as necessary.</p>
Results	<p>The agency formed a team, agreed on a scope of effort, and made substantial progress towards developing a shared vision and high-level plans.</p>		
			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.

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

The FY 2018 target for Performance Measure 11 was to collect data and establish a baseline for the number of charges (private) and cases (federal) for which no paper records are required, i.e. fully digital. At year-end, the agency will report on its progress and adjust the plan as necessary.

In FY 2018, the agency made significant progress towards developing a shared vision and high-level plans for modernizing the EEOC's charge/case management systems. A team of 13 leaders from relevant program, service and executive offices met eight times to: (1) create a common understanding and sense of shared purpose for modernizing the EEOC's charge/case management systems; (2) reduce organizational drag by dealing with topics that may have slowed our progress in the past or are expected to be potential sticking points going forward; and (3) develop the requisite shared vision and plans to make it possible. Additionally, the agency held an initial discussion with the Federal Technology

Modernization Fund in preparation for seeking funding for our modernization efforts. The agency anticipates completing this effort in early to mid FY 2019.

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

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

The FY 2018 targets for Performance Measure 12 were to submit the EEOC's FY 2019 Congressional Budget Justification (CBJ) and prepare the EEOC's FY 2020 Performance (OMB) Budget that aligns with the agency's Strategic Plan for FYs 2018-2022. The agency's FY 2019 Congressional Budget Justification was submitted to Congress on February 6, 2018. On March 23, 2018, the President signed the FY 2018 appropriation. The final FY 2018 operating plan was approved by the Chair and transmitted to all offices on March 27, 2018. The FY 2020 Performance (OMB) Budget was submitted to OMB on September 10, 2018.

C. Program Areas

1. Highlighted Resource Area

Table 11 shows our highlighted budgetary resources for Information Technology (IT) under Strategic Objective III. For this strategic objective, the agency's resources are allocated between Strategic Objective I and Strategic Objective II to identify the full cost of conducting our front-line programs, including all of the elements of our operations supporting those programs.

Table 11: Highlighted Resource Area

Excellent & Consistent Services Through a Skilled and Diverse Workforce and Effective Systems				
	FY 2018 (Actual)	FY 2019 (Enacted)	FY 2020 (Request)	Change From FY 2019
Information Technology	\$20,104	\$18,293	\$14,586	\$(3,707)
Total	\$20,104	\$18,293	\$14,586	\$(3,707)

2. Human Resources

a. Human Capital Management

Per the *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce* (M-17-22), the agency will thoroughly examine its workforce, identify key competencies, and conduct skill gap assessments. Specifically, the agency will partner with OPM to determine whether the organization and its positions are structured to efficiently and effectively meet mission demands and evaluate workforce planning risks in preparation for the future. The OPM partnership will result in a comprehensive organizational (or workforce) analysis to collect Agency-relevant data and influence the content of a workforce plan. This robust workforce planning process, coupled with ongoing analysis, will allow leadership to identify and use human capital strategies best suited to support the EEOC's current and future organizational goals. In addition, the EEOC will collaborate with OPM to identify competencies for two mission critical occupations: general attorney and equal employment opportunity specialist; and the agency will analyze competency gaps for six mission-critical occupations. The FY 2019 partnership and collaboration with OPM will satisfy the competency identification and gap analysis requirement per title 5, Code of Federal Regulations (CFR), part 410.201(d) and 5 CFR 250.209. The results of the effort will yield document reviews to identify the competencies required for two mission critical occupations and use triangulation to establish the validity of the competencies. For the competency gap assessment, the agency will administer a gap assessment survey and analyze the results by grade for each mission critical occupation. The final product will be a technical report documenting the competency

modeling and proficiency gap assessment efforts and results for all included MCOs. In addition, the Acting Chair has directed the OCHCO to develop a robust Succession Plan for the agency and to begin plans for a leadership development program for staff.

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.

During FY 2019, we will continue increase the use of web-based training in order to provide more training opportunities across the agency. Web-based and virtual training will continue to expand in FY 2020 as the agency makes significant investments in IT resources to increase bandwidth and modernize computer systems to handle increased traffic. Increasing virtual training opportunities will allow the agency to convey relevant information and timely updates to our staff in all of our 15 districts.

The agency executed the initial launch of its EEOC Learning Management System (EEOC LMS) in FY 2019. The EEOC LMS aids the agency in strategically planning and administering learning activities of its staff 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 (OPM). The success of the initial launch served as a catalyst to release additional functionality of the system to the workforce. In FY 2019, the EEOC will begin utilizing additional features such as electronic routing of SF-182 training requests, electronic individual development plans, employee job aids, and mandatory Agency-wide required IT curricula.

In FY 2018, we offered a two-week New Investigator Training to 46 staff hired since the prior year's training and will also hold another session of New Investigator Training in FY 2019 for those hired in the latter part of FY 2018. We continued delivery of the Intermediate Skills training that had been provided to the EEOC's staff by offering the course to FEPA investigators in FY 2018, and we will continue this into FY 2019 based on FEPA interest. For FY 2019 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 2019, we plan to conduct a one-week training session for 70 Enforcement Supervisors that will focus on the crucial skills needed to be a successful supervisor, as well as performance and case management. Additionally, 70 Investigator Support Assistants will attend one week of training on intake, charge processing and basic investigative tools and techniques.

In FY 2018, in response to the heightened attention on harassment in the workplace, the EEOC is developing training for investigators on investigating harassment charges with a focus on sexual harassment and techniques for interviewing and assessing credibility of individuals who have been subject to trauma. A development team worked with an expert in workplace trauma to develop this training which will better enable the EEOC investigators to perform intake and investigate charges of those who have been subjected to trauma, such as egregious harassment. The agency will roll-out the training for all investigators and other enforcement staff in FY 2019.

To further support and enhance the handling of cases where the charging party has been subjected to egregious harassment or trauma, the EEOC is exploring holding an additional one-day session in each of the EEOC's 15 district offices and headquarters that will allow enforcement staff to work directly with an expert in trauma to further understand in more depth how trauma impacts the brain and cognitive interviewing techniques.

In FY 2018, we delivered an Advanced Complex Litigation training for 36 trial attorneys, which focused on developing and litigating systemic cases. In addition, we delivered a Trial Attorney Orientation training for 42 trial attorneys, over a third of whom had been hired within several weeks prior to the training. The program covered practice and advocacy issues, discovery, and trial considerations, and included exercises in negotiating resolutions.

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

Non-supervisory staff will also receive training that will clarify what conduct is and is not acceptable in the workplace. It will focus on workplace norms and establish clear expectations of civility and respect across the EEOC. In addition, it will educate employees about their rights and responsibilities if they experience or witness conduct that is not acceptable in the workplace. This includes how to report harassing conduct and the right to be free from retaliation.

In FY 2019, the agency will continue to provide systemic training and, consistent with the EEOC's Strategic Enforcement Plan for FYs 2017-2021, will focus on the intake and investigation of both systemic and individual harassment claims. Employees will also continue to 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. As the Commission's information technology infrastructure improves we are able to save money and conduct more training using virtual platforms such as Skype for Business and Skype Broadcast. This is a critical need given a majority of the EEOC's employees are based in field offices.

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

c. Performance Management

Per the Fiscal Year (FY) 2019 Budget Guidance, (M-17-28), and in accordance with Executive Order 13839, the agency has made significant improvements to its performance management systems and processes. In consultation with OPM, the agency recently updated its performance management system and performance standards and adopted an automated performance appraisal scheme. The switch from a manual to an automated system allows the agency to develop performance plans, track and monitor employees' performance, provide feedback and ratings, and electronically sign performance plans. Moreover, the agency has implemented more clearly measurable metrics for performance assessments and to promote employee accountability. The EEOC continues to provide supervisor and employee training in this area but understands the need to unceasingly enhance our efforts given the uptick in Title VII complaints filed and the overall importance of the agency's mission.

3. Addressing Internal Workplace Issues

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

4. Customer Service

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

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone, e-mail and video phone service for the deaf and hard of hearing. The IIG consists of in-house staff 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 520,000 calls in FY 2018; and are on track for a similar call volume in FY 2019. Currently, an average of 43 percent of callers utilized the Interactive Voice Response (IVR) information 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) answer more than 8,800 calls, 2,600 emails and approximately 100 video phone transactions from individuals wanting more information or wishing to discuss their situation with an IIR. In FY 2018, approximately 78 percent of calls, emails and videophone calls answered by the IIRs were fully resolved by the IIR without being referred to other staff in the EEOC field offices. All contact channels combined, the IIG received more than 548,000 transactions in FY 2018 and we anticipate a similar volume in FY 2019 and FY 2020.

Investments made in the Intake Information Group have allowed the EEOC to expand its reach and more efficiently serve the public. Previously the EEOC's investigators in each EEOC office responded to calls from the public. Our staff of approximately 34 IIRs, and the IIG environment in which they work, handle about 427,000 contacts each year without the need to forward them to EEOC investigators. The salary costs for an IIR are about half of the cost of an investigator so our investment in this program allows the EEOC to be reached by over a half million people at half the cost we would otherwise realize. Furthermore, using IIRs to handle calls allows investigators to be more productive. In FY 2018, the EEOC's investigators maintained their productivity at an average of 163 cases, among the highest productivity levels in history and the highest in government among civil law enforcement investigators. However, continued investments in the IIG program will be necessary to continue to shift work so as to allow investigators to be more productive. The current funding mark for FY 2020 will severely impact the EEOC's ability to continue to make headway in providing better customer responses with lower cost staffing. The current level does not allow for any backfills for attrition – in either the investigator or IIR staffing areas and as a result the successes of our investments that began in FY 2017 and FY 2018 will be lost and backlogs will again begin to build. This situation is exacerbated because there is a higher level of attrition of IIR positions, which is mirrored in other similar customer service positions in private and public sectors, thus we would anticipate that the impact on the agency's ability to timely provide service to the public will occur quickly, leading to longer wait times for the public.

As noted above, the EEOC has also increased the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FY 2019, we will continue to assess the public demand for

ASL services to determine if additional staffing resources are needed to support this aspect of our customer service program.

The IIG continues to lead the way in advancing full-time telework, thus helping to reduce our physical footprint and reduce costs. What began as a partnership with the National Telecommuting Institute (NTI), a non-profit organization whose mission is to identify and develop work-at-home jobs for individuals who have physical disabilities, has now expanded. In addition to the seven individuals hired through NTI, the option for 100 percent telework has been expanded to all IIR's. Currently, 80 percent of the IIR's telework full-time.

Beyond the contacts made through our IIG, another significant part of our work is addressing inquiries which do not ultimately become charges. Nonetheless these inquiries involve significant amount of staff time. In many instances where inquiries are submitted, staff interview the individual in depth and counsel the individual as to their rights, responsibilities and the process. The EEOC received more than 200,000 inquiries in field offices, including 110,464 inquiries through the new online inquiry and appointment scheduling system, resulting in 76,418 charges being filed.

The EEOC has had a continual focus on implementing methods to enhance its charge intake services, including through the expansion of walk-in hours, and issuance of a plain language brochure to assist potential charging parties in understanding their rights and the EEOC's intake, investigation and resolution of charges. Individuals may now contact the agency by phone, by mail, by e-mail, by going to the EEOC's website, or by visiting the EEOC field offices. With the completion of a pilot project in FY 2017, in October 2018 the agency expanded the Online Inquiry and Scheduling System Intake. This system allows potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

The successful expansion of the pilot online intake system to include all of the EEOC's 53 field offices allows potential charging parties to submit a pre-charge inquiry for review and on-line scheduling of appointments for interviews. This technological enhancement resulted in a more customer-friendly and accessible approach; and reflects the value of providing greater access for the public to speak with a member of our enforcement staff prior to filing a charge. Because of the expansion of the online intake and scheduling system, there has been an increase of 32 percent in the number of individuals who contacted us about their employment issue but who ultimately decided not to file a charge. The online system and the emphasis on conducting intake interviews - rather than having individuals complete the older paper-based intake document - resulted in approximately 22,000 individuals who went through our interview process and determined they did not want to file a charge of discrimination, an increase of nearly 8,000 over FY 2017. This bolsters the value of interviews with our enforcement staff during charge intake as a critical aspect of the investigative process and the benefit of providing the online systems for the public to contact the EEOC.

To address this increased demand from the public, the agency created a new Senior Investigative Support Assistant (Senior ISA) position at a GS-8 level, and five selections were made for this position which were filled by internal promotion opportunity. The selectees provide nationwide support for the Online Inquiry and Appointment Scheduling system by conducting telephone intake interviews. These positions are expected to add 4,000—5,000 additional appointment slots for FY 2019 and provide better customer service through shorter wait times for available appointments.

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

5. Information Technology - *Building a Digital Workplace*

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

- Launching an Online Charge Status System in March 2016. Individuals viewed information on the charge status, possible next steps and staff contact information of private party charges more than 579,000 times in FY 2018.
- Launching a five-office pilot of Online Inquiry and Scheduling, the initial component of the EEOC's Public Portal, in March 2017. Online Inquiry and Scheduling enables a potential charging party to complete an assessment and questionnaire, submit an inquiry, schedule an interview, and upload and receive documents from the EEOC. The Public Portal was rolled out to all the EEOC offices in early FY 2018 and over 110,000 inquiries were initiated through the Online Inquiry and Scheduling system, resulting in more than 37,000 scheduled interviews. Over 30,000 of these inquiries were formalized as charges of discrimination.
- Updating the Agency's Integrated Mission System (IMS) application to a "Next Generation" (IMS NXG) Digital Charge System. 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 processes charges in a majority-digital platform, was rolled out in early FY 2018. Performance Measure 11 of the Strategic Plan requires the agency to collect data, establish a baseline, and report on the number of charges (private) and cases (federal) for which no paper records are required, i.e., fully digital. The agency plans to complete the modernization of charge/case management systems for all agency offices by the end of FY 2021.

- Continuing the digital build-out of the Federal sector operations, a Complainant Portal, which will allow individuals to request a federal sector hearing or appeal online and submit/receive related documents, was soft launched at the end of FY 2018, with an expected full roll out in 2019. The Federal Sector EEO Portal (FedSEP) now includes over one million documents in its digital repository.
- Improving the efficacy of the FEPA program by providing electronic notification and document exchange between the EEOC and FEPAs. In August 2018, the EEOC launched Phase II of this modernization effort, which enables the EEOC and FEPAs to receive electronic notification of Charges of Discrimination (Form 5) that are dual-filed with the corresponding agency, as well as have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212), replacing the practice of transmitting copies of dual-filed charges by paper and mail.
- In FY 2019, the EEOC will deploy the Employer Master List, which will provide a consistent, reliable source of employer information across charges. In addition to business identifiers, the list will associate uniform contact information for national and local points of contact, as well as legal representation, as identified by the employer for matters concerning charges of discrimination. Data within the Employer Master List will be accessible to businesses through the EEOC's Respondent Portal for review and update. This approach will enhance the accuracy and consistency of the EEOC's employer information, aiding agency/employer transactions and improving the EEOC's analytic capabilities.

Other FY 2019 digital initiatives include redesigning the Public Portal user interface based on feedback received to improve ease of use and provide multi-language capabilities; development of an Attorney Portal; continued enhancement of the Federal Sector portal; and initiation of the modernization development effort to replace the legacy components of our core Integrated Mission System.

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

- The EEOC previously migrated Field Offices and Headquarters to an Ethernet-based MPLS network – in the process more than quadrupling the effective bandwidth to agency offices and providing considerably more flexibility in meeting bandwidth requirements going forward. In FY 2018, we began expanding capacity to better support operations and prepare for the transition to

unified communications. Also, we invested in the replacement of outdated network equipment in the EEOC's offices, in order to provide highly available, secure, data communication capabilities that are critical to our development of digital workplace. The equipment was deployed to over one-half of the offices in FY 2018, with the remainder to be deployed in FY 2019.

- Shifted resources from the agency's aging Novell directory, email and file services to investments in Microsoft Office 365. During FY 2017, the EEOC migrated all users to Active Directory and Outlook. In FY 2018, the EEOC completed the migration of archived emails from GroupWise to Outlook and moved all local file storage to OneDrive. The agency presently manages 16 TB of email in the Office 365 and over 21 million files in OneDrive. In FY 2019, we will migrate personal and shared Novell file storage to a combination of SharePoint and Azure file storage.
- Continued the migration from on-premises and hosted data centers to cloud services. The agency previously migrated directory, enterprise scanning and advanced analytics solutions to the Microsoft Azure government cloud (Azure). More recently, we began testing portions of the IMS mission system within Azure. For FY 2019, we are severing the hosting component from our infrastructure contract and will migrate all hosted systems to Azure with support from a managed services (only) contract. Additionally, the agency procured a modern eDiscovery Review Management System ("EDRMS") that is being deployed in the Microsoft Azure government cloud.

The above referenced EDRMS will provide the EEOC's National, District and Field Offices with a secure, centralized, integrated approach for managing litigation fact evidence throughout its lifecycle. In addition to providing generally accepted search and retrieval functionality, the proposed review platform will support greater analytic functionality, such as near-duplicate identification, e-mail thread organization, conceptual search and clustering, machine-assisted categorization (sometimes called "predictive coding"), and other analytical functionality. The use of these advanced tools will increase the efficacy of the EEOC's litigation program by allowing attorneys to more efficiently review and analyze the large volume of documents necessarily produced in complex, document-intensive litigation.

- Using OneDrive and an intelligent migration process, deployed 2,150 new laptops to agency staff and contractors in FY 2018. The replaced laptops were eight-plus years old, significantly hindering the development of a digital workplace. An additional 600 new laptops are being deployed in early FY 2019 to replace all legacy laptops, allowing the EEOC to migrate laptops to Windows 10 during calendar year 2019.
- Consolidated three contracts into one new lease, equipping all offices with dedicated scanning and new multi-function device services to support digital workplace requirements.

- Developed and began incorporating an enterprise wireless solution into new office leases.
- Initiated implementation of unified communications to replace and consolidate telephony systems in use by the EEOC headquarters and field offices. Presently, the agency utilizes a traditional phone system (PBX) at its Headquarters location and uses pass-through telecommunications services from GSA – either central office exchange services or voice over Internet protocol, for its 52 Field Offices. However, GSA announced that they will no longer provide shared telephone services for Federal Agencies as of March 2020. In August 2018, the EEOC acquired Office 365 M5 GOV licenses, which will provide the agency with PowerBI Analytics, Advanced Threat Protection, Advanced eDiscovery, Skype for Business (SfB) Audio Conferencing, and SfB Phone Services. The SfB Phone Services (later to be Microsoft Teams) provides the EEOC with the foundation for unified communications. Unified communications will allow users to make, receive, and transfer business calls in the office, at home, or on the road, using phone, PC, and mobile without the need for a traditional phone system. In 2018, the EEOC successfully piloted SfB Phone Services in our Philadelphia, Pittsburgh, Buffalo and Albuquerque offices and is now implementing plans to migrate all office phone systems to SfB prior to the March 2020 GSA cut-off date.

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 the EEOC serves. Previously, the agency focused on providing additional security controls for its public-facing digital services and implementing automated controls on its desktop applications. These steps resulted in a significant reduction in successful malware attacks, while reducing costs associated with remediation by \$300K. The implementation of Microsoft Exchange Online Protection provided additional malware prevention and protection. In early FY 2019, the EEOC implemented Office 365 Advanced Threat Protection, which, among other things, routes suspicious email messages and attachments to a sandbox environment to detect malicious intent.

The agency plans to follow the directory service migration and these security enhancements with the implementation of two-factor authentication. In FY 2017, the EEOC implemented multi-factor PIV authentication in a test environment. In FY 2018, the EEOC implemented both Office 365 multi-factor authentication and PIV-based device authentication for privileged users. The EEOC plans to roll-out PIV-based authentication to all users during FYs 2019 and 2020. Additionally, in FY 2019, the EEOC will modernize the agency's aging VPN services, including integration with the two-factor authentication solution.

The EEOC actively addressed vulnerabilities for compliance with Binding Order Directive (BOD) 18-01, including enabling HTTP Strict Transport Security (HSTS), mitigating weak ciphers, and establishing Domain-based Message Authentication, Reporting, and Compliance (DMARC) settings. The EEOC continues to work with Microsoft to address the remaining items and acquired security services that aided in

the implementation of “DMARC p=reject” settings by the October 2018 deadline. The EEOC also is actively engaged with the Department of Homeland Security to fully implement the Einstein 3A (E3A) and Continuous Diagnostics and Mitigation (CDM) programs. The EEOC completed traffic aggregation to E3A in FY 2016, deployed DNS sink-holding in late FY 2017, and piloted email filtering in late FY 2018 for implementation in FY 2019. The EEOC is part of CDM Task Order 2F, which will provide the agency with new CDM tools and services during 2019.

On the privacy front, the agency was active within the new Federal Privacy Council and continues to review its privacy program per the A-130 July update, and published its revised *Policy on the Protection of Sensitive Information*. During FY 2018, the EEOC implemented Office 365 data loss prevention technologies to monitor outgoing external email transmissions for content containing social security numbers. The EEOC will continue to utilize data-at-rest encryption and other data loss prevention technologies within SharePoint to better protect and secure sensitive data. Future changes to data analytics will now be coordinated through the EEOC’s Data Governance Board and with the Chief Data Officer.

Another key IT focus is Enterprise Analytics and Reporting. The EEOC recognizes the need to better utilize its data for analytics, such as to support decision making, and operational reporting, to support mission results. Presently, the EEOC uses four separate toolsets for analytics and operational reporting. During FY 2018, the EEOC acquired and deployed Microsoft Power BI. The initial use was for private sector operational reporting, as Power BI replaced an aging and unsecure Hyperion environment.

The EEOC will continue to use its newly acquired technologies to their fullest potential – modernizing aging network infrastructure, improving digital services, enhancing information security and privacy, and migrating out-of-support legacy systems to modern cloud-based or open-source solutions.

Investment funds are needed in FY 2020 to allow the EEOC to continue with and expand upon our IT modernization efforts described above. Without additional investment funds, development and support for all new initiatives and discretionary services will cease, as the decreased FY 2020 IT budget will only provide funds for operations and maintenance of core IT services.

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.

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. Importantly, many of the data-related tasks and projects called for by the agency's Research and Data Plan for 2016-2019 have now been superseded by the creation of the EEOC's Chief Data Officer position and reorganization of the former Office of Research Information and Planning (ORIP) into the new Office of Enterprise Data and Analytics (OEDA)—described more fully in Appendix B.

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X. PROGRAM EVALUATIONS

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

Independent program evaluations continue to play an important role in formulating the strategic objectives and performance goals detailed in the EEOC's Strategic Plan for FYs 2018 - 2022 and helped shape some of the program issues and key focus areas for improvement. They are an invaluable management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability.

Consistent with the agency's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to consider appropriate program areas for evaluation each year. This will ensure that the agency's efforts align with the EEOC's budget and other programmatic priorities. Beginning in FY 2019, the agency will undertake several evaluation projects: the Conciliation Project, the Employment Opportunity Project, and the EEOC Data and Analytics Modernization Program. See Appendix B for more detail.

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XI. ADMINISTRATION AND SUPPORT

A. Introduction

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

B. File Disclosure Workload

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) and Section 83 of the EEOC's Compliance Manual (Section 83) will stabilize at slightly over 23,000 through FY 2021.

Table 12 below depicts the actual FOIA workload for FYs 2016, 2017 and 2018, and projections for the number of requests received, processed, and pending for FYs 2019 through 2022.

Based on FYs 2017 and 2018 actual workload data, the number of FOIA requests received each year for FYs 2019 through 2022 is projected to be approximately 19,003, and the number processed each year is projected to be approximately 17,662.

Table 12: Freedom of Information Act (FOIA)

FY 2016 to FY 2022							
	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (Actual)	FY 2019 (Est.)	FY 2020 (Est.)	FY 2021 (Est.)	FY 2022 (Est.)
Carryover Previous Year	1,562	2,175	3,516	3,444	4,785	6,126	7,467
Receipts	17,680	19,003	19,062	19,003	19,003	19,003	19,003
Total Workload	19,242	21,178	22,578	22,447	23,788	25,129	26,470
Processed	17,068	17,662	19,134	17,662	17,662	17,662	17,662
Pending FOIA	2,175	3,516	3,444	4,785	6,126	7,467	8,808

*May not add due to rounding

Table 13 on the following page depicts the Section 83 actual workload for FYs 2016, 2017 and 2018, and projections for FYs 2019 through 2022 for Section 83 requests received, processed, and pending at the end of the FY.

Based on FYs 2017 and 2018 actual workload data, the number of requests for Section 83 charge file disclosures for FYs 2019 through 2022 will be approximately 3,428 annually, and the number of Section 83 requests processed will be slightly less than 3,100 annually.

Table 13: Section 83 Disclosures

FY 2016 to FY 2022*							
	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (Actual)	FY 2019 (Est.)	FY 2020 (Est.)	FY 2021 (Est.)	FY 2022 (Est.)
Carryover Previous Year	9,506	10,361	10,397	10,735	11,073	11,411	11,749
Receipts	5,215	4,287	3,428	3,428	3,428	3,428	3,428
Total Workload	14,721	14,648	13,825	14,163	14,501	14,839	15,177
Processed	4,360	3,750	3,090	3,090	3,090	3,090	3,090
Pending Section 83	10,361	10,397	10,735	11,073	11,411	11,749	12,087

*May not add due to rounding

C. Finance and Administration

Office Expansions, Rehabilitations, and Relocations

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

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

The EEOC 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 security and safety improvements and furniture replacement in offices that habitually renew leases in federal spaces.

Based on the above, the following is a summary of FY 2018 completed space actions and FY 2019-2021 planned space actions:

- FY 2018: Completed expiring lease, relocation and office-wide re-configuration Commission projects: Baltimore, Buffalo, Greensboro, Kansas City (Information Intake Group), and Phoenix.
- FY 2019: Previously funded or to be funded expiring lease, relocation and office wide re-configuration Commission projects: Albuquerque, Birmingham, Chicago, Cleveland, Houston, Little Rock, Los Angeles, New York, Norfolk, Oakland, San Antonio, San Diego, San Francisco, San Jose, Seattle (Information Intake Group), and Headquarters/Washington, D.C. (new lease for 15-years); deferred FY 2018 actions for Atlanta, Denver, Dallas, Philadelphia, and Pittsburg; deferred FY 2017 actions for Detroit, Indianapolis, and Minneapolis; and deferred FY 2014 action for St. Louis.
- FY 2020: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Charlotte, Cincinnati, Little Rock, Nashville, Norfolk, and Raleigh.
- FY 2021: Anticipated expiring lease, relocation and office wide re-configuration Commission projects: Memphis, Miami, and Savannah.

Note: 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. To date, Congress has not designated any members. In order to abide by our statutory responsibilities, should such a Commission be established, we anticipate that we would need to cover the following costs for the eight-member commission: shared rent and security; IT services; per diem, including air fare; postal services; and other miscellaneous expenses.

To be known as the Genetic Nondiscrimination Study Commission, this commission would be located in a facility maintained by the EEOC. Although members will not receive compensation for the performance of services for the commission, the statute

requires that members receive travel expenses, including per diem, while away from their homes or regular places of business in the course of performing services for the commission. The statute authorizes sums to be appropriated to the EEOC as shall be necessary to carry out the requirements of Section 8.

APPENDIX A: GENERAL STATEMENT OF LAWS

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

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

Statutes Enforced

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

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

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

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

Titles I and V of the ADA prohibit employment discrimination against qualified individuals on the basis of an employee's or applicant's disability. The act covers both private sector and state or local government employers with 15 or more employees, employment agencies, and labor organizations with 15 or more members, and joint labor-

management training and apprenticeship programs. Sections 501 and 505 of the Rehabilitation Act protect qualified individuals from employment discrimination on the basis of disability by the federal government, and section 501 requires that federal employers undertake affirmative action on behalf of individuals with disabilities.

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

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

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

Enforcement Methods

Private Employers, State and Local Government Respondents

Members of the public may file charges alleging employment discrimination in violation of EEOC-enforced laws with an EEOC field office. Charges also may be initiated by the EEOC’s Commissioners or, alternatively, “on behalf of” another person by an individual or organization, such as a union or civil rights group. After charges are filed, the EEOC’s staff members investigate and the EEOC may issue a determination of “reasonable cause” or dismiss the charge for a variety of reasons. If the agency 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 memberships by gender and racial/ethnic categories. The EEOC uses this data in charge investigations and other enforcement activities. It also uses this data to produce reports about the status of workers by race, ethnicity, or gender in selected industries. 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.

Leadership and Coordination of Federal EEO Efforts

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

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APPENDIX B: EVALUATION AND EVIDENCE

1. Agency Context

a. Current Efforts and Future Plans

The EEOC is committed to building our capacity to provide viable evidence and better integrate our information and data policy into budget, performance and management decision making. As a basis for this emphasis, we are guided by the agency's Strategic Plan and its prioritization across the EEOC's long-term strategic goals and objectives. In FY 2018, the Office of Inspector General (OIG) also assessed the agency's knowledge and use of data analytics strategies and capabilities and identified improvements, opportunities, and best practices for the EEOC's data analytics activities. The combined strategies will further develop the EEOC's capacity to use evidence, evaluation, and data tools to improve program outcomes. The data-related activities and projects detailed in the Commission's Research and Data Plan for 2016-2019 have now been superseded by the role of the Chief Data Officer, the Data Governance Board and the new Office of Enterprise Data and Analytics as described more fully below

b. Recent Major Progress

Recognizing the need to enhance the EEOC's data analytic capabilities, Acting Chair Lipnic appointed the agency's first Chief Data Officer (CDO) in November 2017. The Acting Chair's charge to the agency's new CDO was to develop an enterprise-wide data analytics strategy which not only supports the mission of the EEOC, but also makes our data readily available and easily accessible to those within the agency, as well as the public.

To accomplish this task, the EEOC's Office of Research, Information and Planning (ORIP) needed to take on new additional data governance and data transparency functions; and make certain changes to its organizational structure to position itself as a 21st century data analytics organization. ORIP was originally created as a program office within the EEOC in 1997 and since that time had not undergone any changes or reorganizations through the EEOC's Order 110 process.

Effective May 29, 2018, following a thorough internal review through the Order 108 process, ORIP officially became the EEOC's Office of Enterprise Data and Analytics (OEDA). Additionally, in April 2018, the Acting Chair approved the creation of the agency's first Data Governance Board (DGB) to provide executive leadership and oversight for the development and implementation of the policies and processes which govern the collection or creation, management, use, and disclosure of EEOC data. The guiding principle of the EEOC's DGB is to ensure intra-agency data transparency to promote efficient and appropriate use of, and investment into, agency data resources.

The new and additional functions of the EEOC's Office of Enterprise Data and Analytics have been designed to help the agency achieve its mission in 2018 and beyond, as well as allow OEDA to provide greater and improved services to its customers both inside and

outside of the EEOC. As part of the agency's FY 2018 hiring, the Acting Chair authorized 13 FTEs for OEDA to fill vacant positions and hire new employees with data analytics and data modeling experience. These hires were completed at the end of 2018 and will provide a good foundation on which to build a new agency-wide data analytics organization.

In December, at the request of the Acting Chair, OEDA convened three days of listening sessions for external stakeholders to build awareness of the EEOC's modernization program. The sessions focused on introducing the new Office of Enterprise Data and analytics (OEDA), discussing the EEOC's Data and Analytics Modernization Program, and gathering feedback from stakeholders. Each listening session was tailored for a specific audience and included advocacy groups, employer groups, and the research community. The session began with a discussion of how the EEOC is reshaping itself into a 21st century data and analytics organization. This was followed by a detailed overview of the EEOC Data and Analytics Modernization Program. The remainder of the session entailed moderated discussion focused on three topic areas: 1) what the EEOC is doing well, 2) what needs improvement, and 3) what could the EEOC do to enable stakeholders to do their job better.

c. Current Barriers

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

2. Evaluation Projects

The FY 2018 and FY 2019 CBJ's noted a project to Study the Effectiveness of Practices Adopted to Remedy Discrimination as Injunctive Relief. This project resulted in two internal instructional memoranda for field staff (issued in March 2017 and March 2018). This evaluation work was completed by the Office of Field Operations (OFP).

Beginning in FY 2019, the agency will undertake two separate, but-related evaluation projects: The Conciliation Project and the Employment Opportunity Project. Both of these projects will do their work with a cross-section of agency staff with expertise in a number of areas.

The Conciliation Project is designed to meet Congressional and stakeholder interest and to provide the agency with valuable information about one of its most important statutory

functions: the conciliation of charges of discrimination where cause has been found. The project is expected to conduct an extensive review of the conciliation process and provide some comparative results.

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

EEOC Data and Analytics Modernization Program: The EEOC recognizes the importance of data-driven decision-making and the transformative role data can have to make the Federal government more efficient and to better serve the American people. Unfortunately, however, the EEOC’s current methods of data collection, reporting, and access are outdated and inefficient. Modernizing our data and analytics will allow the EEOC to fulfill the President’s call for agencies to create a “robust, integrated approach to using data to deliver on mission, serve customers, and steward resources”. Beginning in FY 2018 and FY 2019 and continuing into FY 2020, the goals of the modernization program – which align directly with the recently enacted Foundations for Evidence-Based Policymaking Act of 2018 - are to enhance transparency of agency functions and operations, reduce burden on our stakeholders, augment agency use of modern data analytics to drive data-driven decision making, and promote greater public access to the data.

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

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

Provide Secure Access to EEOC Restricted Data for Research and Statistical Purposes. To protect the EEOC’s restricted-access data released for research purposes, the agency in collaboration with NORC at the University of Chicago is establishing a modern, secure, and privacy protected data enclave to ensure access to protected data for external researchers. The EEOC Data Enclave replaces the agency’s use of the Intergovernmental Personnel Act (IPA) federal hiring authority previously utilized to allow researchers to access the EEOC’s restricted, privacy protected data. The previous process – a two-decade old process- did not comply with the requirements of FISMA 2014 and presented serious security and data protection issues which had to be addressed. It was discontinued in January 2018. The move toward a “data enclave” was well received by academic researchers and stakeholders at the listening sessions held in December 2018.

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

Data Inventory. As part of our ongoing collaboration with NORC at the University of Chicago to design and build an EEOC Data Enclave, we will be constructing a comprehensive and thorough agency Data Inventory. An agency Data Inventory was expected to be delivered to the EEOC by a previous contractor at the end of FY 2017. Unfortunately, the product presented to the agency late in FY 2017 by the prior contractor was incomplete, not sufficient or useful, and did not meet industry standards.

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

APPENDIX C: ENTERPRISE RISK MANAGEMENT

BACKGROUND

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

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

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

The ERSC met on August 15, 2018, to review and update the agency's risk profile.

METHODOLOGY

On June 28, 2018, Directors were asked to conduct a risk assessment and update their initial risk profile by July 27, 2018. Updated risk profiles were submitted by each office to the Office of Enterprise Data and Analytics (OEDA). OEDA compiled the risk profiles and distributed them to ERSC members along with a risk scoring sheet. During the August 15, 2018, meeting, offices briefed ERSC members on their risk profiles. ERSC members asked questions and addressed specific items related to office risk profiles. ERSC members completed a risk scoring sheet for each risk. To identify the priority risks,

OEDA employed a methodology that considered the likelihood and impacts of each identified risk. Likelihood considers a history of occurrences, change in policy, or lack of effective internal controls. Impact of risk considers the level of damage such as a violation of law or negative budget effect.

ERSC assessed all risks using a score sheet with likelihood and impact criteria. Likelihood criteria were multipliers whereas each impact criterion carried a weight. Thus, the more likelihood criterion selected on the score sheet the multiple chances of the risk occurring. Each impact criterion was assigned a weighted value based on its weight of damage. For example, a violation of law or the safety of people was determined to likely have greater damage to the agency than a change in policy. The weighted impact criterion was multiplied by the number of likelihood criteria checked to determine the final score of each risk.

The predetermined priority risk criteria were developed using the EEOC's lowest risk appetite which relates to safety and compliance objectives, including health and safety; protection of personally identifiable information (SPII); and compliance with EEO legal requirements; and input from Office Directors. The weighted predetermined risk criteria were also based on the probability of the risks occurring and the impact of the risk if it occurred. ERSC members completed the ERM risk scoring sheet to generate risk scores. The risk scores were used to rank the risk's priority relative to the other identified risks. The risks with the highest risk score are ranked first in priority, the risk with the next highest risk score is ranked second and so forth.

RESULTS

The results of the risk scoring sheets are reflected in Table 1. The mean scores were calculated by adding the risk scores together and dividing the sum by the total number of submitted scores. The total scores were calculated by adding the risk scores together. Based on the results of the ERM risk scoring model, the top risks ranked as follows with a parenthetical reference to the scoring sheets:

1. The EEOC FOIA Program statutory processing time limits (OLC-RP10): If FOIA statutory timelines are not met, then a backlog will occur resulting in delayed issuance of determination, acknowledgment and extension letters and disclosure of responsive documents.
2. Private Sector Investigative Files (OFP-RP3): If private sector investigative files are not properly secured, then confidential information may be disclosed.
3. Release of Confidential Data (OEDA-RP25): If a secure mechanism is not established to allow researchers access to protected data, then the agency remains at increased risk of a data breach.
4. Human Resources (HR) Automation (OCHCO-RP19): If we don't automate HR systems, then there is an increased risk for untimely hires and appointments.

5. Electronic Official Personnel Folders (eOPF) (OCHCO-RP20): If personnel files are not scanned and uploaded into eOPF correctly, then there is an adverse impact on eOPF including delays in transferring information to gaining agencies and calculating proper annuity estimates.

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

TABLE 1: RANKING OF RISKS	
RANK	AGENCY IDENTIFIED RISK
12	Receipt and report creation in ORACLE: If erroneous information is entered into ORACLE, then inaccurate financial reporting may occur.
13	Expert services contract approval: If we fail to obtain approval of contracts for expert services in time, then we may not meet court-ordered deadlines.
14	Understaffed Compliance Program: If OFO does not increase the number of Compliance Officers, then they will not be able to quickly process the large inventory of compliance cases and will delay giving equitable relief to stakeholders.
15	Two-Factor Authentication: If two-factor access to agency systems is not implemented, then there is an increased risk of unauthorized access.
16	Restrictive language on the EEOC appropriation: If Congress approves restrictive language on the EEOC appropriations, then that could restrict the agency from carrying out part of our enforcement responsibilities.
17	OEO non-compliance: If the agency fails to acknowledge and adhere to the responsibilities of the EEO Director, then the agency will not be in compliance with 29 CFR 1614.102.
18	Inappropriate use of library legal database: If the library legal database is used for impermissible purposes, then database access could be revoked.
19	Consent Decree Compliance: If we do not have a mechanism in place to ensure compliance, then there is a risk that defendants will not honor their obligations under the decrees and future violations could occur.
20	Affirmative employment program staffing and resources: If the Agency fails to provide sufficient staffing and budget to the Office of Equal Opportunity (OEO), then OEO will fail to comply with agency guidance and regulations for EEO offices.
21	The EEOC FOIA Program may fail to issue reliable and timely FOIA reports: IF FOIA Xpress experiences technical problems, then it could result in delay or inability to issue reliable and timely FOIA reports.
22	Key Leadership Succession Gap: If there is an extended permanent Chair vacancy, then it could result in a delay in issuance of the EEOC policy guidance.
23	Web-based data collection and analytic capabilities: If the EEOC continues its dependence on MS Excel/Word based data collection, then the agency risks ongoing errors, duplication of effort, lack of transparency, and collaboration within the Agency.
24	Lack of Investment in Business Intelligence Analytics: If we do not invest in Business Intelligence Analytics, then we will not be able to effectively oversee federal agencies, empirically analyze EEO issues, and spot statistically significant trends government-wide and at individual agencies.

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

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

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Evaluation of the EEOC's Data Analytics Activities Final Report (OIG Report Number 2017-02-EOIG)	September 5, 2018	The EEOC Office of the Chair (OCH) should establish and lead an Executive Data Analytics Board (EDAB) that recognizes and treats data as a strategic organizational asset.	EEOC Data Governance Charter was signed 4/19/18 creating the Data Governance Board (DGB). The appointment of a Chief Data Officer and organization of OEDA was shared at the earlier briefing. The CIO has been a champion of this initiative and the promise of enhanced effectiveness through the power of analytics has been a consistent message from the Acting Chair to the Board.
		The OCH should review this report... to understand both current and potential uses for analytics within the EEOC; Provide leadership, guidance, and resources to the (EDAB) is assessing and prioritizing analytical projects, advocating for the resources needed to support prioritized projects by demonstrating improved effectiveness and/or efficiencies in achieving EEOC's mission; Designate an Analytics Champion to spear-head adoption of analytics...; Advocate for greater inclusion of analytics in future updates of the EEOC Strategic Plan as well as progress within reports sent to the Executive and Congressional branches of government.	The Acting Chair memo to all staff announcing creation of OEDA on June 12, 2018 emphasized the commitment to "... develop an enterprise-wide data analytics strategy which not only supports the mission of the EEOC, but also makes our data readily available and easily accessible to those within the agency, as well as the public."
		EDAB) should conduct activities to demonstrate that increases in efficiencies will ultimately reduce burden of workers in the long-term.	TBD
		OCH should consider ways to engender trust in enterprise-wide steering committees and governance boards.	The DGB is enterprise wide inclusive of all organizational components. The Board is empowered to sponsor or create steering committees, boards or other working groups as needed in support of its mission.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
		OCH should designate an Analytics Champion to foster awareness and education of the way analytics can address inefficiencies, solve problems, and unlock hidden value in data.	An Analytics Champion will be a shared responsibility among leaders on the DGB.
		EDAB) should work with a high-ranking executive or Office Director, such as the Chief Data Officer, to establish a centralized analytics team that is available to all offices across the organization to address unmet strategic data analytics and reporting/visualization needs.	It is agreed that analytics projects should be closely planned and monitored. The DGB or its subset are the appropriate holder of the responsibility. NOTE: The action statement above responds to the following two bullets recommendations.
		EDAB...centralized analytics team that is available to all offices across the organization to address strategic data analytics and reporting/visualization needs.	TBD
		EDAB should encourage a centralized analytics team to adopt proven modeling approaches and model management processes. EDAB... to address resourcing needs and the Analytics Program Management Office to incorporate new tools and technologies into its body of accepted analytics tools and techniques.	The DGB will seek industry Best Practices to guide all phases of the data governance and analytics process.
		OIT should continue with existing plans to upgrade hardware infrastructure to address current needs.	TBD
		EDAB should work with EEOC CIO to investigate investments in a data warehouse to address its long-term data storage, versioning, and analysis needs. EDAB should work with the CIO to investigate investments in modern report delivery tools...	Data collection, warehousing, versioning, and access for reporting is a core responsibility of the DGB. The Charter anticipates this group will plan and provide oversight for all phases of the data life cycle from creation to destruction. The agency is testing a cloud-based enterprise analytics toolset ...significantly expanding the use of dashboards and access to real time operational information across the agency.
Performance Audit of the Compliance with the Financial and Award DATA Submissions for the Second Quarter FY 2017	November 15, 2017	Recommend that the SAO, or their designee create a quarterly assurance package that includes all the necessary elements in the OMB guidance. The quarterly assurance package should document the alignment among Files A through F is valid and reliable; the data in each DATA Act file submitted for	Develop policy and procedures to document the reconciliation process to validate files A-F. Keep supporting documentation and notes for all reconciliations and follow-ups with appropriate staff. SOP put in place 15 December 2017

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
(OIG Report No. 2017-06-AOIG)		display on USA Spending.gov are valid and reliable.	NOTE: This is considered “open” until tested and validated by the auditor.
		Recommend that EEOC perform additional reconciliations over Files C and D and D1 to determine the root cause of their differences, whether it is he known issue or a potential control issue with the data being submitted from the CLM module.	<p>Develop policy and procedures / reminders for award documents (Field);</p> <p>15 December 2017 – SOP put in place and sent to all field representatives.</p> <p>Develop policy and procedures / reminders for award documents (HQ);</p> <p>20 November 2017 – ASD Director met with contracting staff informing them that the contract award amount and contract type must be reported directly in FPDS-NG. He instructed staff to use the link to verify the information at USA spending. This process will be written into the ASD Internal Guidance Procedure Memorandum the week of 2/16/18.</p> <p>NOTE: This is considered “open” until tested and validated by the auditor.</p>
Independent Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2017 (OIG Report Number 2017-07-AOIG)	December 18, 2017	<p>Recommend the EEOC OIT implement an automated solution to provide a centralized, enterprise-wide view of risk across the agency.</p> <p>Recommend the EEOC OIT develop and implement a Trusted Internet Connection (TIC) program in accordance with Office of Management and Budget requirements to assist in protecting the agency’s network from cyber threats.</p> <p>Recommend EEOC OIT conduct an e-authentication risk assessment based on NIST SP 800-63-3 Digital Identity Guidelines suite, for EEOC’s digital services and fully implement multi-factor authentication for logical and remote access enterprise-wide.</p> <p>Recommend that EEOC establish a separate position for the Deputy Chief Information Security Officer and Chief Information Security Officer (CISCO) as additional resources to meet Federal information system security program requirements and reduce the risk of conflict in managing operations and security risk.</p>	NOTE: The OIT has been contacted to submit the corrective action plan for the recommendation items. OIT is in the process of preparing the plan.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Audit of the EEOC's FY 2016 Financial Statements (OIG Report No. 2016-01- AOIG), November 15, 2016	November 15, 2016	FYI, Issued in FY 2017; however, no “open” recommendations to report since the Audit report has been closed by the auditors.	Closed
Transmittal of Management Letter Report for FY 2016 Financial Statement Audit, (OIG Report No. 2016-02-AOIG), January 17, 2017	January 17, 2017	FYI, Issued in FY 2017; however, no “open” recommendations to report since the Audit report has been closed by the auditors.	Closed
Audit of the EEOC FY 2017 Financial Statement (OIG Report No. 2017-01-AOIG	November 15, 2017	FYI, this report was issued in FY 2017 and had NO recommendations to follow-up on. However, CFO “created” a CAP for her files, “to let the auditors know (OCFO) heard them”	Closed

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