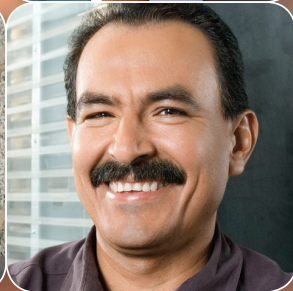




# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FY 2011  
Congressional  
Budget Justification



Submitted to the  
Congress of the United States  
February 2010





*Fiscal Year 2011  
Congressional Budget Justification*

*U.S. Equal Employment  
Opportunity Commission*

*FEBRUARY 2010*

*Submitted to the  
Congress of the United States*



## **OUR VISION**

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

## **OUR MISSION**

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



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**I. INTRODUCTION**

**A. Fiscal Year 2011 Performance Budget Highlights**

The U.S. Equal Employment Opportunity Commission (EEOC) is requesting a budget of \$385,303,000 for fiscal year 2011. This request represents an increase of \$18 million from the fiscal year 2010 appropriation. These additional resources are vital to increase hiring to improve enforcement initiatives, reduce the backlog, target systemic litigation, and reinvigorate Federal Sector enforcement.

This fiscal year 2011 performance budget request integrates with our modified Strategic Plan to continue our standard of providing quality service to the public through enforcement and prevention activities. Our enforcement and prevention efforts are captured under our Strategic Objective, *Justice, Opportunity and Inclusive Workplaces*, which is described more fully in Section II.B., the performance section of this document.

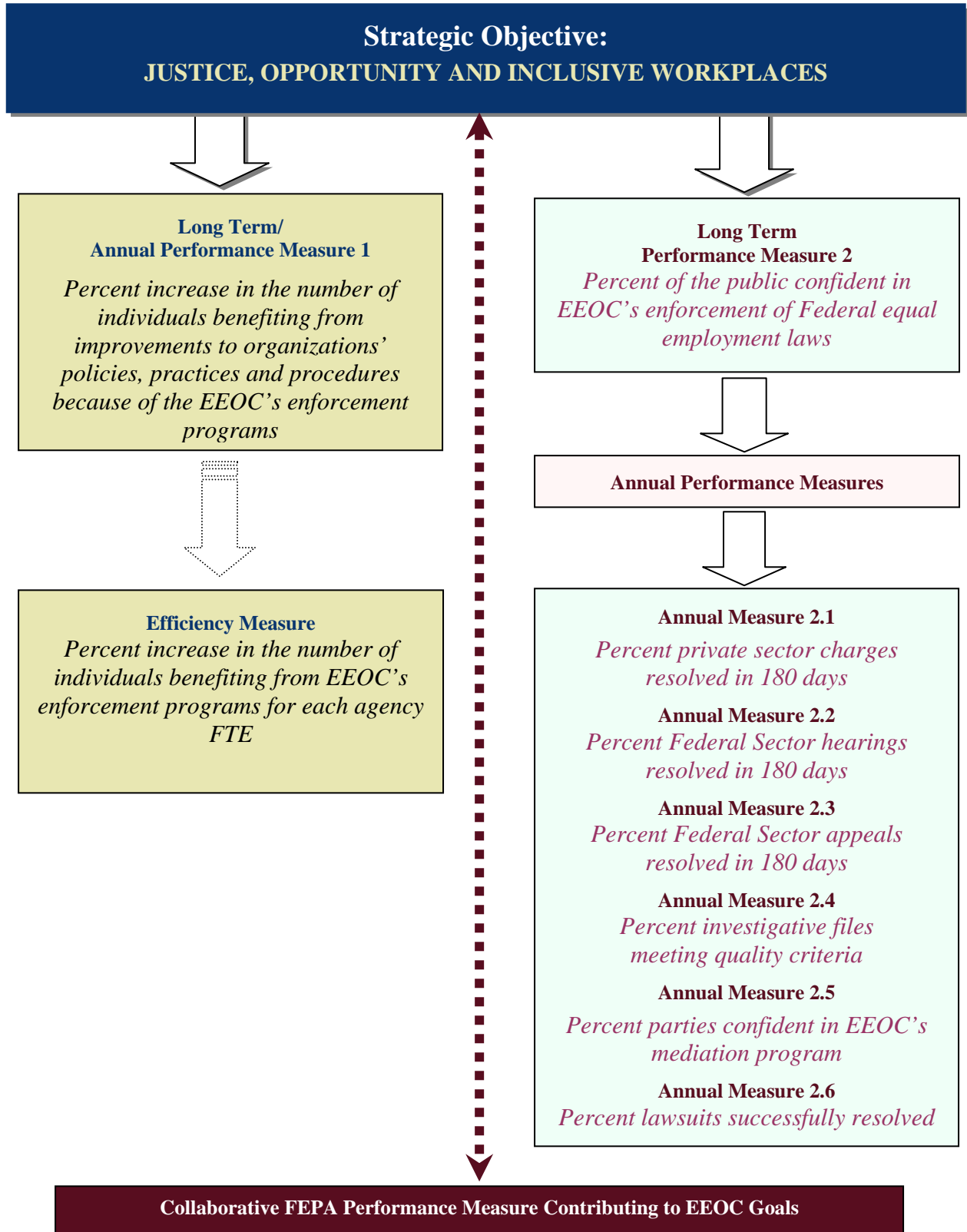
**B. Modified Strategic Plan and Budget Structure**

The structure of the performance budget for fiscal year 2011 is based on our modified Strategic Plan for fiscal years 2007 through 2012. Correspondingly, this performance budget aligns with the agency's Strategic Objective of *Justice, Opportunity and Inclusive Workplaces*. The modified Strategic Plan provides the roadmap for the agency to position itself for the future.

The modified Strategic Plan builds upon what the agency has accomplished to improve its operations. It seeks to develop a more strategic focus in our enforcement, litigation and federal programs; continue a strategy to focus on race discrimination; continuing efforts to prevent discrimination; continuing to use Alternative Dispute Resolution (ADR); and, ensure the effective and efficient functioning of the agency's internal operations.

At the beginning of fiscal year 2007, we issued a new Strategic Plan. During fiscal years 2007 and 2008, the agency reassessed the plan's structure and modified it. The Commission approved the modified plan on July 28, 2008. Because of a change in the Administration and the nomination of a new Chair for the agency pending confirmation, we intend to reevaluate our program and issue a new Strategic Plan in compliance with OMB and statutory guidelines.

STRATEGIC PLAN OVERVIEW



**C. Chair's Priorities**

Since the establishment of the EEOC in 1965, much progress has been made in reducing illegal discrimination in the American workplace. Yet discrimination continues to be a substantial problem for too many people in America. Significant work remains to be done.

A key for the EEOC to be successful is a strong law enforcement and litigation program. Concrete steps are proposed as part of this request to restore capacity to effectively investigate charges and litigate cases. Critically, on the budgetary front, the agency's fiscal year 2009 allocation was at a level that allowed us to begin the difficult process of rebuilding after eight years of growing workload and shrinking staff. Most notably, we embarked on an ambitious hiring program. During fiscal year 2009, we set out to hire an additional 125 investigators, 22 trial attorneys, 50 support staff, 10 paralegals and five expert statisticians and labor economists to support our systemic enforcement and litigation programs. By the end of the fiscal year, our workforce had grown by 155 net new hires. And that is just a start. We anticipate continued additional hiring in fiscal year 2010. EEOC intends to hire 100 new investigators in fiscal year 2011 in order to reduce the backlog while simultaneously handling new charges as they come in. While past EEOC focus has primarily been on individual cases of discrimination, the agency has stated its bipartisan desire to shift emphasis to combating systemic discrimination as part of our overall law enforcement mission. A strong systemic program is crucial to battling unlawful patterns or practices of discrimination which have a broad impact on an industry, profession, company, or geographic location.

Recently enacted legislation will improve the EEOC's law enforcement capability. The Lilly Ledbetter Fair Pay Act of 2009 restores the long standing EEOC position that discriminatory compensation decisions or other unlawful practices occur each time compensation is paid. We expect more charges to be filed as a result of this Act. The ADA Amendments Act of 2008 restores congressional intent of the original ADA, and directs us to construe the term "disability" broadly. In September 2009, we issued a Notice of Proposed Rulemaking to Implement the ADA Amendments Act, and publication of a final rule is anticipated in 2010. We will continue to conduct outreach activities to educate the public. We anticipate that in fiscal year 2011, more than 9,000 additional ADA charges will be filed which will result in a significant increase to our workload.

In addition, EEOC is responsible for enforcing Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) which became effective on November 21, 2009. Title II of GINA, prohibits public and private employers from using genetic information in making employment decisions, and strictly limits employers from collecting or disclosing such information. The Commission issued a Notice of Proposed Rulemaking to Implement Title II of GINA on March 2, 2009, and we anticipate issuing final regulations in the near future. We have been providing training, technical assistance, and outreach on GINA throughout fiscal year 2009 and expect to do so in fiscal year 2010 and fiscal year 2011.

Finally, the EEOC will continue to utilize outreach efforts with stakeholder organizations on particular workplace issues or topics. Additionally, through our enforcement and litigation efforts, we will pursue charges for priority, novel or emerging legal issues.

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

**Justice, Opportunity and Inclusive Workplaces**

Revitalizing the Commission's capacity to perform its law enforcement function is a top priority for the Commission. The Commission plans to increase capacity to effectively investigate, conciliate, and litigate a growing number of charges. The systemic program is another key part of this strategy. To augment enforcement of Title VII, the ADEA, the EPA, the ADA, and GINA, we have embarked upon an enhanced nationwide systemic enforcement program. To this end, each district office has developed a comprehensive systemic plan for identifying, administratively investigating, conciliating and litigating systemic discrimination charges and cases within their respective geographical jurisdictions nationwide. These plans will be reviewed and integrated into a national program in an effort to create a consistent and effective effort around the nation.

The Commission continues to issue and revise regulations and sub-regulatory documents, such as enforcement guidance, technical assistance publications and informal discussion letters, in response to trends in the development of the law and stakeholder needs.

**Pursuing Organizational Excellence**

The effective management of our human, financial and technological resources will continue to affect the agency's efforts toward achieving organizational excellence. Office staffing needs and competencies will be assessed and updated so that we recruit and train for the right skill sets in our mission-critical and other key occupations. The performance management system for executives, managers and supervisors and for non-supervisory employees will be linked effectively with the agency's mission and goals. Executives and managers will utilize the results of human capital surveys to gauge employee satisfaction and to inform action plans to enhance their office environments and improve results. Leadership assessments and succession planning will be incorporated into the agency's training plans and development programs.

During fiscal year 2009, EEOC identified strategies to avoid the escalation of IT maintenance costs and lower the operational risks associated with our aging infrastructure. Market research was conducted to assess managed services, virtualization, consolidation, cloud-computing (software-as-a-service) and improved IT service management. These studies resulted in the introduction of several new infrastructure initiatives, including: a managed services contract to refresh nationwide desktop/laptop computers and support, selection of a new operating system for our network file and printer servers, optimization of our wide-area network routing, replacement of aging network servers and consolidation of e-government hosting services to a new managed service provider.

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The EEOC also piloted a project called “Caseworks” in our Chicago office that integrated remote access technology with litigation-support software to support the Systemic program. With this Caseworks project, attorneys from multiple offices can access the software remotely and work collaboratively. To further improve systemic data analysis capabilities, the EEOC developed a new web-based statistical tool to help staff analyze data from multiple EEO-1 Employer Information Reports. To augment e-government efforts and reduce inefficiencies associated with paper processing, the EEOC piloted secure electronic transmission of hearings documents between the EEOC and other federal agencies and implemented a new Freedom of Information Act application for public use. The EEOC also refreshed outdated video conferencing equipment and implemented additional scanning capabilities in our field offices to enhance communication and electronic collaboration.

In fiscal year 2010, the EEOC will fully implement the new desktop and network infrastructure referenced above, expand our “Caseworks” pilot, refresh aging application hardware, and continue to modify applications to meet new legislative requirements. Our focus will be on leveraging new and existing technology to increase staff efficiency. This includes enhancing user skills related to video conferencing and desktop tools, helping business units define their technology needs and risks, enhancing customer service through rigorous relationship management, and continuing to unleash the power of technology to meet new programmatic demands.

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**E. Staffing and Funding Profile**

Table 1 below displays the EEOC's total agency staffing and funding profile by Strategic Objective and Program for fiscal years 2009 through 2011.

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

	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Estimate)</b>	<b>FY 2011 (Request)</b>	<b>Change From FY 10 (+/-)</b>
<b>Strategic Objective – Justice, Opportunity and Inclusive Workplaces</b>				
1. Private Sector Enforcement	\$270,978	\$291,971	\$304,664	\$12,693
State and Local	25,979	26,000*	30,000	4,000
2. Federal Sector Enforcement	46,434	49,332	50,639	1,307
<b>Agency Total</b>	<b>\$343,391</b>	<b>\$367,303</b>	<b>\$385,303</b>	<b>\$18,000</b>
<b>Full Time Equivalent as of Year End</b>	<b>2,192</b>	<b>2,470</b>	<b>2,577</b>	<b>107</b>

\* Pursuant to HR 3288 Title 7, State & Local increased by \$4,000,000 not to exceed \$30,000,000.

\*\*May not add due to rounding

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**F. Analysis of Change**

**Fiscal Year 2011  
(Dollars in thousands\*)**

	<b>FTE</b>	<b>Amount</b>
<b>Fiscal Year 2010 - Includes Reimbursable FTE from Revolving Fund</b>	2,470	\$367,303
<b>Compensation and Benefits</b>		
1. Annualization of FY 2010 Pay Raise (2.0%)		1,400
2. FY 2011 Pay Raise (1.4%)		3,000
3. New Hires:		
• To fill unfunded vacancies (50 Full Time Permanents (FTP) (25 Full Time Equivalents (FTEs) to be filled in quarters 2 through 4)).	25	2,000
• 188 (FTP) (82 FTEs, in FY 2011 to be filled in quarters 2 through 4) to provide funding to address backlog and growing charge inventory.	82	5,000
<b>Program Support Increases</b>		
4. Funding increase for non-pay program and operating expenses (e.g., Information Technology and Rent).		2,600
5. State and Local.**		4,000
<b>FY 2011 Request - Includes reimbursable FTE from Revolving Fund</b>	<b>2,577</b>	<b>\$385,303</b>
<b>Total Net Change FY 2010 - 2011</b>	<b>107</b>	<b>\$18,000</b>

\*May not add due to rounding

\*\* Pursuant to HR 3288 Title 7, State & Local increased by \$4,000,000 not to exceed \$30,000,000.

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**G. Analysis of Change - Highlights**  
**(Dollars in thousands)**

<b>Changes</b>	<b>FTE</b>	<b>Amount</b>
<p><b>1. Annualization of FY 2010 Compensation and Benefits</b></p> <p>Provides for annualization of the FY 2010 pay raise of 2.0% that is effective January 2010.</p>		\$1,400
<p><b>2. FY 2011 Pay Raise</b></p> <p>Provides 1.4% pay raise which includes locality pay, effective January 2011 for three quarters of the fiscal year plus benefits consistent with Administration policy.</p>		3,000
<p><b>3. New Hires</b></p> <p>To fill existing vacancies 50 Full Time Permanents (FTPs) (25 Full Time Equivalents (FTEs)) investigators, attorneys, mediators and support staff in quarters 2 through 4.</p> <p>Funding provided to hire an additional 188 FTPs (82 FTEs in FY 2011) investigators, attorneys and support staff to reduce agency private sector charge backlog; and promote enforcement of systemic discrimination cases. We estimate that new hires will come on board in quarters 2 through 4.</p>	25  82	2,000  5,000
<p><b>4. Other</b></p> <p>Funding increase for non-pay program and operating expenses.</p> <p>State &amp; Local – additional resolutions under contract</p> <p>Rent – Additional rent and build out requirements for new hires</p> <p>Other – EEOC program cost including Information Technology</p>		4,000  2,200  400
<b>Total Change FY 2010 – FY 2011</b>	107	\$18,000

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**H. Appropriation Language**

U.S. Equal Employment Opportunity Commission

**SALARIES AND EXPENSES**

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008, the ADA Amendments Act of 2008 and the Lilly Ledbetter Fair Pay Act of 2009 including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$30,000,000 for payments to state and local enforcement agencies for authorized services to the Commission, [\$367,303,000] *\$385,303,000: Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: *Provided further*, That the [Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act] Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

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

### **A. Introduction**

The budget request for fiscal year 2011 is \$385,303,000. The EEOC is the nation's primary enforcer of civil rights employment laws, which prohibit discrimination on the basis of race, national origin, color, religion, sex, age, disability, and genetic information. The agency began its work in 1965 for the purposes of handling charges of discrimination and securing relief for victims of discrimination. More than 40 years later, the public continues to rely on the Commission to carry out these fundamental responsibilities and bring justice and opportunity to the workplace. Our fight against discrimination goes beyond enforcing the law. One of the best ways to combat workplace discrimination is to prevent it from happening in the first place. Educating employers and workers about their rights and responsibilities under the law is the first step toward promoting an inclusive workplace.

The EEOC's major activities are investigating and resolving charges of employment discrimination; litigating complaints of discrimination; conducting hearings, resolving appeals of discrimination complaints and promoting equal employment opportunity in the federal workplace; and educating employers and employees about their rights and responsibilities. All of these activities are done in the service of four shared goals:

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

We measure our ability to achieve these outcomes through the Long-Term, Efficiency and Annual Measures in our Strategic Plan. These measures indicate the degree of our success by assessing the number of individuals benefited from our enforcement programs and by assessing the public's confidence in our enforcement of the laws.

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

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Table 2 outlines our budget information under our Strategic Objective for the agency's enforcement and outreach programs for fiscal years 2009 through 2011. Our performance measures, the agency's activities, and the requested budget are described in more detail in subsequent sections.

<b>Table 2: Fiscal Year 2011 Budget Request by Program Element (Dollars in thousands**)</b>			
	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Estimate)</b>	<b>FY 2011 (Request)</b>
<b>Private Sector Enforcement</b>	<b>\$288,809</b>	<b>\$309,971</b>	<b>\$326,664</b>
Administrative Charge Processing	179,297	199,332	208,351
Mediation	20,260	23,794	25,169
Litigation	63,273	60,845	63,144
State and Local	25,979	26,000*	30,000
<b>Federal Sector Enforcement</b>	<b>46,434</b>	<b>49,332</b>	<b>50,639</b>
Hearings	27,693	29,502	30,131
Appeals	14,350	13,669	14,183
Mediation	567	890	924
Oversight	3,824	5,271	5,401
Outreach (Non-fee based)	8,148	8,000	8,000
<b>Total</b>	<b>\$343,391</b>	<b>\$367,303</b>	<b>\$385,303</b>

\* Pursuant to HR 3288 Title 7, State & Local increased by \$4,000,000 not to exceed \$30,000,000.

\*\*May not add due to rounding



**Table 3 – Object Class Schedule – Agency Summary**

**Requirements by Object Class  
(Dollars in thousands\*)**

<b><u>OBLIGATIONS BY OBJECT CLASS (\$000)</u></b>	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Estimate)</b>	<b>FY 2011 (Request)</b>
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$182,153	\$212,509	\$219,820
11.3 Other than FTP	2,505	2,997	3,030
11.5 Other personnel compensation	2,656	1,640	1,601
<b>Total Personnel Compensation</b>	<b>187,314</b>	<b>217,146</b>	<b>224,451</b>
12.1 Civilian personnel benefits	48,642	50,072	53,304
13.1 Benefits to former personnel	203	85	82
<b>Total Compensation and Benefits</b>	<b>236,159</b>	<b>267,303</b>	<b>277,837</b>
21.1 Travel of persons	4,752	4,500	4,500
22.0 Transportation of things	25	1	5
23.1 Rental payment to GSA	28,304	28,100	30,100
23.2 Other rent/communications	8,422	7,416	7,708
24.0 Printing and reproduction	183	150	192
25.0 Other Services	25,696	17,743	21,347
25.0 Litigation Support	4,000	4,000	4,200
25.0 State & Local	25,979	30,000	30,000
25.0 Security Services (including DHS)	3,161	3,590	3,762
26.0 Supplies and materials	5,074	3,500	4,500
31.0 Equipment	1,636	1,000	1,152
<b>Total Other Objects</b>	<b>107,232</b>	<b>100,000</b>	<b>107,466</b>
<b>Agency Total</b>	<b>\$343,391</b>	<b>\$367,303</b>	<b>\$385,303</b>
<b>Full Time Equivalents (FTE)</b>	<b>2,192</b>	<b>2,470</b>	<b>2,577</b>

\*May not add due to rounding

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**B. Performance Measures and Results**

The current Strategic Plan covers fiscal years 2007 through 2012. It was initially issued on October 1, 2006 (fiscal year 2007), and established a new strategic framework and performance measures. During fiscal years 2007 and 2008, we engaged in extensive reviews of the performance structure and performance measures and made several adjustments that modified the Strategic Plan. These modifications are included in the current performance measurement structure graphically displayed on page 2. (Also, see Appendix A, *Interim Adjustments to the Strategic Plan*, on page 67 for a description of the specific modifications made to the Strategic Plan.) On July 28, 2008, the Commission approved the current configuration of the Plan, including adjustments to some performance measure baselines and annual targets, which are explained under the relevant measures in the following pages.

During this time, we worked in collaboration with state and local Fair Employment Practices Agencies (FEPAs) to identify and recommend a potential performance measure that could assess the FEPAs' contribution toward achieving the EEOC's strategic goal and its mission. The recommendation will be reviewed as part of the agency's overall Strategic Plan review process.

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

**Long-Term/Annual Measure 1**

Long-Term/Annual Measure 1 By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs increases by 20.2%.

	2007	2008	2009	2010	2011	2012
Target	Establish Baseline	2%	10%	12.2%	15.6%	20.2%
Results	1,626,000 individuals	222.9%	234.3%			

We believe it is important to measure our success by looking beyond the monetary and equitable relief we secure through our enforcement actions. Our Long-Term/Annual Measure focuses on tracking the improvements that are made in the workplace as a direct result of our enforcement programs. We selected this measure because, when we secure changes in employment policies, practices and procedures through our enforcement programs, we have a positive impact not only on the immediate victims of discrimination, but also on all individuals in the affected workplace. Through organization-wide changes, individuals benefit from a more inclusive workplace and have greater opportunities to compete on a level playing field. With the

agency's renewed emphasis on combating systemic discrimination, we expect to make significant increases over time in the number of individuals who benefit from our enforcement activities.

The Long Term/Annual Measure was developed to focus on all enforcement services we provide to the public that result in workplace benefits. These results include benefits from administrative resolutions (including mediation), litigation resolutions, Federal Sector hearings and appeals resolutions. Beginning in fiscal year 2005, we began collecting data on the number of individuals benefited through private sector administrative resolutions (including mediations) only. Based on that experience, we adapted the same data collection approach for all of our enforcement programs and included the measure in our Strategic Plan for Fiscal Years 2007-2012.

We subsequently established a baseline value for fiscal year 2007 and the annual targets and a final goal for the remaining years of the plan, based upon our limited experience with collecting data for our administrative charge processing program. It was important to include all of our enforcement programs in the measure, but it was difficult to estimate their effect on the final results. In addition, there was the strong possibility that one or two large enforcement actions against a nationwide entity could affect the results in a significant way in any one year. Our fiscal years 2009 and 2010 annual targets for this measure are to increase the number of individuals benefiting from improvements to organizations' policies, practices and procedures by 10% and 12.2%, respectively, over the fiscal year 2007 baseline. Although our result for fiscal year 2008, 222.9%, was substantially above the annual targets we established for fiscal years 2009 and 2010, we retained the targets until we collected an additional year of data. The fiscal year 2009 result was 234.3% above the baseline value, or over 5.4 million individuals benefiting from workplace improvements obtained through our enforcement programs; once again substantially surpassing the target level. Based on our results for this measure for two years, we expect to reevaluate the utility of this performance measure and the associated targets in conjunction with our upcoming Strategic Plan review process.

**Efficiency Measure**

Efficiency Measure      By FY 2012, the number of individuals benefiting from improvements to organizations' policies, practices and procedures because of EEOC's enforcement programs for each agency FTE increases by 11.7%.

	2007	2008	2009	2010	2011	2012
Target	Establish Baseline	1.8%	2.2%	4.3%	7.4%	11.7%
Results	753.5 individuals	220.2%	229.1%			

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Enhancing the number of working people who benefit for each agency Full-Time Equivalent (FTE) position improves our efficiency, because approximately 69% of the agency’s budget is dedicated to compensation and benefits. As noted in connection with that measure, we identified a baseline value for fiscal year 2007, annual targets for subsequent years, and a final goal for fiscal year 2012.

The correlation to our FTE level is appropriate as it recognizes that our staff are the direct contributors to positive change in the workplace and because staff levels are susceptible to change. We believe that this measure is a compelling indicator of the efficiency of our operations.

In fiscal year 2009, the agency had 2,192 Full-Time Equivalent (FTE) positions for over 5.4 million individuals who benefited through our enforcement programs because of improvements to policies, practices or procedures. Therefore, approximately 2,480 individuals benefited for every FTE. This was an increase of 229.1% over the fiscal year 2007 baseline, compared to our 2.2% target increase for fiscal year 2009. As is the case with Long Term/Annual Measure 1, we will reevaluate this measure and its associated target in conjunction with our Strategic Plan review process.

**Long-Term Measure 2**

Long-Term Measure 2 By FY 2012, the public rates its confidence in EEOC’s enforcement of federal equal employment laws at 65% or higher.

	2007	By the end of FY 2010	By the end of FY 2012
Target	Establish Baseline	63%	65%
Results	61%	Results Available in FY 2010	

If the public is aware of our enforcement activities and believes that we have handled discrimination complaints effectively, they will be more likely to rely on us to investigate, mediate, litigate, adjudicate a federal complaint, and otherwise resolve allegations of discrimination. Additionally, if the agency’s reputation is one of a fair and responsible enforcer of the civil rights employment laws, then employers, attorneys and other members of the public will be more likely to defer to our assessment of discrimination complaints and commit to voluntary compliance through mediation, settlement or conciliation.

To measure the public’s confidence in the agency’s enforcement of the federal equal employment opportunity laws, the agency engaged a private organization to conduct a survey in fiscal year 2007 of a representative sample of individuals nationwide. From that survey, we were able to establish a baseline value for fiscal year 2007, and a two-staged multi-year approach to reach a final goal by fiscal year 2012. The multi-year approach provides enough time to measure reasonable changes in the public confidence in the EEOC in the nationwide results. Public confidence is linked to our efforts to achieve the six Annual Measures under this Long

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Term Measure. We anticipate engaging in other initiatives that will influence this measure. In the future, we intend to conduct a follow-up survey to measure any change in the overall confidence level reported in the nationwide results.

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

Annual Measure 2.1      At least 54% of private sector charges are resolved in 180 days or fewer by FY 2012.

	2007	2008	2009	2010	2011	2012
Target	72%	48%	48%	48%	51%	54%
Results	55.7%	48.5%	39.7%			

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

	2007	2008	2009	2010	2011	2012
Target	50%	50%	50%	52%	53%	54%
Results	42.8%	38.6%	40.6%			

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

	2007	2008	2009	2010	2011	2012
Target	60%	62%	64%	68%	68%	70%
Results	60.7%	63.3%	65%			

Annual Measures 2.1, 2.2, and 2.3 focus on the resolution of private sector charges, Federal Sector hearings, and Federal Sector appeals, respectively. In recognition of the maxim that “justice delayed is justice denied,” these measures gauge the timeliness in resolutions of complaints in each of our major complaint handling activities.

While the goal of timely resolutions is undeniably important, we are concerned about potential unintended consequences of this measure and as such will reevaluate it in conjunction with our upcoming Strategic Plan review. For example, this goal may create an incentive for enforcement staff to prioritize new charges over older charges regardless of merit. It also fails to take into account the varying degrees of work needed to resolve different charges, and can have the effect of discouraging thorough investigations in factually complex cases. Further, as our pending inventory has increased in recent years due to decreased staffing and increased receipts,

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the focus on resolving cases in 180 days or less may have had the unintended consequence of increasing the proportion of our inventory that exceeds 180 days, resulting in a higher average charge age.

Last year, the Commission approved modifications to the annual targets and final goal for our Annual Measure 2.1 private-sector 180-day resolution measure, for several reasons; including dramatically increasing workload, declining staff and increased statutory responsibilities. In fiscal year 2009, we processed 39.7% of charges in 180 days or less, which was short of our intended target. Our annual target for fiscal years 2009 and 2010 is the same as fiscal year 2008, or 48%, and then increases to 51% for fiscal year 2011. As we increase our efforts to achieve our target, this level of timely service and the quality of our investigations depends heavily upon staffing resources to handle our inventory of charges.

Annual Measure 2.2 addresses the resolution of Federal Sector hearings within 180 days. Although the targets and final goal reflect the agency’s commitment to continue the timely handling of Federal Sector hearings, our results compared to the annual targets have been difficult to maintain since fiscal year 2006, when the target rose to 50%. The annual target remains 50% through fiscal year 2009 and then rises from 52% for fiscal year 2010 to 54% as a final goal for fiscal year 2012. Our efforts to achieve this goal have become more difficult because of increasing workloads and decreasing staff, as well as greater attention being focused on enhancing the quality of hearings. At the end of fiscal year 2009, we resolved 40.6% of the hearings within 180 days or fewer. We will renew efforts to try to achieve the annual targets.

Annual Measure 2.3 addresses the resolution of Federal Sector appeals within 180 days or fewer. The annual targets for this measure have consistently increased and the agency has been able to achieve them every year. In fiscal year 2009, we continued this successful effort with the agency resolving 65% of its appeals within 180 days or fewer, exceeding the 64% target. We will continue to increase the proportion of appeals resolved within the time frame, as we move toward our 70% final goal in fiscal year 2012.

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

	2007	2008	2009	2010	2011	2012
Target	88%	90%	90%	91%	92%	93%
Results	93.5%	97.0%	95.1%			

Annual Measure 2.4 ensures that investigative files meet quality standards. A large proportion of sampled investigative files are reviewed to determine whether they meet two critical quality criteria: 1) the appropriate charge categorization and file documentation supports the actions taken; and, 2) the resolution of the charge is supported. This measure is intended to ensure that we do not complete our work quickly at the expense of performing our work well. The annual targets for this measure have increased since the baseline was established in fiscal year 2005 and we have exceeded these targets each year. In fiscal year 2009, 95.1% of investigative files met the requisite quality standards, exceeding the established annual target.

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

	2007	2008	2009	2010	2011	2012
Target	90%	91%	92%	93%	94%	95%
Results	95.8%	96.5%	96%			

Annual Measure 2.5 focuses on the EEOC’s mediation/ADR program. We recognize that the public’s confidence in our mediation program has a significant impact on its perception of the EEOC as a whole. We obtain results for this measure by surveying participants in the EEOC’s mediation program and tabulating responses about their confidence in using the program. This measure has been used by the agency since 2004, so we have significant trend data upon which to base our targets. The confidence level in this program is consistently high. With the recent modifications of the Strategic Plan, we enhanced the targets for this measure each year. The EEOC believes a high level of confidence helps to convince participants, particularly company representatives, of the value of alternative dispute resolution. As of the end of fiscal year 2009, 96% of all participants would return to EEOC’s mediation program in the future.

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

	2007	2008	2009	2010	2011	2012
Target	90%	90%	90%	90%	90%	90%
Results	91.5%	91.2%	90.3%			

Annual Measure 2.6 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement in litigation. Achieving success on this measure ensures that we have continued to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. Based on the results of a three-year weighted average (fiscal year 2007 to fiscal year 2009), the EEOC’s litigation success rate was 90.3% at the end of fiscal year 2009 – slightly above the target.



**Collaborative FEPA Measure Contributing to EEOC Goals**

As noted earlier, we have been working in collaboration with state and local Fair Employment Practices Agencies (FEPAs) to identify and recommend a potential measure that could assess the FEPAs' contribution toward achieving EEOC's strategic goal and mission. This cooperative effort with the FEPAs will enhance our relationships and our mutual interests in improving the enforcement of our respective employment discrimination laws. The recommendation is still pending approval and will be reviewed as part of the agency's overall Strategic Plan review process.

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**C. Private Sector Enforcement Programs**

*Charge Receipt Trends*

Charge filings in recent years have increased significantly, due in part, we believe, to improved public access to the EEOC through changes to our intake procedures. Fiscal year 2009 receipts were 93,277, the second highest level in the past 20 years. We anticipate that in light of increased statutory authority our receipts will increase about 9% in fiscal year 2010 and about another 8.4% in fiscal year 2011 (see Table 4).

*Increased Statutory Authority Leads to Projected Increases in Receipts*

During fiscal year 2008, Congress passed the ADA Amendments Act (ADAAA) of 2008 which directs us to construe the term “disability” broadly, issue new regulations interpreting the Act, and conduct outreach and education activities to ensure that the public is knowledgeable about the change. While the law took effect in January 2009, many potential charging parties were not initially aware of the new law. Notwithstanding this, we are already seeing about a 6% increase in disability charges.

We believe that the real impact of the ADAAA will be seen in our charge receipts beginning with fiscal years 2010 and 2011. As public knowledge of the ADAAA grows, we anticipate disability charges will comprise a greater percentage of our total workload. To calculate the projected increase in receipts, we have reviewed both our historical charge receipt and workload patterns prior to court decisions in the mid-1990’s through the Supreme Court decisions in the Sutton trilogy of cases in 1999, which narrowly limited ADA’s coverage. We have also examined the more recent experiences of those FEPAs which have disability statute provisions similar to the ADAAA. Based on these analyses, we anticipate that this Act will result in an additional 5,561 charge filings for the agency during fiscal year 2010, and 9,020 charges in fiscal year 2011.

The Act (GINA) became effective in November of 2009. In calculating the potential number of charges arising under GINA, we again turned to the experience of three of our FEPA partners with jurisdiction over laws prohibiting genetic discrimination (Delaware, Kentucky and Vermont), and are estimating based on their experiences that GINA will add slightly more than 1% to charge receipts in fiscal year 2010 and fiscal year 2011.

Finally, in fiscal year 2009, the Lilly Ledbetter Fair Pay Act of 2009 became law. This legislation provides clarification that discriminatory compensation decisions or other unlawful practices occur each time compensation is paid. Based upon our analyses of our charge activity prior to the Supreme Court’s Ledbetter decision and our current levels of charge receipts, we anticipate additional charge filings because of this legislative change, in the range of 200-300 annually.

Beyond these legislative actions, we also recognize that various economic factors, including unemployment rates, lay-offs, and company closures and restructuring all can have an effect on the level of charges filed by the public.

In addition to projecting increases in charge receipts, we also project a steadily growing increase in total inventory. Increases in charge receipts in recent fiscal years have coincided with a decrease in staffing levels, resulting in an increased pending inventory. Investigator staffing levels fell from a high of 917 investigators in fiscal year 2000 to a low of 646 investigators in fiscal year 2008.

The Commission is striving to rebuild its enforcement resources now, having authorized by the end of fiscal year 2009 the hiring of 125 new investigators, most of whom were on board in early fiscal year 2010. Our fiscal year 2011 budget will also provide another 100 investigator slots. Under current staffing and charge receipt projections, we anticipate that we slow our inventory growth to 9% above the 2010 level by fiscal year 2011 (See Chart 1, Table 4).

Table 4 on page 30 shows our workload projections for our Private Sector Enforcement activity and our mediation efforts for fiscal years 2007 through 2013. Table 5 on page 31 provides workload estimates by statute for fiscal years 2007 through 2013.

#### ***Backlog Reduction Efforts***

We have undertaken significant efforts to resolve the greatest number of charges in our inventory as possible, given our current staffing level together with the significant number of charges we receive annually. These backlog reduction efforts are essential to our law enforcement mission by ensuring better customer service and controlling the inventory. In fiscal year 2009, we identified the oldest "B" and "C" charges in our inventory. Field offices were then instructed to review the oldest "B" and "C" charges in their inventories and resolve or complete investigations on them, as appropriate.

To assist in this endeavor, we convened a Backlog Reduction Workgroup, composed of Headquarters and Field staff, to explore and recommend best practices culled from field offices to resolve charges. The result of the Workgroup's efforts culminated in a memorandum entitled, "Backlog Reduction Best Practices," which was issued to the field offices for immediate implementation. Among the practices discussed in this memorandum are: establishment of District Office Review Groups comprised of high level managers and senior investigators to analyze difficult cases and formulate specific steps to resolve them; ways to sharpen and expedite investigations, such as fact finding conferences with both parties to a charge, and educating employers on how to prepare a response to a charge of discrimination; and application of EEOC's Priority Charge Handling Procedures (PCHP) to determine when charges are at a stage of investigation appropriate for finding cause or for dismissal.

To further assist in the efforts of our field staff to resolve charges appropriately and expeditiously, we embarked on PCHP Refresher Training for all staff in each of our 53 field offices. A total of 22 training sessions were conducted via video conferences and conference calls. The training consisted of an in-depth review of PCHP principles and an interactive discussion, applying PCHP principles to actual cases that field staff was in the process of investigating. The training sessions were led by teams of staff from headquarters and the field.

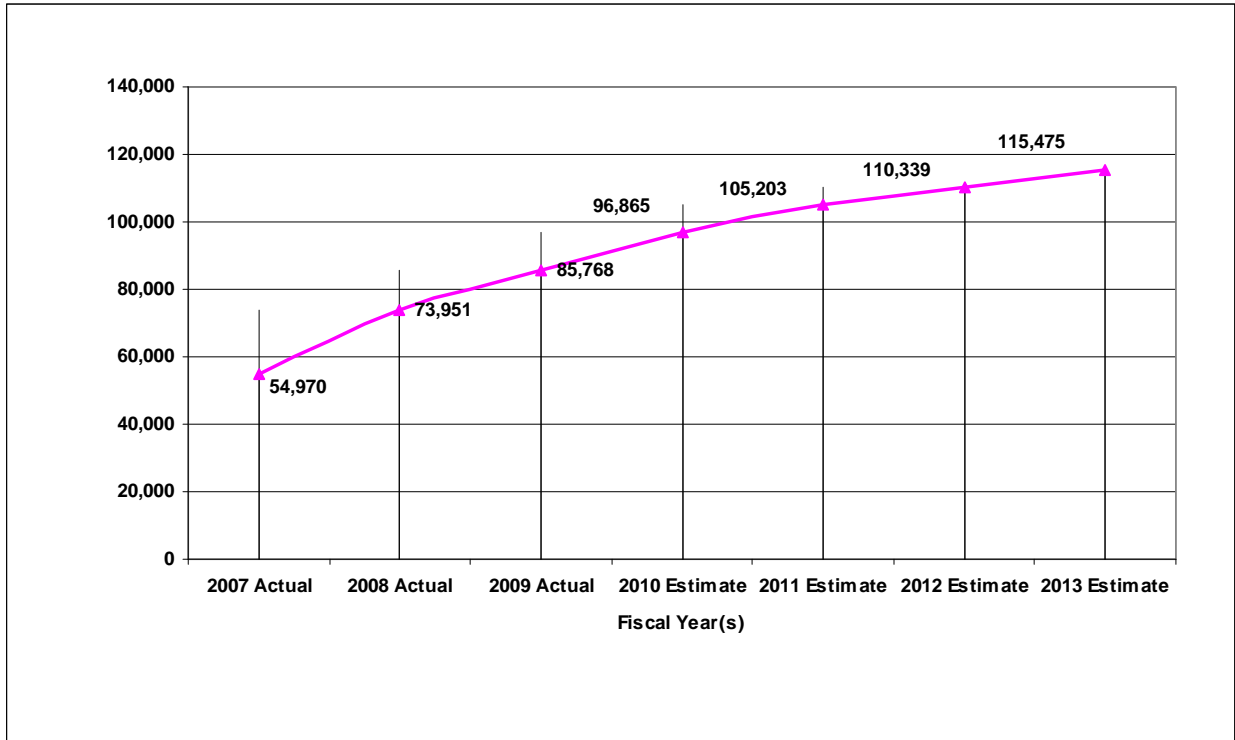
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As a result of these efforts, we achieved a reduction in inventory of more than 3,300 charges by the end of fiscal year 2009.

In fiscal year 2010, we plan to review another layer of older "B" and "C" charges for review and appropriate resolution. This plan will be conducted in consultation with field staff.

**Chart 1: Private Sector Charges Pending Ending Inventory at Year End for Fiscal Years 2007 through 2013**



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<b>Table 4: Private Sector Enforcement Program Workload Table</b>							
Workload	FY 2007 (Actual)	FY 2008 (Actual)	FY 2009 (Actual)	FY 2010 (Est.)	FY 2011 (Est.)	FY 2012 (Est.)	FY 2013 (Est.)***
Total Pending Charges **	41,171	56,964	75,743	85,768	96,865	<b>105,203</b>	<b>110,339</b>
Total Receipts	82,792	95,402	93,277	101,653	110,212	<b>110,212</b>	<b>110,212</b>
Net FEPA Transfers	3,449	2,666	2,728	2,728	2,728	<b>2,728</b>	<b>2,728</b>
<b>Total Workload</b>	<b>127,412</b>	<b>155,032</b>	<b>171,748</b>	<b>190,149</b>	<b>209,805</b>	<b>218,143</b>	<b>223,279</b>
Resolutions							
Successful Mediations	8,649	8,840	8,498	7,494	8,291	<b>7,458</b>	<b>7,458</b>
From Contract	1,744	1,494	1,391	344	516	<b>516</b>	<b>516</b>
From Staff	6,905	7,346	7,107	7,150	7,775	<b>6,942</b>	<b>6,942</b>
Admin Enforcement Resolutions	63,793	72,241	77,482	85,790	96,311	<b>100,346</b>	<b>100,346</b>
<b>Total Resolutions</b>	<b>72,442</b>	<b>81,081</b>	<b>85,980</b>	<b>93,284</b>	<b>104,602</b>	<b>107,804</b>	<b>107,804</b>
Pending Ending (actual)	54,970	73,951	85,768	0	0	<b>0</b>	<b>0</b>
Pending Ending (estimate)	39,946	67,108	87,807	96,865	105,203	<b>110,339</b>	<b>115,475</b>
Difference between actual & estimate	15,024	6,843	(2,039)	0	0	<b>0</b>	<b>0</b>
% Variance	37.6%	10.2%	-2.3%	0.0%	0.0%	<b>0.0%</b>	<b>0.0%</b>

\*May not add due to rounding

\*\* FY 08 Pending beginning adjusted to reflect charge activity spanning fiscal years.

\*\*\* The shaded area for Fiscal years 2012 and 2013 is for planning purposes only, assumes no new hiring.

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<b>Table 5: Workload/Workflow by Statute</b>							
	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Actual)</b>	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Est.)</b>	<b>FY 2011 (Est.)</b>	<b>FY 2012** (Est.)</b>	<b>FY 2013 (Est.)</b>
<b>Title VII Only</b>							
Charges filed	48,633	54,482	52,797	53,258	53,258	53,258	53,258
Charges resolved	42,967	45,846	49,898	54,038	60,593	62,448	62,448
<b>Title VII With Concurrents*</b>							
Charges filed	61,142	69,064	68,710	67,415	67,415	67,415	67,415
Charges resolved	53,617	58,104	64,304	67,946	76,189	78,521	78,521
<b>Age Discrimination in Employment Act Only</b>							
Charges filed	8,479	12,276	9,401	10,784	10,784	10,784	10,784
Charges resolved	7,249	11,082	8,593	11,042	12,382	12,761	12,761
<b>Age Discrimination in Employment Act w/Concurrents</b>							
Charges filed	19,080	24,582	22,778	22,467	22,467	22,467	22,467
Charges resolved	16,132	21,415	20,529	22,706	25,460	26,240	26,240
<b>Equal Pay Act Only</b>							
Charges filed	36	33	42	36	36	36	36
Charges resolved	38	31	48	42	47	49	49
<b>Equal Pay Act with Concurrents</b>							
Charges filed	813	954	942	911	911	911	911
Charges resolved	792	828	991	986	1,106	1,140	1,140
<b>Americans with Disabilities Act Only</b>							
Charges filed	10,693	11,334	12,384	14,622	19,944	19,944	19,944
Charges resolved	9,762	9,833	10,812	11,942	13,391	13,800	13,800
<b>Americans with Disabilities Act w/Concurrents</b>							
Charges filed	17,665	19,453	21,451	24,783	33,803	33,803	33,803
Charges resolved	15,705	16,705	18,776	19,721	22,114	22,791	22,791
<b>Genetic Information Nondiscrimination Act Only</b>							
Charges filed				590	590	590	590
Charges resolved				130	130	130	130
<b>Genetic Information Nondiscrimination Act w/Concurrents</b>							
Charges filed				1,000	1,000	1,000	1,000
Charges resolved				210	210	210	210
<b>Total</b>							
Charges filed	82,792	95,402	93,277	101,653	110,212	110,212	110,212
Charges resolved	72,442	81,081	85,980	93,284	104,602	107,804	107,804

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

\*\*The shaded area for Fiscal Years 2012 and 2013 is for planning purposes only, assumes no new hiring.

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### *Systemic Enforcement Program*

The systemic initiative was launched in April 2006 with the Commission's adoption of the recommendations of an internal task force, which prescribed comprehensive measures to improve all aspects of the agency's systemic work. The Commission's objective was to strengthen and modernize its nationwide approach to identifying, investigating, and litigating systemic cases, which the task force report defines as "pattern or practice, policy and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location." Systemic cases are significantly more complex than one-on-one discrimination cases. They require greater resources, more highly trained investigators and attorneys, and sophisticated expert analysis by statisticians, industrial psychologists, and labor market economists.

In fiscal year 2009, the Commission made great strides in laying the groundwork for the Systemic Initiative. The Commission conducted three regional systemic training sessions for investigators and attorneys in New York, Chicago, and Los Angeles, as well as six training webinars on Systemic investigation skills. In addition, the Commission successfully linked its two major databases: the EEO-1 reports and IMS, its charge and case management database. In addition, an EEO-1 analytical tool (EEO-1 Analytics) was added to the IMS application that allows investigators and attorneys to compare an employer with others in the same geography and industry. Further, the Commission hired several experts to advise on the development of complex cases, and also began hiring new investigators and attorneys in large numbers, reversing a lengthy period of reductions in the ranks. All of these developments are expected to revitalize our Systemic Initiative in fiscal years 2010 and 2011, when we expect to investigate and litigate greater quantities of cases that have a broad impact on industries, professions and companies, while continuing the trend of advanced training and technological innovation.

Early results have been positive. Our fiscal year 2009 statistics show a dramatic rise in the charges classified as systemic compared with fiscal year 2008 data, as the following table indicates.

Category	FY 2008	FY 2009
New Commissioner Charges	15	13
New ADEA/EPA Directed	53	15
Total Charges Designated as Systemic	1,947	2,390
Resolutions	577	614

At the end of the fiscal year, 431 systemic investigations were pending, which involved 2,390 charges. There were 69 systemic investigations involving 364 charges resulting in cause findings, and 19 systemic cases were filed for litigation compared with 17 in fiscal year 2008. Systemic lawsuits have been filed across the country under every statute enforced by the agency, involving a broad set of bases and issues and a wide variety of industries.



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

A key component of our enforcement strategy is the continued emphasis on the use of ADR as an effective tool to resolve charges of discrimination. We continue to pursue efforts to secure greater participation by employers, including the use of our Universal Agreements to Mediate (UAMs) and updating informational materials explaining the benefits of mediation to employers.

Based on the responses to our semi-annual survey of participants in our mediation program, Charging Parties (employees, job applicants, and former employees) and Respondents continue to express their confidence in the level of service provided under this process. Based on results for fiscal year 2009, 96% of all participants have indicated that they would utilize the mediation process in a future charge filed with the EEOC. This result, establishing the public's confidence in our mediation program, in turn has a significant impact on its perception of the EEOC as a whole. We will continue to emphasize these findings, along with our efforts to obtain UAM's, to assist our continued efforts to persuade future participation in our program, particularly company representatives, and to highlight the value of alternative dispute resolution.

***State and Local Programs***

The agency's request for fiscal year 2011 includes up to \$30,000,000 for State and Local activities. The fiscal year 2011 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPA) and Tribal Employment Rights Organizations (TERO). Both groups play a major role in EEOC's goal of achieving justice, opportunity and inclusive workplaces. The FEPAs help EEOC to resolve charges of employment discrimination and to prevent duplication of effort, resulting in a more efficient use of resources for both EEOC and the FEPAs. They also participate, along side EEOC staff, in the development and presentation of outreach and education events aimed at educating workers and employers in order to prevent unlawful discrimination. For fiscal year 2011, with the requested level of \$30,000,000, we will be able to reimburse the FEPAs for close to 100% of the more than 51,000 charges we expect them to resolve. The fiscal year 2011 request will also provide continued support to TEROs in educating employees and employers regarding the rights and responsibilities in the tribal communities.

During fiscal year 2010, we will continue efforts began in fiscal year 2009, to reassess our relationship with the FEPAs and TEROs and to bring about improvements that will lead to cost effective efficiencies for everyone involved in this relationship. Our primary focus will continue to be on information sharing, training and enhanced communication between EEOC and the FEPAs and TEROs.

Table 6 on the next page and Chart 2 on page 35 provide data for fiscal years 2007 – 2013 on this activity.

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**Table 6: State and Local Workload Projections**

<b>Workload</b>	<b>FY 2007 (Actual*)</b>	<b>FY 2008 (Actual*)</b>	<b>FY 2009 (Actual*)</b>	<b>FY 2010 (Estimate)</b>	<b>FY 2011 (Estimate)</b>	<b>FY 2012 (Estimate)</b>	<b>FY 2013 (Estimate)</b>
Charges/Complaints Pending	47,594	47,118	51,794	54,735	53,735	52,909	<b>51,909</b>
Charges/Complaints Received	52,854	56,897	53,028	52,854	53,028	52,854	<b>53,028</b>
<b>Total Workload</b>	<b>100,448</b>	<b>104,015</b>	<b>104,822</b>	<b>107,589</b>	<b>106,763</b>	<b>105,763</b>	<b>104,937</b>
Charges/Complaints Resolved	48,717	48,568	47,359	51,126	51,126	51,126	<b>51,126</b>
Charges/Complaints Deferred to EEOC	3,449	2,666	2,728	2,728	2,728	2,728	<b>2,728</b>
<b>Charges/Complaints Pending Ending (Act)</b>	<b>48,282</b>	<b>52,781</b>	<b>54,735</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Charges/Complaints Pending Ending (Est.)</b>	49,341	49,737	53,780	<b>53,735</b>	<b>52,909</b>	<b>51,909</b>	<b>51,083</b>
Difference between Actual & Estimate	(1,059)	3,044	955	0	0	0	<b>0</b>
% Variance	-2.1%	6.1%	1.8%	0.0%	0.0%	0.0%	0.0%

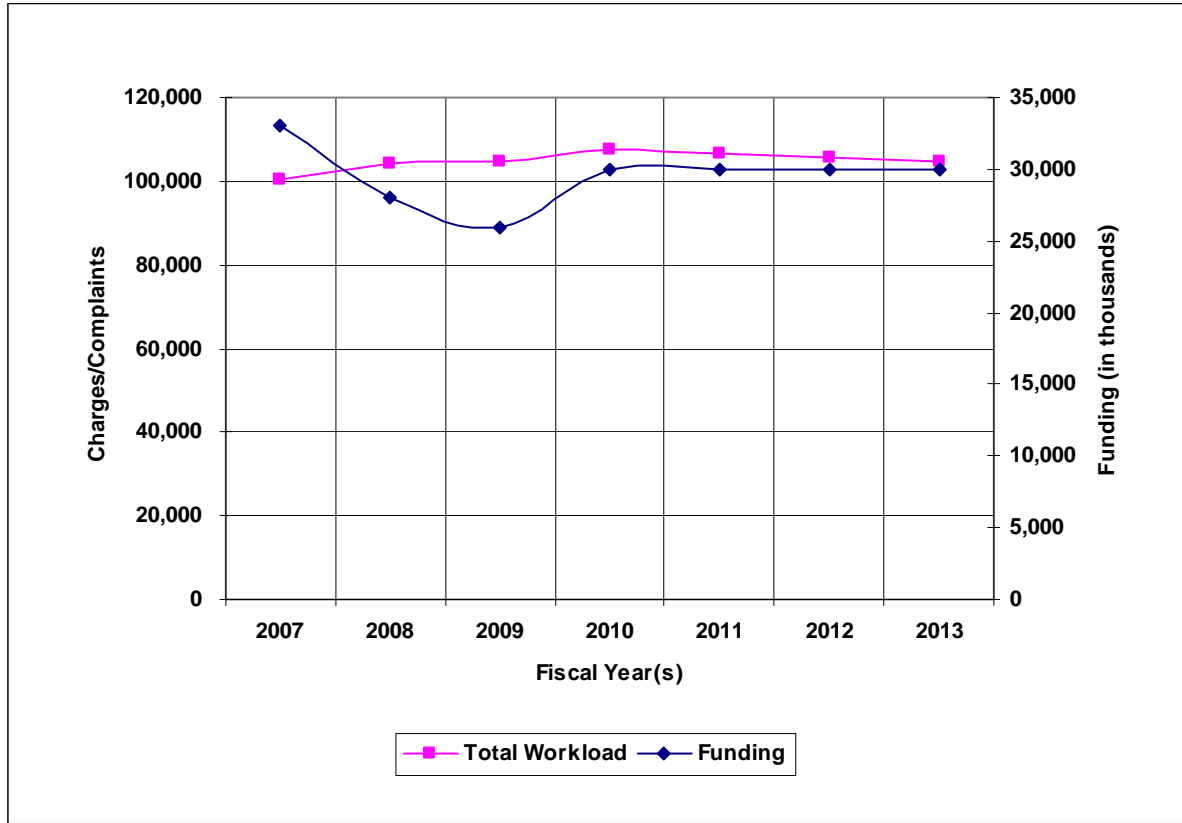
\*May not add due to rounding

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

\*\*The shaded area for Fiscal Years 2012 and 2013 is for planning purposes only, assumes no new hiring.

The chart below depicts actual state and local workload and funding for fiscal years 2007 – 2009 and projections for fiscal years 2010 – 2013

Chart 2: State & Local Workload



Note: Pursuant to HR 3288 Title 7, State & Local increased by \$4,000,000 not to exceed \$30,000,000.

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#### **D. Litigation**

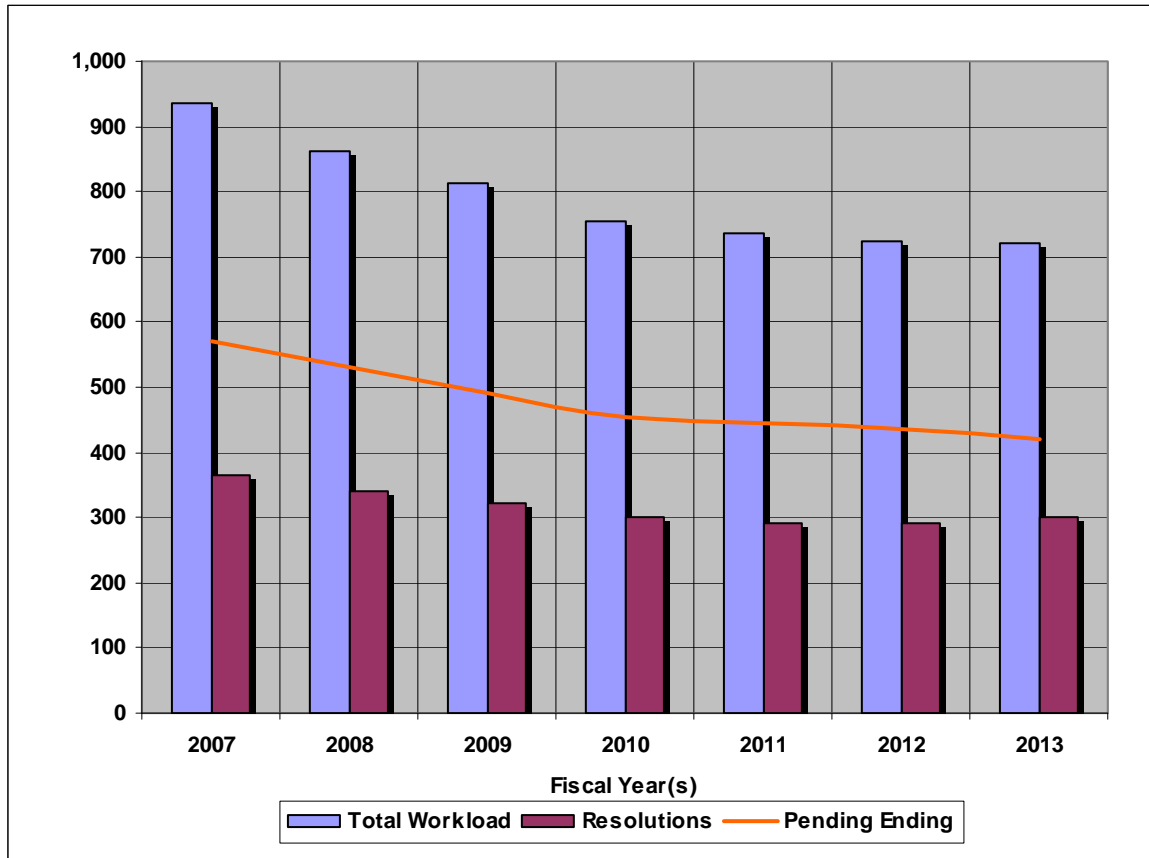
Litigation is an important tool for maximizing benefits to the public because it provides a meaningful remedy for employment discrimination, educates the public, deters employers from discriminatory conduct and encourages them to develop and implement effective EEO policies. As set out in our Strategic Plan, we plan to use our resources to maximize the number of individuals benefited through the litigation program. We will maximize the impact of our lawsuits through various means, including obtaining relief for large numbers of aggrieved individuals and securing broad-based prospective relief to prevent the recurrence of discrimination and thereby benefit others in the workplace. In addition, we will maintain a high percentage of successful litigation resolutions, while continuing to take on cases that present developing areas of the law. Publicity of high impact litigation and other cases will serve to increase voluntary compliance with the laws we enforce. A strong litigation program will also provide an incentive for employers to resolve charges in the administrative process, including the Commission's mediation program. In addition to conducting litigation, field attorneys and other legal staff perform a wide range of other functions. For example, field attorneys provide advice and counsel to enforcement staff in all phases of the private sector charge process and participate in agency outreach programs.

The agency estimates filing 280 new lawsuits in fiscal year 2011, which are 15 lawsuits more than the estimate for the previous fiscal year. Our projected workload of 737 cases is 2.6 percent lower than in prior fiscal years due to a decrease in case filings in fiscal years 2009 through 2010. Our case filing projection for fiscal year 2011 is based largely on the expectation that our systemic initiative will continue to mature and comprise a greater proportion of our docket, requiring more resources to develop and maintain. As part of our hiring initiative in fiscal year 2009, we hired 22 new trial attorneys in the field. We plan to hire 20 attorneys during fiscal year 2010 and an additional 20 attorneys, plus needed support staff in fiscal year 2011. This injection of new attorney hires will ensure that we continue to pursue meaningful litigation of smaller-sized cases, including some additional case filings arising under recent legislation (the ADA as amended by the ADAAA, GINA, and the Lilly Ledbetter Fair Pay Act).

The Commission is staffing systemic cases using a national law firm model, drawing on the expertise of Commission attorneys in various district offices as needed. As we litigate more systemic discrimination cases, we will incur substantially greater costs, such as attorney and paraprofessional staff time, expert witness fees, and extensive deposition and travel costs. The resource-intensive nature of this program is requiring a shift in some resources from individual claimant cases, and is encouraging us to make more strategic selections of those individual cases that are expected to have an impact beyond the individual circumstances presented. Whether through systemic cases or other high impact litigation, we expect the litigation program to pay large dividends in remedying and deterring employment discrimination.

Chart 3 below and Table 7 on the following page depicts the estimated litigation inventory including the number of lawsuits filed, pending lawsuits and resolutions for fiscal years 2007 through 2013.

**Chart 3: Litigation Inventory for Fiscal Years 2007 through 2013**



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<b>Table 7: Litigation Workload Projections</b>							
<b>Workload</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Actual)</b>	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Est.)</b>	<b>FY 2011 (Est.)</b>	<b>FY 2012 (Est.)</b>	<b>FY 2013 (Est.)*</b>
Pending Beginning	596	572	532	490	455	445	<b>435</b>
Filed	340	290	281	265	280	280	<b>285</b>
<b>Total Workload</b>	<b>936</b>	<b>862</b>	<b>813</b>	<b>755</b>	<b>735</b>	<b>725</b>	<b>720</b>
Resolutions	364	339	323	300	290	290	<b>300</b>
<b>Pending Ending (Actual)**</b>	<b>572</b>	<b>532</b>	<b>490</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Pending Ending (Estimate)	586	523	483	455	445	435	<b>420</b>
<b>Diff between Actual &amp; Estimate</b>	<b>(14)</b>	<b>9</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* The shaded area for Fiscal years 2012 and 2013 is for planning purposes only, assumes no new hiring.

\*\* The actual FY 2008 ending actual workload was adjusted based on data reconciliation efforts.

For this reason, the total workload shown for FY 2008 minus resolutions does not equal the actual pending inventory at the end of FY 2008.

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## **E. Federal Sector Enforcement Programs**

Our Federal Sector program has a unique role in promoting justice and opportunity in the federal workplace by ensuring that all federal applicants and employees can compete on a fair barrier-free level playing field and to be judged on the merit of their performance and not on the basis of their race, color, gender, national origin, religion, age, disability or genetic information. The Commission fulfills this mandate through our hearings and appellate enforcement efforts, as well by exercising our oversight authority and providing guidance, outreach and technical assistance.

The Commission's regulations governing Federal Sector EEO complaint processing establish the procedures for federal employees or job applicants to file complaints of employment discrimination based on race, color, national origin, sex, religion, age, physical or mental disability, or genetic information or for retaliation for having engaged in protected EEO activity. The agency charged with discrimination is responsible for informal counseling, and, if a complaint is filed and that complaint is accepted, for investigating the claims raised therein. At the conclusion of the investigation complainants may request either a hearing before an EEOC administrative judge or 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.

In addition, the Commission's Federal Sector program provides oversight and technical assistance concerning EEO complaint adjudication and the maintenance of effective affirmative programs of equal employment opportunity throughout the federal government. Using the guidance and principles contained in the EEOC's EEO Management Directive 715, the Commission monitors and evaluates federal agencies' affirmative employment programs under Title VII and Section 501 of the Rehabilitation Act.

### *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, administered by the Office of Field Programs. With its 24 hearing units located throughout the United States, and over 100 Administrative Judges, the Commission provides Federal Sector complainants with a full, fair, and impartial adjudication of their EEO complaints. Enforcement actions occur at various points during this process.

### **Federal Sector Initiatives:**

In support of our Federal Sector mission, EEOC plans on beginning and furthering specific Federal Sector initiatives in fiscal years 2010 and 2011. These initiatives are:

- **Three Track Case Processing System:** Consistent with the vision in the 2006 Federal Sector Workgroup Report, the EEOC is developing a proposal to implement a three-track hearings case management process, wherein administrative judges will prioritize and

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track cases into fast, regular or complex discovery/pre-hearing based on the complexity of each case. The three-track case processing system will assist administrative judges in case management and will likely result in an increased number of hearings and better and more efficient allocation of resources. A Workgroup of Supervisory Administrative Judges is currently refining the proposal, based on comments received from the Office of Legal Counsel, the Office of Federal Operations, and the Administrative Judges.

- **Continuation and Expansion of the Hearings Electronic Case Processing System (HECAPS) pilot:** A pilot, which is currently being tested in five hearing units, focuses on simplifying the process, to make it more user-friendly for all users, and to “get the paper out.” Regarding the latter, hearing unit staff work with area agencies to encourage submission of electronic complaint files, and an Office of Field Programs sponsored Workgroup coordinates efforts with the Office of Information Technology to find innovative ways to ease electronic participation.
- **HotDocs<sup>®</sup> Software:** A workgroup has been tasked with developing decision and order templates, as well as an implementation process, for use of HotDocs<sup>®</sup> by the Administrative Judges. Once in use, HotDocs<sup>®</sup> will not only improve case processing efficiency, but insure high quality and consistent hearings decisions.
- **Pro Se Manual, Legal Research Guide, Administrative Judge Desk Book, Best Practices Manual:** The Office of Field Programs is actively pursuing development and publication of these documents, which will each serve, in different ways, to maximize quality and case processing efficiency.

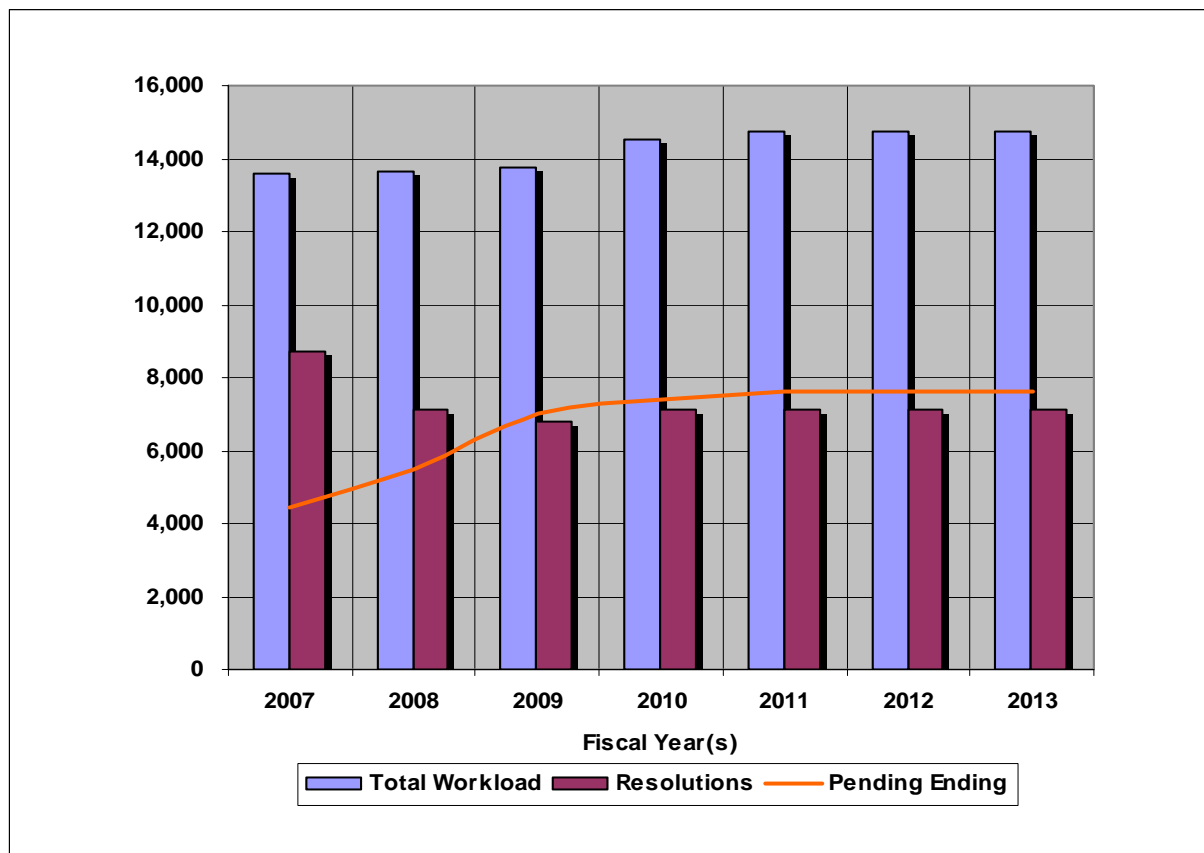
Table 8 below and Chart 4 on page 43 show the overall hearing inventory for fiscal years 2007 through 2013.

<b>Table 8: Hearings Workload</b>							
<b>Workload</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Actual)</b>	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Estimate)</b>	<b>FY 2011 (Estimate)</b>	<b>FY 2012 (Estimate)</b>	<b>FY 2013* (Estimate)</b>
Pending	5,994	5,748	6,617	6,997	7,398	7,598	<b>7,599</b>
Received	7,802	8,036	7,277	7,677	7,477	7,277	<b>7,277</b>
Consolidations	(199)	(158)	(118)	(138)	(138)	(138)	<b>(138)</b>
<b>Total Workload</b>	<b>13,597</b>	<b>13,626</b>	<b>13,776</b>	<b>14,536</b>	<b>14,737</b>	<b>14,737</b>	<b>14,738</b>
Resolutions	8,685	7,138	6,779	7,138	7,138	7,138	<b>7,138</b>
<b>Pending Ending (Act.)</b>	<b>4,912</b>	<b>6,488</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Pending Ending (Est.)	4,459	5,505	6,997	7,398	7,598	7,599	<b>7,600</b>
Difference between Actual & Estimate	453	983	0	0	0	0	<b>0</b>
% Variance	10.2%	17.9%	0.0%	0.0%	0.0%	0.0%	

\*May not add due to rounding

\*The shaded area for Fiscal Years 2012 and 2013 is for planning purposes only, assumes no new hiring.

**Chart 4: Federal Sector Hearings Workload  
Fiscal Years 2007 through 2013**



Appeals and Oversight of Federal EEO Programs

Our appellate review program adjudicates appeals of administrative decisions made by federal agencies on complaints of employment discrimination filed by federal employees or applicants for federal employment. We applied management strategies to successfully address the large growth of the appellate inventory which occurred during the last decade. Our appellate review program will build upon these successes and continue to leverage technology to ensure that the appellate inventory stays at acceptable levels.

Table 9 and Chart 5 show the appellate workload from fiscal year 2007 through fiscal year 2013. Further, the table and chart demonstrate that the appellate inventory will remain at acceptable levels during this period.

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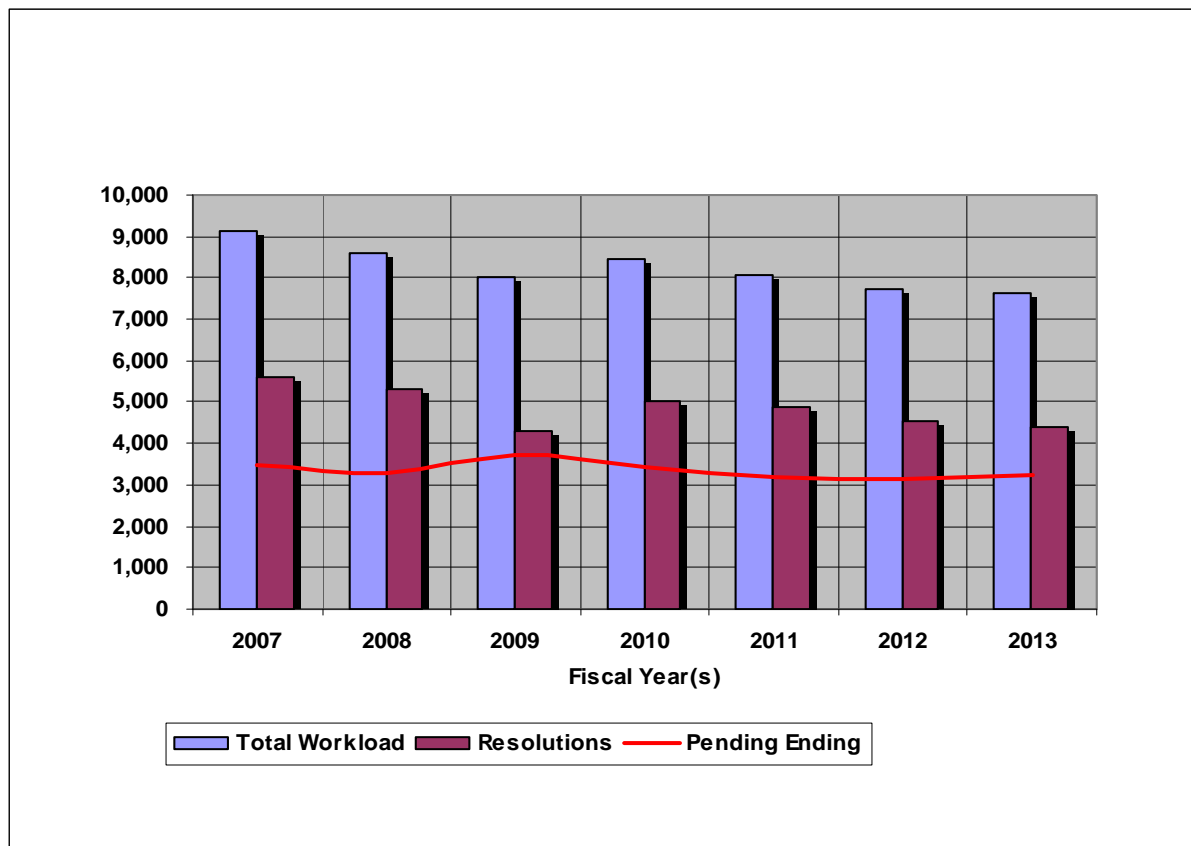
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<b>Table 9: Federal Sector Appeals Workload</b>							
<b>Workload</b>	<b>FY 2007 (Actual)</b>	<b>FY 2008 (Actual)</b>	<b>FY 2009 (Actual)</b>	<b>FY 2010 (Est.)</b>	<b>FY 2011 (Est.)</b>	<b>FY 2012** (Est.)</b>	<b>FY 2013 (Est.)</b>
Appeals Pending	3,887	3,496	3,275	3,733	3,419	<b>3,208</b>	<b>3,162</b>
Appeals Received	5,226	5,082	4,745	4,698	4,651	<b>4,504</b>	<b>4,459</b>
<b>Total Workload</b>	<b>9,113</b>	<b>8,578</b>	<b>8,020</b>	<b>8,431</b>	<b>8,070</b>	<b>7,712</b>	<b>7,621</b>
Appeals Resolved	5,617	5,303	4,287	5,012	4,862	<b>4,550</b>	<b>4,401</b>
<b>Appeals carried forward (ending)</b>	<b>3,496</b>	<b>3,275</b>	<b>3,733</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Estimate Pending ending	4,562	3,496	3,894	3,419	3,208	<b>3,162</b>	<b>3,220</b>
Difference (Act/Est. ending)	(1,066)	(221)	(161)	0	0	<b>0</b>	<b>0</b>
% Variance	-23.4%	-6.3%	-4.1%	0.0%	0.0%	<b>0.0%</b>	<b>0.0%</b>

\*May not add due to rounding

\*\*The shaded area for Fiscal Years 2012 and 2013 is for planning purposes only, assumes no new hiring.

Chart 5: Federal Sector Appeals Workload Fiscal Years 2007 through 2013



The data in the above tables illustrate past achievements in inventory management, and lay a strong foundation for continued success in the near future. We are projecting that with the approved increase in staffing of our appellate review program in fiscal year 2010, the Commission will make even more significant strides in the reduction of the Federal Sector inventory. These projections are also bolstered by the downward trend in the number of Federal Sector appeals being filed at the Commission. With the continued reduction in inventories the Commission will provide in a more timely manner thorough and well reasoned decisions to Federal Sector complainants who believe that they have been subjected to discrimination.

Behind these numbers, our Federal Sector decisions serve as a vehicle to enforce the Commission's EEO policy in the Federal Sector. These decisions not only educate Federal Sector complainants and agencies about the law that governs their cases, but they also guide agencies in their efforts to achieve a model workplace.

The use of ADR is one of the strategies agencies can use in controlling their EEO complaint inventories. In turn, ADR can also reduce the EEOC's hearings and appeals inventories. Resolving disputes as early as possible in the Federal Sector EEO process will improve the work environment and reduce the number of formal complaints, allowing all agencies, including the EEOC, to redeploy resources otherwise devoted to these activities. The

Commission will continue to monitor agencies' ADR programs and offer technical assistance as necessary.

***Federal Sector Programs***

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

MD-715 is more than merely a roadmap; it also imposes on agencies the requirement to examine their workforces for possible barriers to equal employment opportunity, and to develop strategies for eliminating any identified barriers. We will continue to provide agencies with the tools and technical assistance for effectively conducting barrier analysis and creating remedial action plans. Further, we will work with agencies to promote workplace policies and practices that foster an inclusive work culture and prevent employment discrimination.

In recent fiscal years, the Commission provided feedback to agencies on their MD-715 submissions via various means, including single and three-year trend analysis letters. In response to comments from our federal agency stakeholders, we continue to provide these trend letters to agencies on a rotating basis. They are designed to provide a comprehensive analysis that tracks each reviewed agency's progress toward establishing a Model EEO Program. In addition, we are refining a scorecard to help the public and agencies' leadership quickly gauge the Government's progress in establishing fair and inclusive workplaces.

Using the guidance and principles contained in MD-715, the Commission will evaluate the progress of federal agencies in creating effective equal employment opportunity programs. We developed, and are delivering, relevant and helpful information, training, and EEO solutions to federal agencies, including more advanced barrier analysis techniques. Using targeted EEO program evaluations, and the self-assessment tools and checklists in MD-715, we will help federal agencies assess the effectiveness and efficiency of their EEO programs and identify whether there are barriers precluding them from effectively utilizing their entire workforce in accomplishing their missions.

We will periodically issue evaluative reports on a wide variety of topics in order to share government-wide, as appropriate, valuable information to assist agencies in developing model EEO programs. Similarly, we will provide agencies with trend analysis of the data submitted pursuant to their annual MD-715 report submissions to help agencies better identify and eliminate barriers to equal employment opportunity.

## **F. Outreach**

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

The EEOC will continue to enhance public awareness of the persistence of race discrimination in employment through training, technical assistance materials, and partnerships with employee advocates, human resource professionals, and employer groups. We will continue to educate employers and other members of the public about systemic discrimination, including trends and issues that the agency has identified and cases the agency has handled. We recognize the value of publicizing our systemic discrimination court victories because of the ripple effect such decisions can have on promoting changes both across the impacted industry and in related industries.

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

### *Revolving Fund – Education, Technical Assistance and Training*

The EEOC Training Institute (Revolving Fund) is a separate statutory authority that enables the EEOC to offer in-depth and specialized fee-based programs to supplement those general non fee-based informational and outreach activities that are an ongoing aspect of the EEOC’s mission. The Training Institute offers diverse, high quality, reasonably priced EEO expertise and training products to private sector employers, state and local government personnel, and employees of federal agencies.

*Technical Assistance Program Seminars (TAPS)*: The one and two-day TAPS offered by the Training Institute are responsive to employers’ information and training needs and allow EEOC to educate substantially more employers and employees about how to identify, prevent and eliminate workplace discrimination. During fiscal year 2009, 38 TAPS and 6 half-day workshops were held. A similar number of TAPS are planned for fiscal year 2010.

*National Federal Sector Conference*: An annual national Federal Sector conference, the Examining Conflicts in Employment Laws (EXCEL) Conference, has become a widely anticipated and highly acclaimed event for federal EEO managers, attorneys, union officials, EEO professionals and EEO staff. The fiscal year 2009 conference, held in New Orleans, had a total of 1,083 attendees, including 164 attendees from the EEOC who received specialized

training. The fiscal year 2010 conference will be held in Orlando, FL July 12 through July 15, 2010.

*Customer-Specific Training:* The Customer-Specific Training Program trains employees, managers, supervisors and human resource professionals from large, mid-size and small employers about their EEO responsibilities and how to prevent and correct workplace discrimination. Standardized courses are available and we design customized courses that are delivered at employers' worksites. During fiscal year 2009, approximately 250 private sector and 140 Federal Sector customized events were completed and a similar number of events are anticipated in fiscal year 2010.

*National Training Courses:* The Training Institute currently offers a series of national courses geared toward federal employees. Thirty-seven Federal Sector courses events were held in fiscal year 2009. Two new Federal Sector courses were offered in fiscal year 2009, a basic course on Management Directive 715 and an Advanced Barrier Analysis course. For fiscal year 2010, the number of federal courses planned has been increased substantially to 57. Additional training locations outside the Washington, D.C. area have been added and three new courses, an Investigator Refresher course, a New EEO Laws course, and a Disability Program Manager Basics course have been offered.

*New Products:* Starting in January 2010, the Institute began offering EEO training via the web. Twelve webinar training sessions featuring important and current EEO topics will be offered in fiscal year 2010.



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**G. Revolving Fund Tables**

**Table 10: Summary of Financing for the Revolving Fund**

Equal Employment Opportunity Commission Education, Technical Assistance, and Training Revolving Fund (Dollar Amounts in Thousands)							
	FY 2007 <i>(Actual)</i>	FY 2008 <i>(Actual)</i>	FY 2009 <i>(Actual)</i>	FY 2010 <i>(Est.)</i>	FY 2011 <i>(Est.)</i>	FY 2012 <i>(Est.)</i>	FY 2013 <i>(Est.)*</i>
<b>Total Obligations</b>	<b>\$5,053</b>	<b>\$4,826</b>	<b>\$4,565</b>	<b>\$4,380</b>	<b>\$4,545</b>	<b>\$4,635</b>	<b>\$4,727</b>
Financing:							
<b>Offsetting collections from:</b>							
Federal Funds	2,462	3,029	2,145	2,445	2,494	<b>2,544</b>	<b>2,595</b>
Non Federal Sources	2,621	3,041	1,755	2,001	2,041	<b>2,082</b>	<b>2,123</b>
Recoveries	622	100	90	10	10	<b>10</b>	<b>10</b>
Order(s) on hand from Federal Sources							
Unobligated balance, start of year	1,069	1,721	3,065	2,490	2,566	<b>2,566</b>	<b>2,567</b>
Unobligated balance transferred (rescission)							
Unobligated balance, end of year	1,721	3,065	2,490	2,566	2,566	<b>2,567</b>	<b>2,568</b>
Net Budget Authority	\$6,774	\$7,891	\$7,055	\$6,946	\$7,111	<b>\$7,202</b>	<b>\$7,295</b>

\*The shaded area for Fiscal Years 2012 and 2013 is for planning purposes only, assumes no new hiring.

**Table 11: Object Class Schedule – EEOC Education, Technical Assistance, and Training Revolving Fund**

OBJECT CLASS	FY 2009 (Actual)	FY 2010 (Estimate)	FY 2011 (Request)
<b>Personnel Compensation</b>			
11.1 Full-time permanent (FTP)	\$1,494	\$1,349	\$1,439
12.1 Civilian personnel benefits	306	276	295
21.1 Travel of persons	235	242	247
22.0 Transportation of things	0	0	0
23.1 Other Rent/Communications	868	894	912
24.0 Printing and reproduction	146	150	153
25.0 Other services	1,326	1,273	1,299
26.0 Supplies and materials	190	196	200
31.0 Equipment	0	0	0
<b>TOTAL OBLIGATIONS</b>	<b>\$4,565</b>	<b>\$4,380</b>	<b>\$4,545</b>
<b>Revolving Fund Reimbursement to Salaries &amp; Expenses Account</b>	2,407	2,562	2,243
<b>Reimbursable Full Time Equivalents to Salaries &amp; Expenses Account</b>	14	14	14

\*May not add due to rounding

**H. 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 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.

Aggregate amount of funds	\$1,984,144 <sup>1</sup>
Portion of amount for training	\$14,000 <sup>2</sup>
Amount needed to support CIGIE	\$4,762 <sup>3</sup>

Calculations

Direct Program (inclusive of training)	\$ 70,000
Special Projects	40,000
Financial Statement Audit Contract	176,088
Direct Compensation & Benefits	<u>1,698,056</u>
Total OIG	\$1,984,144

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<sup>1</sup> This is the total aggregate request for the Office of Inspector General.

<sup>2</sup> The Inspector General certifies that this amount would satisfy all OIG training requirements for fiscal year 2011.

<sup>3</sup> .24% of \$1,984,144 or \$4,762 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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### **III. AGENCY INFRASTRUCTURE**

#### **A. Introduction**

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

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

##### *Hiring*

Pursuant to initiatives from the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB), EEOC is working with those agencies to implement hiring reform. This includes mapping the Commission's current hiring process and streamlining of our Job Opportunity Announcements (JOAs). The mapping process was finalized in December 2009. The mapping process used OPM's End-to-End Hiring process as the guide and its Hiring Toolkit Diagnostic Model. The mapping begins at the time a manager identifies a need to hire until the person selected starts his/her first day on the job. As part of the mapping process, we are developing an action plan to address and identify bottlenecks in our process and to meet the mandates of OMB and OPM in reducing the time frames involved in the end-to-end hiring process.

The EEOC has also revised a number of its Job Opportunity Announcements (JOAs) to provide a simpler, easier to read document for job applicants. Consistent with OMB/OPM direction we will post and make use of revised JOAs as they are completed. We began with selected job announcements for positions that are mission critical and most frequently sought through the application process. They were revised to shorten the number of pages in each JOA, while making them clear, plainly written, easy to understand and less burdensome.

Our SWAT Team includes hiring managers who are involved both in identifying barriers in the hiring process and in the revision of our JOAs. OMB, OPM and Commission leadership were advised of our progress at the end of September 2009 and our final mapping and action plan was included in our fiscal year 2009 Human Capital Management report in December 2009.

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

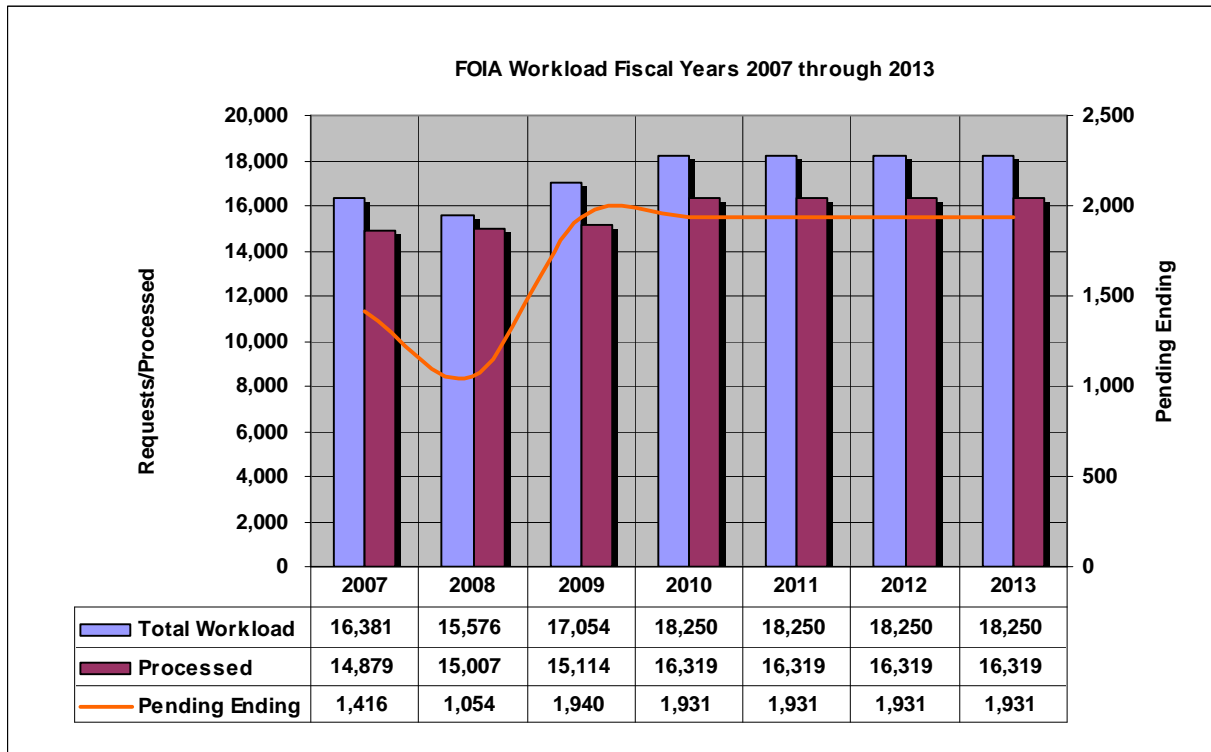
It is anticipated that the number of employment discrimination charges resolved by EEOC will increase during fiscal years 2011 through 2013 due to efforts towards replenishment of field staff. The charge resolutions create the pool of closed charges from which EEOC has historically received over 95% of its records disclosure requests.

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Based upon the anticipated number of resolutions, we project that the number of FOIA requests received by EEOC will increase by approximately 2% in fiscal year 2010 to the low 18,000s and level off there through fiscal year 2013. Despite this growth, the EEOC anticipates that the number of FOIA requests pending at the end of each fiscal year will continue to decrease. Backlogged FOIAs will also decrease to a nearly negligible amount. The anticipated backlog reduction is due in large part to the EEOC’s hiring and training of 31 dedicated records disclosure staff, the acquisition of technology updates such as redaction software, and the creation of a unified agency-wide FOIA tracking system to capture FOIA data and permit the public to file requests and to access status information on their requests electronically.

**FOIA Workload Fiscal Years 2007 through 2013**



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The data also indicate that the number of charge file disclosure requests processed under Section 83 of the EEOC Compliance Manual will increase to an approximate high of 6,900 requests annually in fiscal year 2011. In fiscal year 2009 Section 83 was revised to extend its coverage from Title VII and the ADA to the remaining statutes enforced by EEOC. The anticipated increase in Section 83 requests reflects this expansion of coverage to the Equal Pay Act, the Age Discrimination in Employment Act, and the Genetic Information Nondiscrimination Act. It is projected that the number of Section 83 requests will level out in the mid to high 6,000 range after fiscal year 2013.

**The chart below shows Section 83 data for prior fiscal year, current and projected fiscal years.**

<b>SECTION 83 -- Workload Fiscal Years 2008 through 2013</b>						
	<b>FY 2008</b> <i>(Actual)</i>	<b>FY 2009</b> <i>(Actual)</i>	<b>FY 2010</b> <i>(Est.)</i>	<b>FY 2011</b> <i>(Est.)</i>	<b>FY 2012</b> <i>(Est.)</i>	<b>FY 2013</b> <i>(Est.)</i>
<b>Pending Beginning</b>	1,770	2,268	3,296	4,243	5,190	6,137
<b>Received</b>	4,527	5,909	6,909	6,909	6,909	6,909
<b>Processed</b>	4,029	4,881	5,962	5,962	5,962	5,962
<b>Pending at end of year</b>	2,268	3,296	4,243	5,190	6,137	7,084

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**C. Highlighted Areas**

*Information Technology*

In fiscal year 2011, EEOC will continue to leverage the new infrastructure implemented in fiscal year 2010, empowering and enabling our workforce to use technology to meet new programmatic demands. We will also continue to enhance customer service by streamlining internal operations to reduce the resource requirements associated with operations/maintenance and focus these resources on helping users increase their productivity through effective use of technology.

*Office Relocations, Right-sizing, and Rehabilitations*

The agency is challenged to meet the office space demands for its 53 field office locations. Because of significant increase in hiring, the agency is short of office space at some locations, while carrying excess capacity of office space at other office locations. The agency continues to plan space requirements for all offices for both the short and long terms. EEOC has twelve offices with expiring leases in fiscal year 2011 and will continue to right-size other offices required by staffing levels. The twelve offices include: Miami, San Antonio, Seattle, New Orleans, Detroit, Pittsburgh, Cincinnati, Norfolk, San Juan, Jackson, Greenville and Raleigh.

In addition, EEOC has six offices under lease that will relocate due to forced-move by other agencies or inadequate expansion space to support our increased staffing requirements. The six offices include: Boston, Houston, Louisville, Honolulu, Las Vegas and Los Angeles.

*Employee Recognition and Development*

Employees are recognized through the agency's Awards and Recognition Program for significant achievements and ideas that benefit the EEOC. Employees are eligible for special act/achievement awards, Cash in Your Account (CIYA) Awards, time-off awards and the Chairman's individual and organizational awards.

Investments in training and employee development programs and activities will continue to permeate and enhance our customer service efforts through emphasis on our mission critical occupations and other key support areas. As we bring new talent to the agency via our strengthened hiring initiatives, these investments will promote organizational excellence and support the achievement of our strategic objectives and enable us to lay a solid foundation for the future. Ensuring that our employees are well prepared to perform their jobs will enable our customers to receive top notch services and to learn more about the laws we enforce through their interactions with our dedicated staff. We will build a legacy for the future by ensuring that our succession plans are fully realized and that we are training a leadership cadre that is vital to our success as we identify and enforce new aspects of the law.

We will maximize our resources by continuing to leverage the use of technology in meeting our employee development needs through on-line training, blended learning, video conferencing and video streaming, our internal web site and other mechanisms. We will emphasize best practices and continue important partnership with state-of-the art providers including SkillSoft, Cyber Feds, the National Business Center and others, to meet these needs and to make training opportunities more flexible and accessible in a fluid work environment.

*Improving Employee Satisfaction and Wellness*

We carefully reviewed our 2008 Federal Human Capital Survey (FHCS) results to identify (1) the 10 items on which we scored lowest compared to the rest of government; (2) any item(s) on which employee satisfaction decreased since the 2006 FHCS; and (3) those Human Capital Assessment and Accountable Framework (HCAAF) indices in which the EEOC scored lower than the rest of government. After reviewing the above, we polled our senior managers to identify the reasons for employee dissatisfaction, selected areas for improvement that are important to the EEOC and that we believe we can positively influence, and prepared an action plan to address them. (Appendix B is an action plan which addresses employee satisfaction from the results of the 2008 FHCS).

The EEOC Wellness program supports Human Capital and promotes a healthier lifestyle for EEOC employees. Many EEOC facilities have onsite fitness clubs and health units which offer various education and physical fitness programs. As required, we have prepared a wellness inventory and submitted it through the OPM's "Well Check" System. The data in "Well Check" will be provided to OMB as required.

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

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

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

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

Two additional steps have been taken to improve the accuracy of EEO-1 data received from employers. First, a series of edit checks created for use in the on-line system have now been applied to EEO-1 reports uploaded by employers. Second, the structure of the on-line reporting system was restructured for multiple establishment employers required to provide lists of facilities with fewer than 50. These employers had some difficulty in reconciling the numbers in their reports. Now an error report is created for them so they can easily correct such errors.

The EEO-4 on-line system was significantly revised to improve the ease of data entry and incorporate a number of checks to prevent the entry of incorrect data. Additionally the system was subjected to a security audit to ensure it is compliant with federal standards.

We also implemented information quality guidelines and adopted internal procedures, which strengthen our ability to verify and validate the quality of our data before it is released to the public. In addition, the agency's Office of Inspector General continues to review aspects of

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the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in its reports. We use the information and recommendations to continually improve our systems and data.

**V. PROGRAM EVALUATIONS**

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

We initiated a nationwide program evaluation of the Priority Charge Handling Procedures; adopted by the Commission in 1995 to improve the decision-making process in the private sector charge process while simultaneously remaining cognizant of the workload demands of the charge inventory. The evaluation is proceeding and we expect a final report with recommendations in fiscal year 2010. We postponed the program evaluation of our Outreach/ Technical Assistance programs in order to evaluate our schedule of evaluations with a new Administration appointee.

*Schedule of Future Program Evaluations*

We currently have the following schedule of program evaluations for completion during the next several years, which we will review as we explore opportunities to conduct additional evaluations.

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<b>Program Evaluation</b>	<b>Statement of Parameters of the Program Evaluation</b>	<b>Expected Initiation and Completion</b>
Priority Charge Handling Procedures	Evaluate how well the Priority Charge Handling Procedures are working and ways to improve their implementation.	Initiated FY 2007  Complete FY 2010
Outreach/Technical Assistance	Evaluate the effectiveness of fee and non-fee based outreach/technical assistance efforts; for example, agency Technical Assistance Program Seminars (TAPS), speakers at meetings, forums, panels or other activities designated as outreach or technical assistance.	Postponed
EEOC External Communications	Evaluate the impact and effectiveness of the EEOC's external communications efforts, including publicity, the agency's activities with the media, the external web site, and other public communications efforts.	Initiate FY 2010  Complete FY 2011
Effect of EEOC's Federal Sector evaluations and assistance	Evaluate the results achieved from EEOC's evaluation and assistance activities with federal agencies that changed policies, practices or procedures.	Initiate FY 2011  Complete FY 2012
Systemic Enforcement	Evaluate the effectiveness of the EEOC's systemic enforcement initiative.	Initiate FY 2012  Complete FY 2013

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

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

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

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

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

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

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

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

On July 26, 1990, the Americans with Disabilities Act (ADA) became law. This legislation provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Title I of the ADA prohibits employment discrimination against qualified individuals with disabilities by private industry, and state and local government employers with 15 or more employees. Title I became effective on July 26, 1992 for employers with 25 or more employees and on July 26, 1994 for employers with 15 or more employees.

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

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which became effective on November 21, 2009, prohibits public and private employers with 15 or more employees, employment agencies, and labor organizations with fifteen or more members from using genetic information (including information from an individual’s genetic tests and an individual’s family medical history) in making employment decisions or decisions related to union membership, strictly limits access to genetic information, and requires that any genetic information that a covered employer, employment agency, or labor organization obtains be kept confidential. The procedures for enforcement and the remedies for violations of Title II of GINA are the same as those available under Title VII. Section 211 of GINA requires the EEOC to issue regulations implementing the law. On March 2, 2009, the Commission issued a Notice of Proposed rulemaking to Implement Title II of GINA, and a final rule will be issued in the near future.

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



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

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

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

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

- Revised Long-Term Measure 1

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

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

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

- Revised References to the Five-Point Plan

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

EEOC's documents. Even though the structure of the Five-Point Plan was removed, the essential concepts remain in the Strategic Plan.

- Revised the Schedule of Program Evaluations

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

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

- Revised Organizational Elements

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

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

The performance measures in the Strategic Plan published on October 1, 2006, did not include final goals, because of the new performance structure that had been developed during the 2006 program assessment of the agency a few months earlier. Since that time, the agency has developed annual targets and final goals for those performance measures retained in the modified Strategic Plan (not all of the original measures were retained—see the description of other modifications to the performance measurement structure, above). As targets/final goals were adopted for measures, they were incorporated into other agency reports; such as the agency's fiscal year 2007 PAR published in November 2007 and its fiscal year 2009 budget submission to Congress in February 2008.

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

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The Commission's vote on the Strategic Plan in July also modified the annual targets and final goal for Annual Measure 2.1—resolving private sector charges within 180-days or fewer. It reduced these values to adopt ambitious, but more realistic, goals for the Commission. In its

evaluation, increasing workloads are expected to grow significantly worse, because charge receipts and the year-end inventory are significantly increasing while the number of investigative staff needed to process the work is continuing to decline. However, after the agency's earlier program assessment, which developed the new performance structure, higher annual targets and a final goal were established for this measure. This measure and annual targets and a final goal will be reviewed as the agency prepares a new Strategic Plan.

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

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

- Other Revisions

A placeholder was added for the development of a measure of the contribution of our FEPA partners toward achievement of the agency's goals. This development effort is part of the program assessment improvement plan.

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

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## **APPENDIX B: EMPLOYEE SATISFACTION ACTION PLAN**

### Introduction

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

In examining the Federal Human Capital Survey (FHCS) results, employee concerns center on four major areas: resources, training and development, transparency and accountability and employee work life issues. In particular the survey indicates that the agency must, in addition to seeking adequate funding, ensure that employees understand the agency's actions in obtaining and allocating resources. Further, emphasis must be placed on the allocation of resources to provide training and development in the agency's mission critical positions. Next the agency must continue its efforts to improve and ensure communication of information from senior staff to front line employees; and lastly seek to improve the agency's survey results in areas relating to employee health, wellness, safety, employee assistance and other work/life issues. In developing its Action Plan, the Commission focused on addressing these concerns now and in the future. Appended to the plan are the items from the 2008 FHCS that provide focus of the plan.

In fiscal year 2006, the Commission received 75,768 new charges filed with the agency alleging discrimination. In fiscal year 2007, the Commission received 82,792 new charges, an increase of nine percent over the prior year. In fiscal year 2008, the Commission received a total of 95,402 new charges which represented an increase of more than fifteen percent of new charges filed over fiscal year 2007. The rise in the inventory, and thus the workload of the agency, was not accompanied by an increase in staff, however. In fact, the Commission went from a high of 917 investigators in fiscal year 2000 to a low of 602 investigators in fiscal year 2007, a thirty-four percent decrease.

The rise of the agency's workload, without a commensurate increase in resources has had a cascading effect on the Commission's operations. Until fiscal year 2009, the agency has not seen an increase in staffing or in the type of training and development programs that are needed or desired by its employees.

### Methodology

Prior to developing the EEOC Action Plan, the SWAT Team requested that District Directors, Regional Attorneys and Program Directors assess the survey results and provide recommendations. Based upon information gathered from employees and managers, the District Directors, Regional Attorneys, and Program Directors provided their ideas for actions and initiatives which focused on increasing employee satisfaction in a sustainable way.

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<i>EEOC Action Plan for Resources</i>	
<b>(1) OBJECTIVE:</b>	<i>Educate and engage employees in addressing EEOC funding and resource issues by improving vertical and horizontal communication, managing the allocation of resources more effectively and transparently, and creating metrics that are meaningful in helping the Agency achieve its mission.</i>
<b>RESPONSIBLE OFFICIAL(S):</b>	<i>Chair; Chief Operating Officer (COO); General Counsel; Director, Office of Field Programs; Director, Office of Human Resources (HR), Senior Executives</i>
<b>DATE OBJECTIVE INITIATED:</b>	<i>January 1, 2010</i>
<b>TARGET DATE FOR COMPLETION OF OBJECTIVE:</b>	<i>September 30, 2011</i>
<b>(2) IDENTIFIED ACTIONS TO BE TAKEN</b>	
<i>PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE</i>	<i>TARGET DATE</i>
<i>Identify workload benchmarks (timeliness, quality, etc.) for three mission critical positions (Investigator, Mediator, and Trial Attorney)</i>	<i>June 30, 2010</i>
<i>Create a workforce plan to match three mission critical position staffing levels with workload</i>	<i>September 30, 2010</i>
<i>Identify the desired ratio of systemic to "individual" cases litigated and a target date to reach that ratio</i>	<i>March 31, 2010</i>
<i>Conduct trend analysis of demographic data on recruitment sources, strategies, applicants, and selections</i>	<i>March 31, 2010</i>
<i>Create a recruitment/staffing plan that uses the above analysis to improve quality of hires and reduce time to hire</i>	<i>June 30, 2010</i>
<i>Provide employees with a quarterly report that addresses investment of resources in physical conditions, equipment, and recruitment (e.g., ergonomic work areas, installation of scanners, targeted recruitment, computer upgrades)</i>	<i>1<sup>st</sup> report to be issued by March 15, 2010</i>
<i>Determine number of interns, detailees, and volunteers that Agency can accommodate and maximize usage of these individuals</i>	<i>April 30, 2010</i>
<b>(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS</b>	
<i>Gap analysis of staffing levels (actual versus needed based on workload benchmarks) – reduce gap annually</i>	
<i>Variation of systemic/individual ratio – variation does not exceed 10% per year</i>	
<i>End to end time to hire – 20% improvement towards goal of 80 calendar days per year</i>	
<i>Quality of hires meets expectations of hiring managers – 80% of the time</i>	
<i>Quarterly reports produced on time and positive feedback from employees</i>	
<b>(4) HOW PROGRESS WILL BE TRACKED</b>	
<i>Degree to which staffing levels are matched to workload levels</i>	
<i>Quarterly computation of systemic/individual ratio</i>	
<i>Bi-weekly vacancy/hiring report</i>	
<i>Semi-annual surveys of hiring managers and use of OPM manager satisfaction survey</i>	
<i>Periodic surveys or focus groups</i>	



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<i>EEOC Action Plan for Training and Development</i>	
<b>(1) OBJECTIVE:</b>	<i>Evaluate and modify the Agency's training and development program to ensure training needs are assessed, and adequate, effective, quality training is provided in a timely manner</i>
<i>RESPONSIBLE OFFICIAL(S):</i>	<i>Chair, COO, HR Director, Senior Executives</i>
<i>DATE OBJECTIVE INITIATED:</i>	<i>January 1, 2010</i>
<i>TARGET DATE FOR COMPLETION OF OBJECTIVE:</i>	<i>September 30, 2011</i>
<b>(2) IDENTIFIED ACTIONS TO BE TAKEN</b>	
<i>PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE</i>	<i>TARGET DATE</i>
<i>Identify competencies needed in three mission critical positions (Investigator, Mediator, and Trial Attorney) and identify competency gaps</i>	<i>June 30, 2010</i>
<i>Create a comprehensive training program with priority given to closing identified competency gaps and creating a sound, comprehensive, standard employee development program for mission critical positions</i>	<i>August 31, 2010</i>
<i>Prior to the beginning of each fiscal year, create an addendum to the comprehensive training program above that focuses on specific areas of improvement, enhancement, or new areas for which specific training will be made available</i>	<i>August 31, 2010</i>
<i>Conduct a return of investment analysis of the Agency's training and development program and provide semi-annual reports to Agency staff</i>	<i>June 30, 2010</i>
<i>Ensure each employee works with his/her supervisor in developing an Individual Development Plan each year</i>	<i>September 30, 2010</i>
<i>Share Human Capital Plan and Succession Plan with all employees</i>	<i>September 30, 2010</i>
<i>Create competitive career paths that allow employees to compete for career advancement opportunities that include the training and developmental opportunities needed to make the transition</i>	<i>April 30, 2010</i>
<b>(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS</b>	
<i>Completion of competencies assessment in mission critical positions. Percentage of IDPs in place, 50% increase over current level. 100% dissemination of Human Capital and Succession plans. Timely issuance of semi-annual "return of investment assessment." Timely issuance of comprehensive annual training plan.</i>	
<b>(4) HOW PROGRESS WILL BE TRACKED</b>	
<i>Review of IDP completions, training plans, core competencies evaluation. Focus groups and employees survey.</i>	

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<i>EEOC Action Plan for Transparency and Accountability</i>	
<i>(1) OBJECTIVE:</i>	<i>Expand and improve the delivery methods of providing information to employees on topics vital to the Agency’s mission and of concern to employees, as well as the quality, frequency, and relevancy of the information.</i>
<i>RESPONSIBLE OFFICIAL(S):</i>	<i>Chair, COO, Senior Executives and Managers</i>
<i>DATE OBJECTIVE INITIATED:</i>	<i>January 1, 2010</i>
<i>TARGET DATE FOR COMPLETION OF OBJECTIVE:</i>	<i>September 30, 2010</i>
<i>(2) IDENTIFIED ACTIONS TO BE TAKEN</i>	
<i>PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE</i>	<i>TARGET DATE</i>
<i>Convene employee focus groups to identify how to effectively distribute information to employees and to identify areas where the Agency requires more transparency</i>	<i>March 31, 2010</i>
<i>Create and implement an Agency communications plan based on input from focus groups and analysis of viable delivery methods</i>	<i>June 30, 2010</i>
<i>Conduct a comprehensive analysis of new information delivery methods (e.g., “town hall meetings”, blogs, Facebook, Twitter), including recommendations from focus groups.</i>	<i>August, 31, 2010</i>
<i>(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS</i>	
<i>Number of delivery methods implemented to reach all employees – 50% increase</i>	
<i>Number of employees who participate/use new delivery methods</i>	
<i>Number of employee suggestions or recommendations made to improve the Agency’s performance and also the number put into practice</i>	
<i>(4) HOW PROGRESS WILL BE TRACKED</i>	
<i>Employee participation</i> <i>Surveys and focus groups</i>	

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<i>EEOC Action Plan for Work/Life Issues</i>	
<b>(1) OBJECTIVE:</b>	<i>Increased focus on employee work/life issues; creation of a safe, ergonomic, employee-friendly work environment</i>
<b>RESPONSIBLE OFFICIAL(S):</b>	<i>Chair, COO, HR Director, OCFO Director, Senior Executives and Managers</i>
<b>DATE OBJECTIVE INITIATED:</b>	<i>January 1, 2010</i>
<b>TARGET DATE FOR COMPLETION OF OBJECTIVE:</b>	<i>September 30, 2010</i>
<b>(2) IDENTIFIED ACTIONS TO BE TAKEN</b>	
<i>PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE</i>	<i>TARGET DATE</i>
<i>Develop standards for a model office/workstation work area based on input from employees, safety experts, and ergonomic experts</i>	<i>July 31, 2010</i>
<i>Expand Health and Safety Programs by identifying potential health and safety hazards; determining where, what and how to address real and perceived problems; and communicating improvements and actions taken.</i>	<i>May 30, 2010</i>
<i>Develop and promote employee groups for fitness, wellness, and safety programs</i>	<i>March 31, 2010</i>
<i>Conduct a detailed evaluation, including making recommendations, of all accident and health issue reports for the past three years and determine which location(s) and cause(s) create the high risk environment(s), develop plan for and take corrective action.</i>	<i>April 30, 2010</i>
<i>Conduct focus groups to identify approaches/ways to increase participation rate in teleworking</i>	<i>June 30, 2010</i>
<b>(3) OUTCOME MEASURES AND IMPROVEMENT TARGETS</b>	
<i>Participation in telework -- double in 2 years Increase number of participatory employee groups related to fitness, health and work/life issues Percentage of employees engaged in fitness and wellness programs – 40% in 2 years Number of accidents and OWCP claims – 10% reduction</i>	
<b>(4) HOW PROGRESS WILL BE TRACKED</b>	
<i>Quarterly reporting of number of employees using telework Number of severe accidents Number of OWCP claims Number of and participation in wellness and fitness groups or activities</i>	

**TEN ITEMS ON WHICH EEOC SCORED LOWEST COMPARED TO THE REST OF THE GOVERNMENT ON THE 2008 FCHS**

- o My workload is reasonable.*
- o My training needs are assessed.*
- o I recommend my organization as a good place to work.*
- o My work unit is able to recruit people with the right skills.*
- o I am given a real opportunity to improve my skills in my organization.*
- o My organization's leaders maintain high standards of honesty and integrity.*
- o Employees are protected from health and safety hazards on the job.*
- o I have sufficient resources (for example, people, materials, budget) to get my job done.*
- o How satisfied are you with the training you receive for your present job?*
- o How satisfied are you with your opportunity to get a better job in your organization?*

**ITEMS ON WHICH EEOC EMPLOYEE SATISFACTION DECREASED BETWEEN THE 2006 AND 2008 FHCS**

- o The people I work with cooperate to get the job done.*
- o I have enough information to do my job well.*
- o I have trust and confidence in my supervisor.*
- o Supervisors/team leaders in my work unit provide employees with the opportunities to demonstrate their leadership skills.*
- o I have sufficient resources (for example, people, materials, budget) to get my job done.*
- o My workload is reasonable.*
- o My talents are used well in the workplace.*
- o I know how my work relates to the agency's goals and priorities.*
- o Physical conditions (example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.*
- o Promotions in my work unit are based on merit.*
- o Managers/supervisors/team leaders work well with employees of different backgrounds.*
- o Managers communicate the goals and priorities of the organization.*
- o Managers review and evaluate the organization's progress toward meeting its goals and objectives.*
- o Employees are protected from health and safety hazards on the job.*
- o Prohibited Personnel Practices (i.e., illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment knowingly violating veterans' preference requirements) are not tolerated.*
- o How satisfied are you with your involvement in decisions that affect your work?*
- o How satisfied are you with the information you receive from management on what's going on in your organization?*
- o Considering everything, how satisfied are you with your pay?*
- o How satisfied are you with health insurance benefits?*
- o How satisfied are you with life insurance benefits?*
- o How satisfied are you with paid vacation time?*

- o How satisfied are with paid leave for illness (for example, personal, including family care situations (for example, childbirth/adoption or elder care)?)*
- o How satisfied are you with work/life programs (for example, health and wellness, employee assistance, elder care, and support groups)?*

**HUMAN CAPITAL ASSESSMENT AND ACCOUNTABILITY FRAMEWORK (HCAAF)**  
**INDICES WHERE EEOC SCORED LOWER THAN THE REST OF THE GOVERNMENT**

- o Leadership & Knowledge Management*
- o Results-Oriented Performance Culture*
- o Talent Management*

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