

FISCAL YEAR 2024

CONGRESSIONAL BUDGET JUSTIFICATION

SUBMITTED TO THE CONGRESS OF THE UNITED STATES
MARCH 2023



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

***Fiscal Year 2024
Congressional Budget Justification***

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

March 13, 2023

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



OUR MISSION

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

OUR VISION

Respectful and Inclusive Workplaces with Equal Employment Opportunity for All

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I. CHAIR'S REPORT

A. Fiscal Year (FY) 2024 Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC or Commission) is the leading federal law enforcement agency dedicated to preventing and addressing employment discrimination on the basis of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, and genetic information. The FY 2024 Budget requests \$481,069,000 for the EEOC, which includes up to \$31,500,000 for State, Local, and Tribal programs. This request reflects an increase of \$26,069,000 from the FY 2023 enacted budget level of \$455,000,000.

The EEOC was created by Title VII of the historic Civil Rights Act of 1964, which prohibited discrimination in employment on the basis of race, color, religion, sex, and national origin throughout the United States. Over the agency's history, the EEOC's jurisdiction and workload have grown substantially, due to the increased population and passage of additional federal employment laws. Today, the EEOC is responsible for enforcing the following laws:

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

Together, these laws protect individuals from employment discrimination (including unlawful harassment) based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, and genetic information. They also make it

illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination. Finally, provisions in the ADA, the Rehabilitation Act, and GINA strictly limit covered entities from obtaining health-related information from applicants and employees and require that any genetic or medical information a covered entity has about an applicant or employee be kept confidential.

B. Chair's Message

I am pleased to present the Fiscal Year (FY) 2024 Performance Budget Justification for the work of the U.S. Equal Employment Opportunity Commission (EEOC or the Commission) to advance equal employment opportunity. The FY 2024 Budget request of \$481,069,000 includes \$31,500,000 to support state and local fair employment practice agencies (FEPAs) and tribal employment rights offices (TEROs).

The EEOC was created in direct response to the historic 1963 March on Washington for Jobs and Freedom and first opened its doors in 1965 with a simple mission — to prevent and remedy discrimination in our nation's workplaces. Since then, America has made substantial progress toward that goal, but history shows that we cannot take that progress for granted. Today, the EEOC's role in promoting equal employment opportunity and enforcing the nation's federal workplace anti-discrimination laws is as necessary as ever. We continue to work toward an America where all people have a fair chance to obtain employment, provide for their families, and contribute to our economy. The Commission is firmly committed to this goal and will build on its proud legacy of civil rights accomplishments to help achieve it.

Fiscal Year 2024 Priorities

The Biden-Harris Administration has called for a whole-of-government approach to addressing systemic discrimination and advancing equal opportunity, and the EEOC has a critical role in achieving that agenda. As Chair, I am focused on strengthening and rebuilding the agency and using our resources strategically to ensure the EEOC can vigorously enforce the law. With the President's mark, the EEOC will focus, in particular, on six areas – advancing racial justice and combatting systemic discrimination on all protected bases; protecting pay equity; supporting diversity, equity, inclusion, and accessibility (DEIA); addressing the use of artificial intelligence in employment decisions and preventing unlawful retaliation.

Racial Justice and Systemic Discrimination

As the primary federal agency that enforces laws against employment discrimination, the EEOC must continue to play a large role in promoting racial justice and combatting the persistent problem of systemic discrimination in employment. Accordingly, with this proposed budget, the Commission will provide renewed attention to tackling systemic employment discrimination in all forms and on all bases – including but not limited to systemic discrimination based on race. Eliminating systemic barriers to equal opportunity in the workplace will allow the EEOC to leverage its work to achieve the greatest impact. To this end, the EEOC will employ numerous tools, including outreach and education, technical assistance, and enforcement, and will use all of them to achieve change on a broad scale. Robust, strategic systemic enforcement is an important part of these efforts and will allow the

EEOC to make changes on a national, regional or industry level while helping substantial numbers of employees at once.

Over the past five fiscal years, nearly a third of all charges filed with the agency have alleged some form of racial discrimination. The focus on systemic discrimination while also investigating individual charges will help address the long-standing problem of discrimination based on race more effectively than a focus on individual charges alone.

The EEOC will also continue to play an important role in working with employers who seek guidance on how to appropriately respond to questions about fairness in their own practices through technical assistance, outreach and education, and guidance. With the Commission's partners across the federal government, we can help employers eliminate systemic discrimination and proactively promote diversity, equity, inclusion, and accessibility in employment.

Pay Equity

Although it has been more than 50 years since the Equal Pay Act and Title VII of the Civil Rights Act of 1964 outlawed pay discrimination, significant and unjustified pay disparities persist. Today, women working full-time make only 82 cents to the dollar when compared to white non-Hispanic males, and the gap is even wider for women of color, Native American and indigenous women, immigrants, and workers with disabilities.

Although not all pay disparities result from discrimination, unlawful discrimination in pay and promotions as well as other discriminatory factors like race and gender segregation in jobs and assignments contribute to the problem. The EEOC will continue to use all the tools at its disposal, including outreach and education, enforcement and, where necessary, litigation to address pay discrimination and unjustified wage gaps. The Commission will also pursue ways to advance pay equity and combat pay discrimination. In FY 2022, the National Academies of Sciences issued a report that supported the use of pay data collection as a tool to combat pay discrimination and provided recommendations for potential future collections. This report will assist the agency to better focus its resources to address discriminatory compensation practices more effectively and narrow the pay gap.

Diversity, Equity, Inclusion, and Accessibility (DEIA)

On June 25, 2021, President Biden issued Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, which provides that the Federal Government, as the nation's largest employer, will promote equal opportunity through diversity, equity, inclusion, and accessibility (DEIA) in the federal workforce. The Executive Order directs agencies to develop and implement a more comprehensive, integrated, and strategic focus on DEIA as key components of their strategies.

Since the publication of the Executive Order, the EEOC has embarked on additional key initiatives to advance DEIA in its own workplace and across the federal government. The EEOC, along with the Office of Personnel Management (OPM) and Office of Management and Budget (OMB), has taken a leadership role in coordinating DEIA activities across the federal government to assist agencies in implementing the DEIA Executive Order. The agency is also helping to identify and adopt best practices and strategies to promote DEIA in the federal

workplace and to identify and remove barriers to equal employment opportunity consistent with merit system principles and applicable law.

The EEOC's own DEIA Strategic Plan lists the agency's proposed goals and a strategy to implement the agency's new DEIA program. The Plan is designed to achieve four overarching goals:

Workforce Diversity. Recruit from a diverse, qualified group of potential applicants drawn from all segments of American society to secure and retain a high-performing workforce.

Employee Equity. Create and ensure equal opportunity for all aspects of the employment life cycle.

Inclusive Practices. Cultivate a culture that encourages collaboration, flexibility, and fairness to enable individuals to reach their full potential.

Accessibility. Develop and maintain facilities, information and communication technology, programs, and services so that all EEOC employees can fully and independently use them to perform the essential functions of their work.

The creation, in FY 2022, of the EEOC's Office of Civil Rights, Diversity, and Inclusion (OCRDI) lays the foundation for the agency's efforts to achieve these goals. The EEOC is committed to becoming an organization that seeks out and employs people with differing points of view, backgrounds, experiences, perspectives, and ideas. The OCRDI demonstrates our commitment to being a learning organization that values the importance of cognitive and identity diversity, inclusion, and fusion in driving innovation to advance our mission.

Artificial Intelligence and Algorithmic Fairness

In FY 2021, I launched an agency-wide initiative to ensure that the use of software, including artificial intelligence (AI), machine learning, and other emerging technologies used in hiring and other employment decisions comply with the federal civil rights laws that the EEOC enforces. It is abundantly clear that while AI systems may offer new opportunities for employers, they also have the potential to discriminate.

Through the initiative, we have examined more closely how existing and developing technologies fundamentally change the ways employment decisions are made. As part of the initiative, the EEOC:

- Issued technical assistance to provide guidance on algorithmic fairness and the use of AI in employment decisions on [The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees](#), including [tips for workers](#) and an accompanying [video](#) in American Sign Language.
- Held [listening sessions](#) with key stakeholders about algorithmic tools and their employment ramifications; and,

- Gathers information about the adoption, design, and impact of hiring and other employment-related technologies.

Moving forward, the agency will continue our efforts to provide guidance to employers, employees, job applicants, and vendors to ensure that these technologies are used fairly and consistently with federal equal employment opportunity laws.

Retaliation

Retaliation is a persistent and urgent problem in American workplaces. Charges alleging retaliation have increased as a percentage of the total number of charges filed with the EEOC every year for the last 20 years and represent the largest number of allegations filed with the agency. Working with interagency partners and with employers, EEOC will continue to tackle this urgent problem and help ensure that employers have effective strategies for taking immediate action to stop retaliation. The EEOC, the U.S. Department of Labor (DOL) and the National Labor Relations Board (NLRB) are working through a joint initiative to raise awareness about retaliation issues when workers exercise their protected labor rights. The initiative includes collaboration among these civil law enforcement agencies to protect workers on issues of unlawful retaliatory conduct, educate the public and engage with employers, business organizations, labor organizations and civil rights groups.

Strengthening the Agency

Finally, I have made it a priority to rebuild and strengthen the agency. The Commission has a critical role to play in addressing many urgent civil rights issues - including employment-related impacts of the COVID-19 pandemic, racial justice, unlawful harassment, pay equity, and the continued implementation of the Supreme Court's historic decision in *Bostock v. Clayton County*, which affirmed protections against discrimination based on sexual orientation and gender identity - to name just a few. It is crucial that the Commission have the resources and tools it needs to continue to protect and advance civil rights, both now and far into the future. First and foremost, that requires ensuring that the Commission has sufficient staff necessary to address its expanding workload.

By fiscal year 2020, the EEOC's full-time staffing had dropped to its lowest level in four decades, from over 3,390 employees in 1980 to fewer than 2,000 employees. During that same period, even as the agency's resources declined, its workload expanded due to the increase in the U.S. population and passage of important new legislation that created new civil rights protections, such as the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and the Genetic Information Nondiscrimination Act of 2008. Fortunately, Congress' support in the EEOC's FY 2021 budget made it possible to fill more than 450 positions throughout the agency - predominantly front-line staff to help restore our ability to fulfill the agency's vital role in helping prevent and remedy employment discrimination. In FY 2022, the EEOC focused on robust workforce planning and hiring to continue to strategically grow our enforcement capacity. The addition of new employees in mission critical positions over the past two fiscal years is a down payment on what I hope will be a vitally important long-term investment to ensure that the EEOC has resources commensurate with its task. With the President's mark and continued workforce planning, I plan to continue to invest in hiring and

training to empower our staff to advance the agency's mission and vigorously enforce the laws entrusted to the EEOC.

In addition to hiring new staff, the EEOC is working to ensure that its own employment practices embody the agency's values and to support employees by providing the tools, and other resources employees need to be as effective as possible in their work. The Commission continues to embrace the principles of equal employment in its own workplace, recognizing that doing so will enhance the EEOC's overall effectiveness. In addition to providing workplace flexibilities, I have authorized increased training to support EEOC employees. Working in partnership with internal stakeholders, including the EEOC's union, this process will provide the self-assessments and information to foster employee engagement, satisfaction, and productivity within the EEOC's workforce.

The EEOC was established as a result of America's bipartisan, national commitment to civil rights. As such, the institution serves as tangible proof that the causes of justice and equality are greater than hatred, division, and bigotry. That legacy and our work are critically important to the American people and to this administration as we rebuild the economy to work for everyone and confront the urgent civil rights issues of our time.

Sincerely,



Charlotte A. Burrows

Chair

U.S. Equal Employment Opportunity Commission

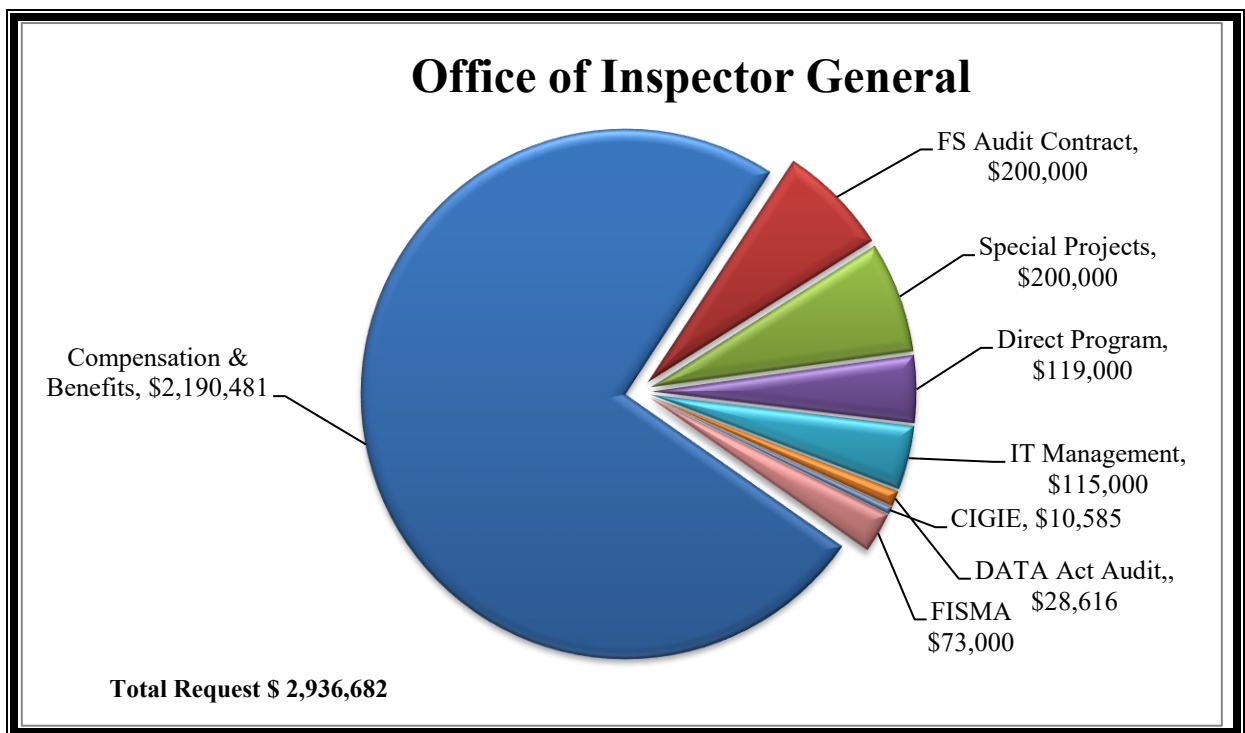
II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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

Category	Amount
Office of Inspector General Initial Request	\$2,936,682
Aggregate amount of funds	\$2,936,682 ¹
Amount requested in OIG budget for training	\$62,000 ²
Amount requested to support CIGIE	\$ 10,585 ³

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

Chart 1: Office of Inspector General



¹ This is the total aggregate request for the OIG.

² The Inspector General certifies that this amount would satisfy all OIG training requirements for FY 2024.

³ .0036 percent of \$2,936,682 or \$10,585 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE)

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III. BUDGETING AND ACCOUNTING INFORMATION

A. Appropriation Language

U.S. Equal Employment Opportunity Commission

Salaries and Expenses

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621), the Equal Pay Act of 1963 (29 U.S.C. § 206), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 705), the Civil Rights Act of 1991 (Pub. L. 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and up to \$31,500,000 for payments to State Local and Tribal enforcement agencies for authorized services to the Commission, [\$455,000,000]

\$481,069,000: Provided further, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: [Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act:] Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

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B. Staffing and Funding Profile

Table 1 below depicts the EEOC's total agency staffing and funding profile by Strategic Objectives and Programs for FYs 2022 through 2024.

Table 1: Total Agency Staffing and Funding Profile

FY 2022 to FY 2024 (Dollars in thousands*)				
Category	FY 2022 (Actual)	FY 2023 (Enacted)	FY 2024 (Request)	Change From FY 2023
Strategic Objective I: Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities				
1. Private Sector Enforcement	\$318,864	\$348,484	\$370,546	\$22,062
State, Local and Tribal	\$31,500	\$31,500	\$31,500	0
2. Federal Sector Enforcement	\$63,636	\$69,016	\$73,023	\$4,007
Total Strategic Objective I	\$414,000	\$449,000	\$475,069	\$26,069
Strategic Objective II: Prevent employment discrimination and promote inclusive workplaces through education and outreach				
Outreach (Non-Fee based)	\$6,000	\$6,000	\$6,000	\$0
Total Strategic Objective II	\$6,000	\$6,000	\$6,000	\$0
Agency Total (includes Strategic Objective III Resources listed below)	\$420,000	\$455,000	\$481,069	\$26,069
Total Full-Time Equivalents**	2,041	2,162	2,162	0
Management Objective: Achieve organizational excellence				
Highlighted Resource Areas: Information Technology	\$24,564	\$25,773	\$28,706	\$2,933

*May not add due to rounding.

**Includes 14 FTE Reimbursable from Revolving Fund.

C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes between the EEOC's appropriation for FY 2023 and request for FY 2024.

Table 2: Analysis of Change

FY 2024 (Dollars in thousands)			
Category	FY 2023 (Enacted)	FY 2024 (Request)	Net Change (+/-)
Spending Authority <i>(Includes State, Local and Tribal)</i>	\$455,000	\$481,069	\$26,069
Explanation of Changes:			Amount
Compensation and Benefits	320,834	337,529	16,695
Total Compensation and Benefits*	320,834	337,529	16,695
Subtotal Compensation Changes			\$16,695
Program Support Changes			
1. State, Local and Tribal Programs	31,500	31,500	0
2. Information Technology Enterprise Systems	25,773	28,706	2,933
3. Chief Human Capital Officer (OCHCO)	5,732	5,873	141
4. Additional program increases	6,687	12,987	6,300
Program Support Changes			\$9,374
Total Net Change			\$26,069

* FY 2024 Compensation and Benefits (C&B) reflects agency estimates as of January 2023. The estimate includes a 5.2 percent pay increase - \$9,144M; employee performance awards – \$6.145M.

D. Object Class – Agency Summary

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

Table 3: Object Class Schedule – Agency Summary

Agency Summary Requirements by Object Class FY 2022 to FY 2024 (Dollars in thousands*)			
OBLIGATIONS BY OBJECT CLASS	FY 2022 (Actual)	FY 2023 (Enacted)	FY 2024 (Request)
Personnel Compensation			
11.1 Full-time permanent (FTP)	\$211,910	\$224,828	\$230,446
11.3 Other than FTP	1,088	2,200	2,200
11.5 Other personnel compensation	7,666	7,181	7,000
Total Personnel Compensation	220,664	234,209	239,646
12.1 Civilian personnel benefits	80,508	86,626	97,883
Total Compensation and Benefits	301,172	320,835	337,529
21.1 Travel of persons	823	2,000	2,000
22.0 Transportation of things	27	25	25
23.1 Rental payment to GSA	32,906	34,224	34,684
23.2 Other rent/communications	3,527	4,500	4,500
24.0 Printing and reproduction	31	100	100
25.1 State, local, and tribal contracts	31,500	31,500	31,500
25.2 Security services (including DHS)	4,275	3,769	3,957
25.2 Other services from non-federal sources	33,294	44,347	53,074
25.2 Litigation support	1,764	3,500	3,500
25.3 Other goods & services from federal sources	6,108	6,000	6,000
26.0 Supplies and materials	4,026	3,000	3,000
31.0 Equipment	547	1,200	1,200
Total Other Object Classes	118,828	134,165	143,540
Agency Total	\$420,000	\$455,000	\$481,069

*May not add due to rounding

E. Object Class Summary- Technology Modernization Fund (TMF)

Table 4: Object Class Schedule – Technology Modernization Fund Summary

(No Year Funding)

OBLIGATIONS BY OBJECT CLASS (Dollars in thousands*)	FY 2020 (Transferred)	FY 2022 (Transferred)
25.2 Other services from non-federal sources	2,000	2,000
Total Object Classes	2,000	2,000
Technology Modernization Fund Total	\$2,000	\$2,000

IV. ENTERPRISE RISK MANAGEMENT PLAN

During FY 2022, the EEOC continued to improve the agency's enterprise risk management (ERM) framework, which identifies, prioritizes, and manages institutional risk at all levels of the agency. In FY 2020, the ERM Handbook was updated to reflect the importance of information security, cybersecurity, and physical security in developing the agency's risk registers and profiles. The agency will continue to incorporate ERM into decision-making and focus on the integration of risk management and internal controls. As the EEOC's ERM program matures, the Handbook will continue to keep pace with industry standards.

The agency's risk management approach supports our ability to identify, analyze, and appropriately respond to strategic risks across the full spectrum of the EEOC's activities. Through ERM, we:

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

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

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V. STRATEGIC PLAN AND PERFORMANCE MEASURES

A. The Strategic Plan for Fiscal Years 2018 - 2022⁴

1. Introduction

The U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2018-2022 (“Strategic Plan” or “Plan”) establishes a framework for achieving the EEOC’s mission to “Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace,” so that the nation may realize the Commission’s vision of “Respectful and inclusive workplaces, with equal employment opportunity for all.”

Through enactment of the Government Performance and Results Act (GPRA) Modernization Act of 2010 (GPRAMA), Congress has directed executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular A-11 from the Office of Management and Budget (OMB) instructs agencies on the necessary elements required in an agency’s plan and the requirements to publish a new plan with the beginning of each new term of an administration. The Commission approved the EEOC’s Strategic Plan on February 12, 2018. It is located at https://www.eeoc.gov/eeoc/plan/strategic_plan_18-22.cfm.

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

Strategic Objective I – Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities. The corresponding outcome goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint. The five performance measures and FY 2022 results for these measures are more fully described in Section VI.B., starting on Page 27.

Strategic Objective II – Prevent employment discrimination and promote inclusive workplaces through education and outreach. The corresponding outcome goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces. The three performance measures and FY 2022 results for these measures are more fully described in Section VII.B., starting on Page 60.

Strategic Objective III (Management Objective) – Achieve Organizational Excellence. The corresponding outcome goals are: 1) Staff exemplify a culture of excellence, respect, and accountability; and 2) Resource allocations align with priorities to strengthen outreach, education, enforcement, and service to the public. The four performance measures and FY

⁴ The EEOC’s draft 2022-2026 Strategic Plan is in progress and is expected to be approved by the Commission sometime this fiscal year.

2022 results for these measures are more fully described in Section VIII.B., starting on Page 72.

The Plan presents clear and realistic strategies for achieving each outcome goal and identifies 12 performance measures with annual targets to track the EEOC's progress as it approaches FY 2023. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the following Strategic Plan Diagram.

MISSION	VISION
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.	Respectful and inclusive workplaces with equal employment opportunity for all.

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

Strategic Objective I	Strategic Objective II	Management Objective
Outcome Goal I.B: Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint. Strategy I.B.1: Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC’s priorities and to integrate agency responsibilities and activities. Strategy I.B.2: Rigorously and consistently implement the charge management systems for private sector and state and local government charges. Strategy I.B.3: Further develop and rigorously and consistently implement a case management system for federal sector hearings and appeals.	prevent discrimination in the workplace. Strategy II.B.3: Target outreach to small and new employers. Correlated Strategies: Strategy II.A.3/II.B.4: Provide up-to-date, accessible guidance and training on the requirements of employment discrimination laws. Strategy II.A.4/II.B.5: Increase the knowledge of targeted audiences through focused, innovative collaborations with internal and external stakeholders.	Strategy III.A.6: Foster constructive employee and labor management relations. Strategy III.A.7: Strive to model the workplace practices the EEOC promotes. Outcome Goal III.B: Resource allocations align with priorities to strengthen outreach, education, enforcement, and service to the public. Strategy III.B.1: Embrace and invest in technology to transform the way the EEOC serves the public and to improve productivity. Strategy III.B.2: Expand the use of data and technology to support, evaluate, and improve the agency’s programs and processes. Strategy III.B.3: Prioritize and actively manage available fiscal resources to best achieve the agency’s mission.

PERFORMANCE MEASURES

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

STRATEGIC OBJECTIVE I:	STRATEGIC OBJECTIVE II:	MANAGEMENT OBJECTIVE:
Performance Measure 4 for Outcome Goal I.A.: By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations. Performance Measure 5 for Outcome Goal I.B.: By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria. Sub-Measure 5a.: By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan. Sub-Measure 5b.: By FY 2022, 90 percent of federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.		

VI. STRATEGIC OBJECTIVE I – Combat and prevent employment discrimination through the strategic application of the EEOC’s enforcement authorities

A. Introduction

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

There are two outcome goals for Strategic Objective I:

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

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

The EEOC currently conducts its enforcement activities under the guidance of the Strategic Enforcement Plan (SEP) for FYs 2017-2021. The SEP for FYs 2017 through 2021 was approved by vote of the Commission in December 2016. The previous SEP for FYs 2013 through 2016, issued in December 2012, was the successor to the 1996 National Enforcement Plan (NEP). Both SEPs established substantive area priorities and set forth strategies to integrate all components of the EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace.

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

It also recognizes that an individual charge or case can have strategic impact. Effective strategic enforcement includes a balance of individual and systemic cases, and of national and local issues, acknowledging that each may have strategic impact in varied ways.

In addition, the SEP clarifies how the SEP priorities will be integrated into the EEOC’s charge management system, the Priority Charge Handling Procedures (PCHP), created in 1995. Finally, it also reaffirms the importance of strengthening the integration of staff efforts across programs and offices and ensuring accountability to operate as "One EEOC." These efforts are essential to ensure that the agency's resources are leveraged most effectively.

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

Table 5, shown below, outlines our budget information for the agency’s enforcement programs under Strategic Objective I.

**Table 5: Budget request Summary for
Strategic Application of Law Enforcement Authorities**

FY 2022 to FY 2024 (Dollars in thousands*)			
Category	FY 2022 (Actual)	FY 2023 (Enacted)	FY 2024 (Request)
Private Sector Enforcement	\$318,864	\$348,484	\$370,546
Administrative Charge Resolution	216,646	236,771	251,762
Mediation	24,781	27,083	28,797
Litigation	77,437	84,630	89,987
State, Local and Tribal	31,500	31,500	31,500
Federal Sector Enforcement	\$63,636	\$69,016	\$ 73,023
Hearings	34,365	37,269	39,433
Appeals	20,786	22,544	23,853
Mediation	1,213	1,316	1,392
Oversight	7,272	7,887	8,345
Total	\$414,000	\$449,000	\$475,069

*May not add due to rounding.

B. Performance Measures and Results

Performance Measure 1 for Outcome Goal I.A.:

By FY 2022, a significant proportion of the EEOC and FEPA resolutions contain targeted, equitable relief (TER).

Sub-Measure 1a: By FY 2022, 86-88 percent of the EEOC’s resolutions contain targeted, equitable relief.		
Category	FY 2021	FY 2022
Target	85-87 percent	86-88 percent
Result	93.6 percent	91.4 percent
Measure	N/A	Target Exceeded

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

The FY 2022 target for Performance Sub-Measure 1a was for at least 86-88 percent of the EEOC's resolutions to contain targeted, equitable relief. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future.

Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate. By fiscal year-end, the agency had far exceeded the targeted range, reporting 615 administrative and legal resolutions with targeted, equitable relief out of 673 resolutions, or 91.4 percent.

Sub-Measure 1b: By FY 2022, 17-19 percent of FEPA resolutions contain targeted, equitable relief.		
Category	FY 2021	FY 2022
Target	16.5-18.5 percent	17-19 percent
Result	20.9 percent	18 percent
Measure	N/A	Target Met

The FY 2022 target for Performance Sub-Measure 1b was for at least 17-19 percent of FEPA resolutions to contain targeted, equitable relief. During Q1 of FY 2022, FEPAs met the target range with 18 percent of resolutions containing targeted, equitable relief. Data on this measure is only available for Q1 of fiscal year 2022 due to unexpected reporting issues following the launch of the EEOC's new digital charge database, the Agency Records Center (ARC), in January 2022.

Both Sub-Measures 1a and 1b under Performance Measure 1 were designed to encourage the EEOC and the FEPAs to seek relief that goes beyond monetary damages for individual victims of discrimination. Performance Measure 1b measures all FEPA resolutions, which acknowledges the differences in their administrative procedures. Unlike the EEOC, not all FEPAs engage in conciliation. This measure ensures that the protection of equitable relief that the FEPAs obtained is captured.

Performance Measure 2 for Outcome Goal I.A.

Performance Measure 2: By FY 2022, the EEOC favorably resolves at least 90 percent of the agency's enforcement lawsuits.		
Category	FY 2021	FY 2022
Target	90 percent	90 percent
Result	95.7 percent	94.8 percent
Measure	N/A	Target Exceeded

Performance Measure 2 places a premium on maintaining the high level of successful resolutions in our litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement resolving litigation. Achieving success for this measure ensures that we continue to exercise our prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As stated in the SEP for FYs 2018-2022, effective strategic enforcement includes a balance of individual and systemic cases, and those involving national and local priority issues, recognizing that each may have strategic impact in varied ways. This measure is significant because cases that involve priority issues under the SEP are often challenging and resource intensive, especially in cases involving emerging or developing issues and systemic cases.

The FY 2022 target for Performance Measure 2 was for the agency to favorably resolve 90 percent of its enforcement lawsuits. By fiscal year-end, the agency had exceeded the target with 91 out of 96, or 94.8 percent, of its enforcement lawsuits resolved favorably.

Performance Measure 3 for Outcome Goal I.A.

Performance Measure 3: Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.		
Category	FY 2021	FY 2022
Target	Report issued.	Report issued.
Result	The report was issued on October 19, 2021.	The report is currently under review.
Measure	N/A	Target Partially Met*

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

Performance Measure 3 focuses on the use and reporting of data to ensure the EEOC has a coordinated, strategic, and effective approach to systemic enforcement. To track the agency's progress in identifying and resolving systemic discrimination, the FY 2022 target for this performance measure requires the EEOC to maintain data and release a report annually detailing the agency's efforts to identify and resolve systemic discrimination.

The EEOC has posted [specific information concerning its systemic program for fiscal years 2019, 2020, and 2021](#). It includes information on the number of ongoing systemic investigations, the number of systemic resolutions, the systemic conciliation rate, and monetary relief recovered.

Performance Measure 4 for Outcome Goal I.A.

Performance Measure 4: By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on the EEOC's recommendations.		
Category	FY 2021	FY 2022
Targets	75 percent of federal agencies have compliant reasonable accommodation procedures. 65 percent of federal agencies have a compliant anti-harassment policy. 65 percent of recommendations made in agency program evaluations completed in FY 2019 are substantially implemented.	90 percent of federal agencies have compliant reasonable accommodation procedures. 75 percent of federal agencies have a compliant anti-harassment policy. 70 percent of recommendations made in agency program evaluations completed in FY 2020 are substantially implemented.
Results	79.4 percent of federal agencies have compliant reasonable accommodation procedures. 68.7 percent of federal agencies have a compliant anti-harassment policy. Two program evaluations were conducted in FY 2019 but were not completed by the end of the fiscal year.	90.4 percent of federal agencies have compliant reasonable accommodation procedures. 78.8 percent of federal agencies have a compliant anti-harassment policy. 78 percent of recommendations made in agency program evaluations completed in FY 2020 are substantially implemented.
Measure	N/A	Target Exceeded

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

The FY 2022 targets for Performance Measure 4 were designed to capture the percentage of reasonable accommodations procedures, anti-harassment procedures, and program evaluation recommendations from EEOC that were implemented by agencies during the fiscal year.

By fiscal year-end, 179 out of 198 agencies, or 90.4 percent of federal agencies receiving feedback from the EEOC, had compliant reasonable accommodation procedures. Also, as of September 30, 2022, 78.8 percent or 160 out of 203 federal agencies that received EEOC feedback, had compliant anti-harassment policies.

Throughout fiscal year 2022, the Office of Federal Operations (OFO) partnered with the Department of Defense (DoD) to ensure that all of its sub-components had a compliant anti-harassment policy. Since December 31, 2021, OFO has approved 26 policies,

including 11 DoD policies. As a result, the percentage of compliant policies increased substantially. Since January 1, 2022, OFO has approved 19 reasonable accommodation procedures. The percentage of compliant procedures significantly increased from 82.86 percent on December 31, 2021, to 90.40 percent on September 30, 2022

Throughout FY 2022, the EEOC reviewed compliance and recorded successful completion of targets based on prior recommendations to ensure that 70 percent of federal agencies substantially implemented agency recommendations in program evaluation reports. While the EEOC initiated two program evaluations in FY 2019, given the scope of the evaluations and that they involved large departments, the EEOC completed the evaluations in FY 2020. For the recommendations made in agency program evaluations completed in FY 2020, the EEOC exceeded the goal of 70 percent, also as of September 2022, with 78 percent of recommendations substantially implemented.

Performance Measure 5 for Outcome Goal I.B.:

By FY 2022, a significant proportion of investigations, conciliations, hearings, and appeals meet established quality criteria.

Performance Measure 5 Sub-Measure 5a: By FY 2022, 88 percent of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices (QEP) Plan.		
Category	FY 2021	FY 2022
Target	87 percent	88 percent
Result	90.9 percent	92.7 percent
Measure	N/A	Target Exceeded

Performance Measure 5 builds on the EEOC's previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. For the private sector, the Commission approved a plan for [Quality Enforcement Practices for Effective Investigations and Conciliations](#) (QEP) in September 2015. The QEP promote the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In FY 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in FY 2017. In FY 2018, the benchmarks were used to project future targets. The FY 2022 target for Performance Sub-measure 5a was for 88 percent of the EEOC's charge investigations and conciliations to meet criteria established in the QEP.

In FY 2022, the EEOC conducted thorough reviews of closed charges to assess the quality of investigations and charge processing resolutions. The agency reviewed 630 completed investigations from the EEOC's 53 offices, including 323 conciliations, or 1 percent of the EEOC's resolution inventory. Overall, 92.7 percent of the charge files reviewed met established quality standards, which is an increase of 1.8 percentage points from FY 2021. Of the conciliation resolutions, 98.5 percent of the charge files reviewed met established quality standards, which is an increase of 1.3 percentage points from FY 2021.

Performance Measure 5 Sub-Measure 5b: By FY 2022, 90 percent of federal sector hearings and appeals meet criteria in the Federal Sector Quality Practices Plan.		
Category	FY 2021	FY 2022
Target	88.5 percent	90 percent
Result	91.8 percent	94.6 percent
Measure	N/A	Target Exceeded

For the federal sector, Performance Sub-Measure 5b builds on the Federal Sector Quality Practices (FSQP) approved by the Commission on January 10, 2017, which includes quality components for hearings and appeals. In FY 2018, the agency established a baseline and projected future targets for federal sector hearings and appeals to meet criteria established in the FSQP. The agency implemented a checklist for assessing quality practices and applied it to a sampling of draft decisions to create a baseline from which to

set FSQP quality improvement goals in the outlying years. The baseline established was 80 percent of the files to meet the quality standards.

The FY 2022 target for this measure was for the EEOC to increase the percentage of federal sector hearings and appeals that meet criteria established in the FSQP to 90 percent. During the fiscal year, the agency evaluated decisions applying the metrics developed in FY 2018. These evaluations determined that, on average, the goal was exceeded – 93.1 percent of the federal sector hearings met the criteria established in the FSQP. When combined with the 96.1 percent of appellate reviews, the overall results were 94.6 percent, thereby exceeding the annual target.

C. Program Areas

1. Private Sector Enforcement

Management of the Charge Workload to Enforce the Nation's Federal Workplace Anti-Discrimination Laws

The public's demand for the EEOC's services to resolve charges of discrimination continues to challenge the agency, even as we invest in staff and systems to strengthen our enforcement, deliver excellent service to the public, and promote compliance with federal civil rights laws. Because of the high demand for the EEOC's services and in order to implement the agency's mission of eradicating employment discrimination more effectively, in 1995 the Commission adopted the use of Priority Charge Handling Procedures (PCHP). PCHP, as implemented, categorizes charges for priority handling based on the likelihood of an investigation resulting in a finding of reasonable cause to believe discrimination occurred. The EEOC uses PCHP to make determinations regarding the level of resources to commit to different investigations, emphasizing that the investigation for each case should be appropriate to the particular charge – taking into account the EEOC's resources. The EEOC has periodically renewed its focus on implementation of PCHP and other strategies to achieve and maintain a balanced and sustainable inventory.

In FY 2022, the agency continued to prioritize ensuring that it had sufficient staff to address its expanding workload. During FY 2022, the agency continued rebuilding its staff, which in FY 2020 had reached its lowest level in four decades. The EEOC authorized hiring for more than 350 positions and ended the year with 2,187 employees. Notably, the majority of positions were filled by individuals who were new to the agency and predominately front-line staff (investigators, mediators, attorneys, and administrative staff among other positions). As a result of this hiring effort, the EEOC was able to continue to address critical service and morale issues by restoring staffing losses in key areas. These hires also better positioned the agency to provide quality services to the public and ensure timely and appropriate resolution of discrimination charges.

The number of field staff at the beginning of FY 2022 was 1,367, with 442 available investigators. At the beginning of FY 2022, the Office of Field Programs (OFP) was authorized to fill 134 positions. Additional hiring authorizations during FY 2022 resulted in the hiring of a total of 278 field staff. With a focus on increased staffing, the EEOC was able to realize significant program accomplishments. For example, in FY 2022, the agency ended the fiscal year with 51,399 charges. While this number is 20 percent higher than the prior fiscal year, the increase is due to a 20 percent increase in charges received in FY 2022 compared with FY 2021. While changes in charge receipts from year-to-year is unpredictable, adequate staffing levels allow us to continue to effectively manage the workload.

In addition, having additional staff to focus on inventory management enhances service to the public and allows staff additional time and resources to devote to developing and resolving meritorious charges of discrimination. In FY 2022, the

overall private sector merit factor rate was 18.6 percent. This was a slight decrease from the FY 2021 merit factor rate of 19.2 percent which was due to the resolution of over 4,000 charges filed this fiscal year alleging religious or disability discrimination related to employers' COVID-19 vaccine mandates. The merit factor rate for charges that did not involve allegations of discrimination related to the COVID-19 vaccine mandate was 19 percent, nearly identical to the outstanding merit factor rate in FY 2021. In addition, the EEOC secured over \$342 million in monetary relief for more than 33,298 individuals during the administrative process, including the successful resolution of 44 percent of conciliations, which represented an almost 3 percentage point increase from the 41.1 percent rate in fiscal year 2021. The EEOC recovered \$39.3 million for victims of discrimination through conciliation and pre-determination settlements in fiscal year 2022 and obtained targeted, equitable relief in 91.5 percent of all conciliation agreements.

In addition to significant hiring, we also continued to focus on additional approaches to utilize a multi-pronged effort to ensure that we are managing our inventory efficiently and providing quality service to charging parties and respondents, while focusing agency resources on charges where the government can have the greatest impact on workplace discrimination. We will continue to focus on innovative approaches and to invest in systems to better serve the public and advance the agency's mission of preventing and remedying discrimination. Beginning in FY 2018, the EEOC devoted significant resources to transforming our paper system to a digital charge system with additional features to provide the parties with online capabilities to interact with agency staff, submit relevant documents, and review charge status. As a result of these efforts, the EEOC's routine operations, both externally and internally, are now entirely digital, leading to increased efficiencies in quality workload management. While the benefits of digital operations are fully realized, the agency continues to ensure accessibility to all individuals and does not require paperless document exchanges.

Training of staff in effective case management is critical to efficient resolution of charges. Additionally, training for newly hired investigators is central to the agency's ability to conduct effective efficient investigations. In the first quarter of FY 2022, training was conducted for 103 new investigators, as well as 48 Investigative Support Assistants (ISAs), and 30 Office Automation Assistants (OAAs). Toward the end of the second quarter FY 2022, EEOC held New Investigator Training for 55 participants, which included new EEOC investigators as well as investigative staff from Fair Employment Practices Agencies (FEPA) and the Office of Federal Contract Compliance Programs (OFCCP). Each New Investigator Training was a two-week intensive introductory level training for investigative staff that covers important topics that are critical to the development of New Investigators.

The agency also held four training sessions for all enforcement staff nationwide on identifying, investigating, and conciliating systemic discrimination. Furthermore, training was provided on new and emerging issues that all investigators need to effectively handle, including matters related to COVID-19 (for example, discrimination related to disability, religious accommodation, and discrimination and harassment against Asian-American and Pacific Islanders), increased awareness surrounding LGBTQI+ issues to ensure robust implementation of the Supreme

Court's landmark decision in *Bostock v Clayton County*, and EEOC's alignment with Executive Order 13175 and our relationship with Native American Tribes and Tribal Employment Rights Offices (TEROs).

Chart 2 below shows actual pending inventory at fiscal year end from FY 2021 through FY 2022 and anticipated workload maintenance from FY 2023 through 2026.

Chart 2: Private Sector Charges Pending – Ending Inventory

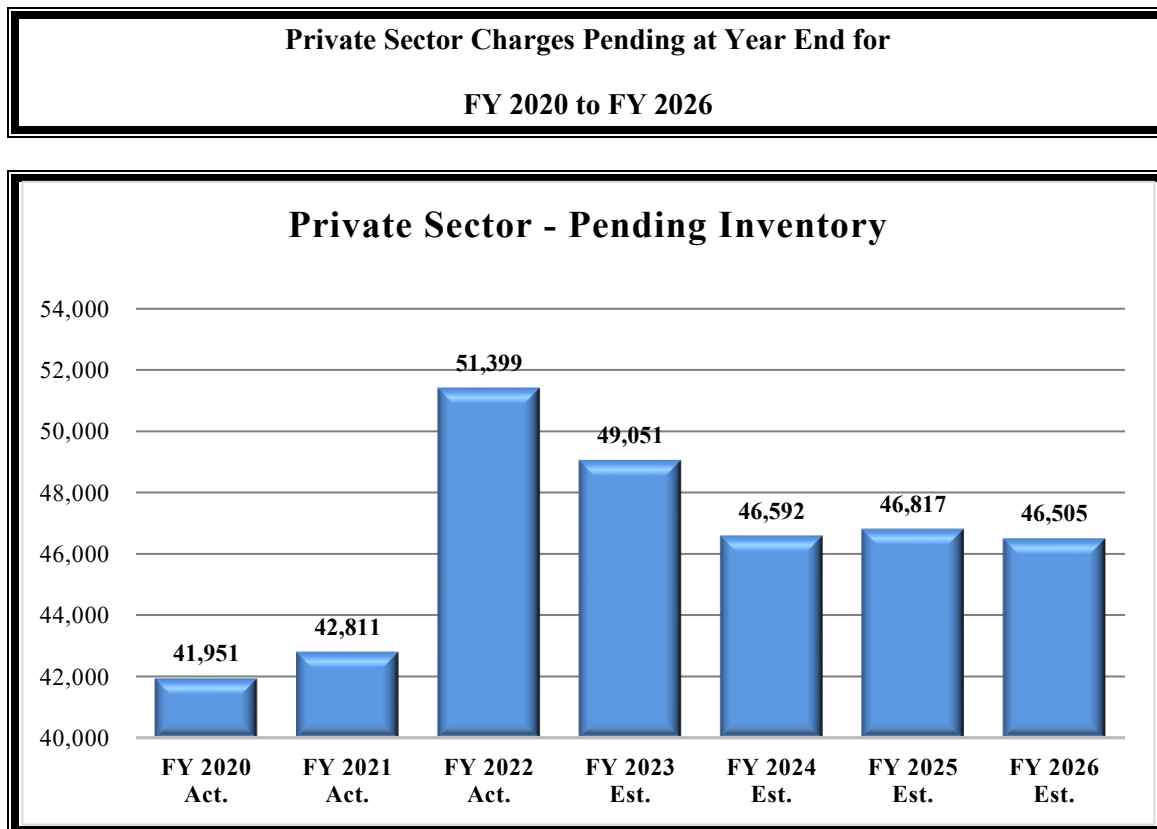
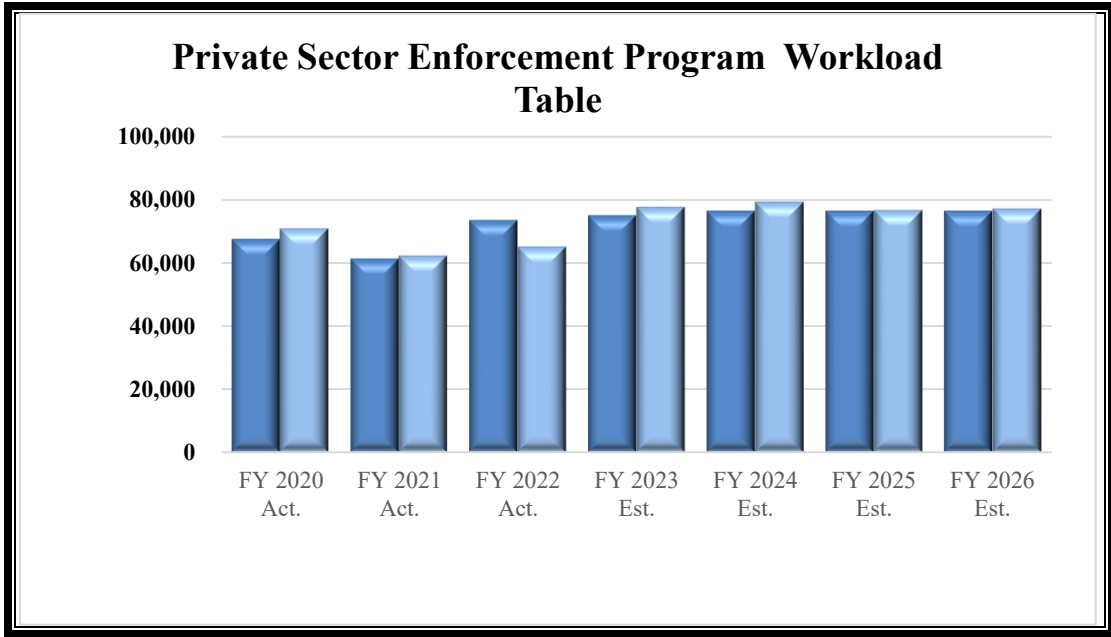


Chart 3 on the next page depicts the actual workload for private sector enforcement for FYs 2021 through 2022 and projected workload through FY 2026. Chart 3 illustrates the expected reversal in the decline in receipts the EEOC experienced from FY 2018 through FY 2021. We expect an increase in receipts to FY 2019 levels and higher due to the anticipated post-pandemic return to the workplace beginning in FY 2022. In the face of these conditions, the agency intends to direct efforts to manage the inventory levels by consistently using priority charge handling procedures (PCHP) as well as incorporating other strategies.

Chart 3: Private Sector Enforcement Program Workload Table

Private Sector Enforcement Program Workload Table FY 2020 to FY 2026



Category	FY 2020 ACT	FY 2021 Act.	FY 2022 Act.	FY 2023 Est.	FY 2024 Est.	FY 2025 Est.	FY 2026 Est.
Receipts	67,448	61,331	73,485	74,955	76,454	76,454	76,454
Resolutions	70,804	62,1870	65,087	77,642	79,252	76,568	77,105

Table 6 on the next page details private sector charges received by statute for FYs 2021 and 2022 and the projected charges through FY 2026, organized by statute.

Table 6: Charges Filed by Statute

Charges Filed by Statute FY 2020 to FY 2026							
Category	FY 2020 (Act.)	FY 2021 (Act.)	FY 2022 (Act.)	FY 2023 (Est.)	FY 2024 (Est.)	FY 2025 (Est.)	FY 2026 (Est.)
Title VII Only							
Charges filed	32,257	28,525	39,482	37,567	38,318	38,318	38,318
Charges resolved	34,280	29,471	32,428	37,739	38,522	37,217	37,478
Title VII with Concurrents*							
Charges filed	46,158	41,764	53,713	52,914	53,973	53,973	53,973
Charges resolved	49,206	42,683	45,862	53,999	55,119	53,253	53,626
Age Discrimination in Employment Act Only							
Charges filed	4,806	4,386	3,414	4,421	4,510	4,510	4,510
Charges resolved	5,340	4,351	3,927	5,058	5,163	4,988	5,023
Age Discrimination in Employment Act w/Concurrents							
Charges filed	14,183	12,965	11,566	13,821	14,098	14,098	14,098
Charges resolved	15,334	13,060	12,133	15,389	15,709	15,177	15,283
Equal Pay Act Only							
Charges filed	33	21	18	22	22	22	22
Charges resolved	34	26	22	29	30	29	29
Equal Pay Act with Concurrents							
Charges filed	980	885	815	956	976	976	976
Charges resolved	1,143	933	926	1,135	1,158	1,119	1,127
Americans with Disabilities Act Only							
Charges filed	13,932	13,030	14,126	15,166	15,470	15,470	15,470
Charges resolved	13,809	12,868	13,034	15,807	16,135	15,588	15,698
Americans with Disabilities Act w/Concurrents							
Charges filed	24,324	22,843	25,056	26,737	27,272	27,272	27,272
Charges resolved	24,546	22,783	23,029	27,958	28,538	27,571	27,765
Genetic Information Nondiscrimination Act Only							
Charges filed	9	19	14	19	19	19	19
Charges resolved	8	11	13	15	15	14	15
Genetic Information Nondiscrimination Act w/Concurrents							
Charges filed	440	242	361	332	339	339	339
Charges resolved	263	237	358	361	369	356	359
Total*							
Charges filed	67,448	61,331	73,485	74,955	76,454	76,454	76,454
Charges resolved	70,804	62,187	65,087	77,642	79,252	76,568	77,105

*Totals do not reflect issues/bases filed under more than one statute.

Mediation Program

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

The program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, charging parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In FY 2019, 96.8 percent of all participants indicated that they would utilize the mediation process in a future charge filed with the EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program have a positive impact on our pending charge inventory levels. In FY 2020, the survey was placed on hold due to remote mediations. Pursuant to a contract issued in FY 2021, independent researchers developed an updated electronic survey that mirrored the EEOC's adaptation to on-line video mediations from previously in-person sessions. The survey results were issued and made available to the public in June 2022 on EEOC's external website via a report entitled, "EEOC Mediation Participants Experience in Online Mediation and Comparison to In-Person Mediation." Of specific note, 95 percent of ADR participants surveyed would return to the mediation program in a future charge.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. In FY 2022, the agency achieved 6,578 successful resolutions out of 8,690 charges that were mediated. During FY 2022, mediations were completed in an average of 146 days with over \$170.4 million in benefits secured. Federal sector mediations were also conducted in FY 2022 by staff mediators, with 471 sessions conducted. These mediated resolutions not only assisted the Commission in reducing the federal sector workload, but it also permitted administrative judges to further concentrate their efforts on conducting hearings and rendering decisions in the federal complaint process.

As an outgrowth of the shift to remote work as a result of the pandemic, increased resources were made available to expand the use of appropriate technological practices that allowed mediations to be conducted virtually, via secure internet platforms created due to the world-wide health crisis. Prior to the health crisis, mediation sessions were conducted face-to-face, with the mediator and parties physically present. However, consistent with safety guidelines implemented during the pandemic, the in-person preference for such sessions became untenable. The Commission was able to augment the initial 100 Zoom licenses acquired so that Zoom for government is now the primary platform for conducting mediation sessions. This transition to an online environment led the Commission to enter into two independent research contracts to evaluate qualitative aspects the adaptation and adoption of online mediation platforms from in-person sessions.

The reports released in June 2022 found an overwhelming satisfaction with the EEOC's mediation program, as well as a successful transition from in-person to online

mediation as a result of the COVID-19 pandemic. Additionally, participants viewed the EEOC's voluntary mediation program to be highly effective, fair, and neutral, and expressed strong satisfaction with the process. The studies also found "near unanimity" in participants' willingness to participate in the mediation program in the future.

Specifically, more than nine out of 10 participants (98 percent of employers and 92 percent of charging parties) indicated they would be willing to participate in the EEOC's mediation program again if they were a party to an EEOC charge. A majority of participants (nearly 70 percent) reported they would prefer online mediation to in-person mediation in the future. Participants cited flexibility, convenience, cost savings, and a "safe space" as reasons for preferring online mediation.

Moreover, the reports noted that EEOC mediators found that online mediation is easier to use and more flexible than in-person mediation; achieved similar or better quality and value of settlements for both parties; and increased access to justice for charging parties.

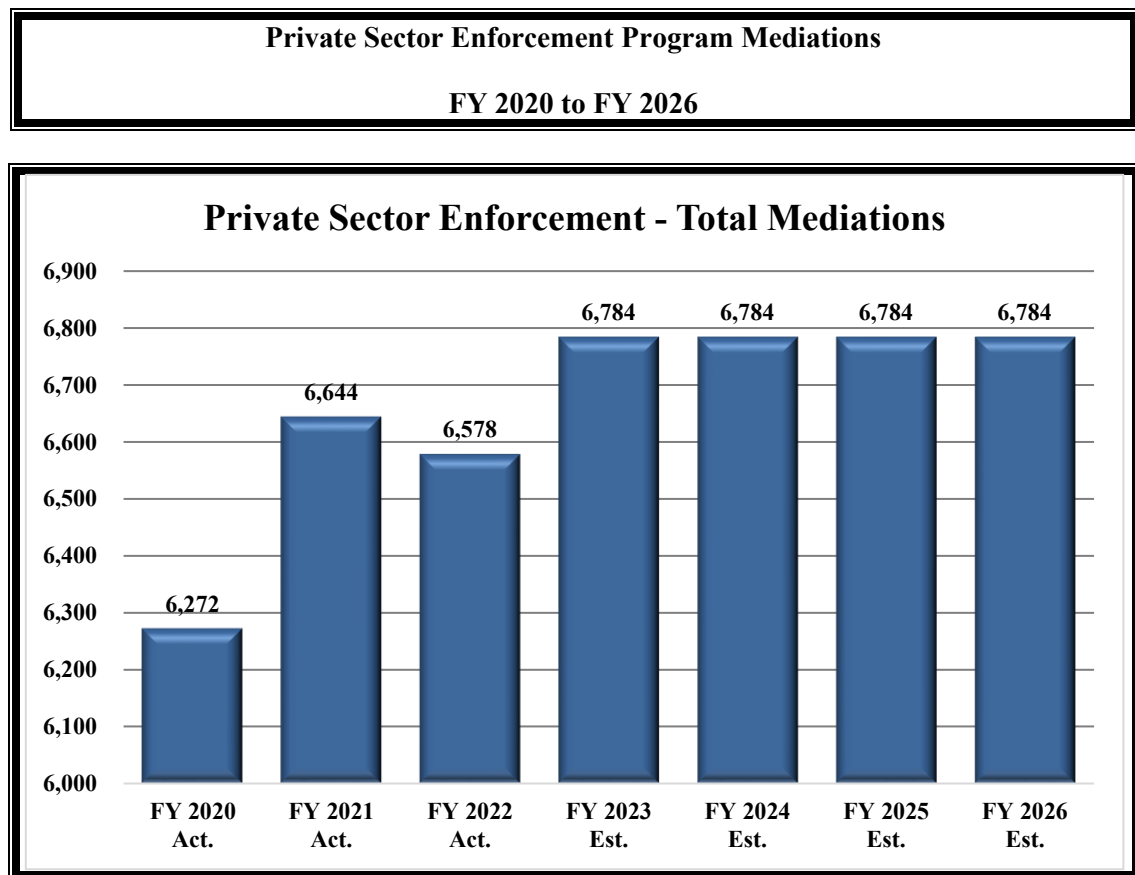
The reports include a brief history of the evolution of the EEOC's mediation program, a review and analysis of the agency's internal participant surveys from FYs 2018-2019, as well as comparisons from prior benchmark measures gathered by these researchers in EEOC program evaluation 18-22 years ago.

The reports were presented by co-author, Professor E. Patrick McDermott, during The Labor and Employment Relations Association's (LERA) annual meeting. The new reports, along with the original baseline reports, are available on the EEOC's website at [Studies of the Mediation Program](#).

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program encourages other employers to participate in our mediation program. To that end, in FY 2022, the participation rate increased to 33.4 percent from 31.3 percent in FY 2021, as mediation staff continued to provide information to smaller employers that, in the past, have declined to participate in the program.

Chart 4 on the next page reflects the level of mediations projected for FYs 2022 through FY 2026. These will return to FY 2018 levels in successive years, due largely to the end of the mediation pilot program and additional hiring.

Chart 4: Private Sector Enforcement Program Mediations



*May not add due to rounding

State, Local and Tribal Programs

The FY 2022 appropriation for State, Local and Tribal Programs activities was \$31,500,000, the same as the prior fiscal year. The same amount for FY 2024 includes funding to maintain EEOC's relationship with the fair employment practices agencies (FEPAs) and Tribal Employment Rights Offices (TEROs). Each year the agency reimburses our partners for the work they perform under the authority of Title VII and the Procedural Regulations (29 C.F.R. §1601 et seq). Historically, every three (3) years, the EEOC slightly increases the reimbursement amounts to help maintain good partnerships, the quality of the work, as well as address inflation concerns. In FY 2024, the 62 TERO contracts will have remained the same for three years and will be due for an increase. SLTP's requested funding in FY 2024 will address the TERO contract increase, as well as SLTP costs in the areas of training, conferences, outreach and engagements, licensing or services, and program support costs. Our outreach and training efforts include enhancements to encourage full utilization of technology and support for the SLTP staff in the EEOC field offices with updated and relevant tools and resources. For FY 2024, the SLTP training program will include the ability to conduct virtual FEPA and TERO training conferences as well as other hands-on, in-person, training sessions to ensure the work is performed by our partners at a quality level consistent with the EEOC's expectations. The in-person sessions will allow us to

provide more interactive education to less senior FEPA and TERO trainees in need of investigative skills development than what can be successfully accomplished virtually. In addition, our effort to reach Native American/Alaska Native communities pursuant to White House priorities and Executive Orders, requires several efforts. In FY 2024, such efforts will include traveling to remote areas to educate tribal communities; using several media outlets such as tribal radio and social media; and conducting outreach to tribal youth around the country by working with Tribal Colleges and Universities and other federal partners such as the Department of Labor and Department of Education.

The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. With the requested level of support for FY 2024, we expect FEPAs to resolve at least 35,000 intakes and charges. These resolutions would be in addition to what the EEOC resolves directly.

We have strengthened our relationship with TEROs and FEPAs and identified areas where we can achieve efficiencies for all parties. The primary focus continues to be on information sharing, training, and enhanced communication between the EEOC and its TERO and FEPA partners. For example, FEPAs participate in the development and presentation of outreach and education events, frequently joining with the EEOC field staff to provide training on Federal, state, and local employment discrimination laws. Similarly, TEROs help the EEOC in addressing issues of employment discrimination on or near tribal lands.

Further, the Administration has made a key priority of requiring all federal agencies to abide by our nation-to-nation federal government trust relationship with Native American tribes. To this end, the EEOC in FY 2022, pursuant to Executive Order 13175, reported to the White House and kept updated, the agency's consultation policy and action plan that were created as a result of our consultation with Tribal Leaders. This engagement goes beyond previous agency efforts and enhances the EEOC's ability to reach tribal communities to ensure they know their rights under the laws enforced by the EEOC. This new EEOC endeavor involves outreach to Tribal Nations, well beyond the 62 TEROs with whom the agency has customarily contracted. This will likely increase the actual number of TEROs with whom the EEOC contracts in the future.

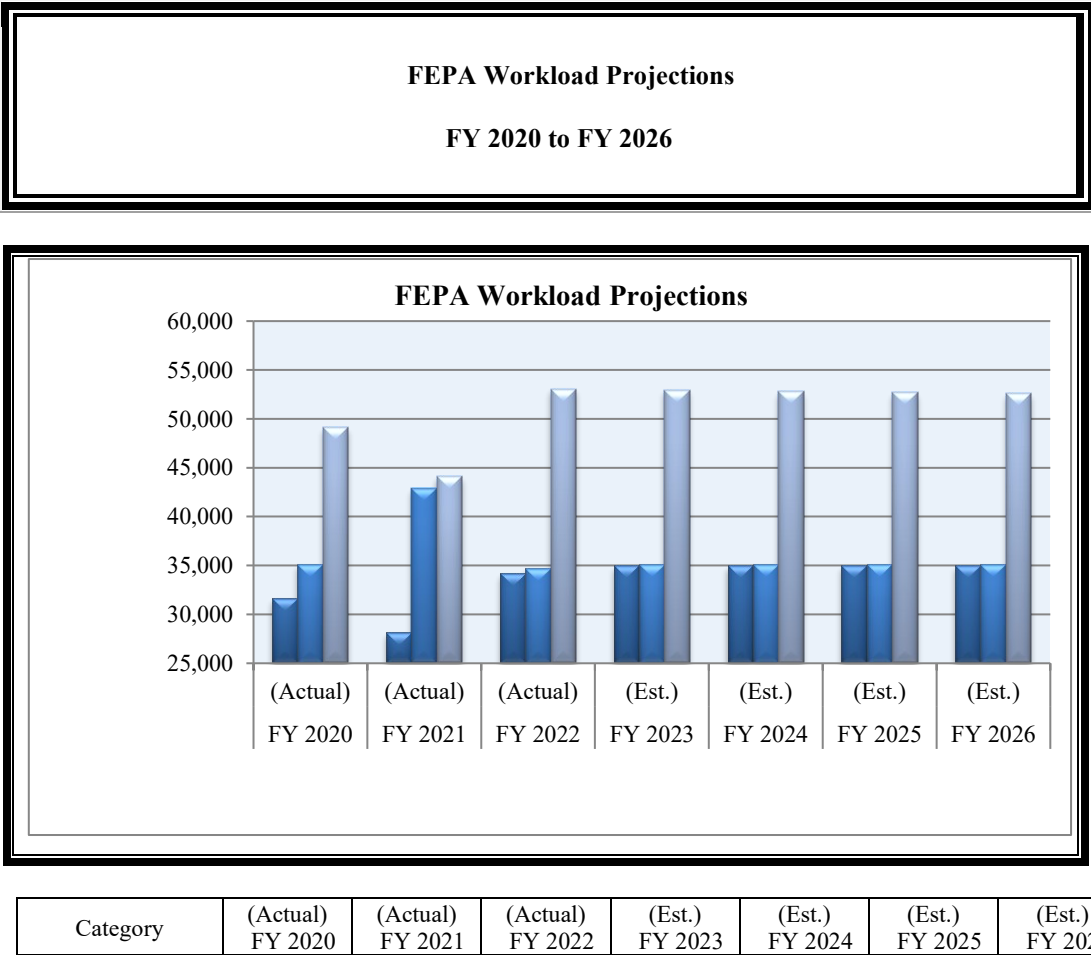
We have also continued to engage with our FEPA partners to implement the strategic goal that links the FEPAs' accomplishments to the EEOC's Strategic Plan. This includes mechanisms such as model work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. During FYs 2018 through 2022, we continued to provide training and guidance to the staff of our FEPA partners on a range of topics including charge processing and technical discussions. Additionally, in FY 2022, the EEOC looked to increase the number of joint activities conducted with FEPAs. For the first time, the EEOC held a joint FEPA and TERO conference at the beginning of the fourth quarter, FY 2022. Some sessions included both the FEPAs and TEROs while other segments of the conference program were delivered on separate tracks to maximize our effort to provide training content best suited for the respective needs of our external partners.

Throughout FYs 2017 and 2018, the EEOC worked to enhance our legacy Integrated Mission System (IMS) to provide electronic notifications and document exchange between the EEOC and FEPAs. Since the beginning of FY 2019, the EEOC and the FEPAs have been able to electronically exchange notifications of Charges of Discrimination (Form 5) that are dual-filed with the corresponding agency and have access to electronic copies of the Form 5 and Notice of Dual-Filing data (Form 212). Electronic document exchange is also being utilized to make the Substantial Weight Review process more efficient.

Modernization of the FEPA component of our legacy case management system was included in the EEOC’s Technology Modernization Fund (TMF) proposal, which was approved in early FY 2020. With TMF resources and EEOC IT development and modernization funding, the FEPA component of the EEOC’s new Agency Records Center (ARC) was launched to FEPA partners in January 2022. Dedicated technical resources have been acquired to support our FEPA partners on their usage of the modernized case management system.

Chart 5 below shows the actual FEPA receipts, total resolutions and pending inventory for FYs 2021 - 2022, and projections for FYs 2023- 2026.

Chart 5: FEPA Workload Projections



Receipts	31,620	28,111	34,173	35,000	35,000	35,000	35,000
Resolutions	31,113	42,906	34,682	35,113	35,113	35,113	35,113
Pending Inventory	49,085	44,125	53,057	52,944	52,831	52,718	52,605

Systemic Program

Tackling systemic discrimination – where a discriminatory pattern or practice or policy has a broad impact – is an integral and critical part of the mission of the EEOC. Systemic discrimination creates barriers to opportunity that causes widespread harm to workers, workplaces, and our economy. Systemic investigations and lawsuits address significant legal issues that have a broad impact on an industry, profession, company, or geographic area.

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the EEOC’s systemic investigations and lawsuits, several thousands of workers have received jobs, wages, and benefits and many more have benefited from positive changes in workplace practices. The EEOC’s success rate for conciliation of systemic matters was 53 percent in FY 2022. In those cases that the EEOC was not able to resolve in the conciliation process, the EEOC achieved a 100 percent success rate in the systemic lawsuits resolved in FY 2022.

In FY 2022, the EEOC field offices resolved over 300 systemic investigations and obtained over \$29.7 million in remedies during the administrative process as well as targeted equitable relief designed to change employment practices, prevent future discrimination, and bring employers into compliance with the law. These resolutions included voluntary conciliation agreements in 90 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 10 systemic suits in FY 2022 for just over \$28 million in remedies for nearly 1,300 victims of discrimination.

To reinvigorate and expand the agency’s systemic program, in FY 2024 additional lead systemic investigators will be hired across the country to augment the existing pool. These investigators are specially trained to identify and investigate systemic discrimination, obtain appropriate monetary relief for many aggrieved victims of discrimination, and non-monetary relief to effectively change workplaces and prevent future discrimination. The skills needed to perform these tasks are specialized and distinct from the skills needed to investigate an individual or small class case and more systemic lead investigators would contribute to improving the number and quality of our systemic investigations. New trial attorney hires will ensure that lead systemic investigators receive appropriate guidance and legal advice while investigating potential systemic violations. Additional labor economists and other expert witnesses will be hired to provide analytical support for systemic investigations, as well as consulting and testifying services for systemic litigation. Increased resources will be directed to key positions that will provide national systemic coordination.

In FY 2022, the EEOC continued holding quarterly systemic conferences with the agency’s systemic staff. The FY 2021 conference brought lead systemic investigators

and systemic coordinators from around the country together virtually with our staff of experts in the Office of Enterprise Data and Analytics (OEDA) and the Office of General Counsel's (OGC) Research and Analytical Services (RAS), and a select number of attorneys. In FY 2022, the EEOC again held its nationwide systemic conference virtually, and hopes to have at least one in-person systemic conference in FY 2023 and in future years. These conferences are invaluable to conduct specialized skills training, exchange ideas, and strengthen the working relationships between agency offices, which is essential for this vital program to succeed. They will be especially beneficial as the agency promotes more investigators to lead positions and/or hires additional lead systemic investigators in FY 2024.

Litigation

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

In FY 2022, the EEOC resolved 96 cases for just over \$39 million in relief for 1,461 individuals, achieving a favorable result in around 95 percent of all litigation resolutions. For the past four years, the number of suit resolutions has outpaced the number of new suit filings, resulting in a declining active docket in each of the last several fiscal years. The agency has begun to reverse this course with the infusion of new trial attorney staff. In FY 2021, trial attorney staffing rose from 118 to 131. By the second quarter of FY 2023, trial attorney staffing rose to 145. Many of the new attorney hires were placed in offices that have been historically understaffed, particularly in the southern region. In addition, at the end of FY 2022, the agency rolled out a new Assistant Regional Attorney (ARA) position in each of its legal units. This position will enhance the development and the conduct of complex litigation, with particular attention on systemic discrimination. With these recent staffing enhancements and realignments, the agency projects an increase in suit filings in FY 2023 with greater geographic diversity and a renewed focus on high-impact cases.

With this budget request, the agency would expand on these outcomes in FY 2024.

The resources requested will permit us not only to establish an upward trend in suit filings, but also to focus more energy on high-impact cases. More cases will involve challenges to systemic discrimination, including discriminatory barriers to employment, systemic racism, patterns of sexual and other forms of harassment, protecting the rights of immigrants and other vulnerable populations, and

discriminatory pay practices. In addition, more cases will involve other high priority issues, such as suits to protect the rights of LGBTQI+ individuals and suits addressing the civil rights impact of the COVID-19 pandemic.

As its docket expands, the agency expects increases in litigation expenses. Much of the agency's litigation requires depositions, expert witness contracts, and litigation support expenses. As the pandemic recedes further, the agency expects an increase in travel expenses. The agency also plans to increase its investments in training and litigation technology. These investments in infrastructure will better position the agency to advance its civil rights mission. In addition, with this proposed budget, in FY 2024, the agency plans to hire additional trial attorneys in field offices, as well as limited increases in attorneys and in-house analytic experts in headquarters, along with automatic backfills. These hires will ensure that each district is appropriately staffed and supported and well-equip the agency to rebuild its docket and litigate high-impact cases, across the nation, and to provide increased legal support and guidance to the agency's investigative staff.

2. Federal Sector Programs

Federal Sector Enforcement Activities

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

As a result of the 2012 revisions to Commission regulations at 29 C.F.R. § 1614.102(e), the SEP, and the Federal Sector Complement Plan, the Commission's Office of Federal Operations is working with agencies' EEO Programs to ensure they are compliant with all of the Commission's regulations, decisions, policies, and directives. In addition, the EEOC is enhancing its security requirements for its key staff and offices. Security enhancements consists of the security clearances for certain program officials (adjudicators, investigators, senior staff). Certain hearings and appeals may be hindered due to the sensitivity of classified information in which the intelligence community (IC) and Department of Defense (DoD) agencies are impacted. These measures will help to ensure full, fair, and impartial adjudication of EEO complaints.

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

Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 provide the Commission with its mandate that all federal personnel decisions be made free of discrimination and require federal agencies to establish affirmative programs of equal employment opportunity (EEO) for all federal employees and job applicants (42 U.S.C. §2000e-16 and 29 U.S.C. §791). Under these laws, and through subsequent statutes and amendments, Congress gave the EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million people across the country and around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides agencies in identifying and removing barriers to equal employment opportunity so that the American people have a model federal work force that fully reflects the contributions, skills, and talents of all its employees.

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

Federal Sector Improvements – Hearings

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

In FY 2022, through the federal sector hearings program, the EEOC secured more than \$125.1 million in benefits for federal workers (an almost 40 percent increase from fiscal year 2021). Notably, this relief included the \$12 million settlement of a landmark class action case involving a finding of discrimination.

During FY 2022, the Commission received a total of 6,785 hearings requests, which reflects a decrease of 11.5 percent compared with the number received in FY 2021 (7,664). Additionally, in FY 2022, the Commission's hearings program resolved a total of 9,336 complaints, with a focus on resolving older cases and utilizing case management strategies to balance field inventories through the resolution of older cases and the closure of incoming cases. Resolutions resulted in a 76 percent reduction of pending cases that were more than 300 days old. The focus on aged

cases also resulted in a 4 percent reduction in the average age of the overall pending federal hearings inventory.

The reduction of pending and aged inventory will have a positive impact on the agency's ability to more timely process the hearings complaints received and better serve participants in the hearings process.

We project, as shown in Table 7 below, a focus on processing enhancements implemented and level staffing, ensuring pending inventory levels do not significantly increase.

Table 7: Hearings Workload Projections

Hearings Workload Projections FY 2020 to FY 2026							
Workload	FY 2020* (Actual)	FY 2021* (Actual)	FY 2022* (Actual)	FY 2023 (Estimate)	FY 2024 (Estimate)	FY 2025 (Estimate)	FY 2026 (Estimate)
Hearings Beginning	12,674	11,666	10,227	7,657	7,139	6,621	7,403
Receipts	8,167	7,664	6,785	8,000	8,000	9,300	9,300
Consolidations	(39)	(23)	(18)	(18)	(18)	(18)	(18)
Total Workload	20,802	19,307	16,994	15,639	15,121	15,903	16,685
Resolutions	9,897	9,082	9,336	8,500	8,500	8,500	8,500
Pending	10,905	10,225	7,657	7,139	6,621	7,403	8,185

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

These workload projections include the positive impact we anticipate with the full implementation of the federal Case Management System. In accordance with the Strategic Plan for FYs 2012-2016, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite and tailor case processing commensurate with agency resources.

The key feature of the hearings Case Management Plan is the requirement that the EEOC's Administrative Judges (AJ) hold an initial conference at the start of the hearings process. The underlying principle is that early proactive intervention by the AJ, especially prior to the start of discovery by the parties, will lead to more efficient adjudication of cases and an overall reduction in the time and resources spent on a case. The results from the hearings Case Management System are positive. The pre-hearing conferences facilitate settlement and set the parties' expectations and provide an opportunity to discuss how much discovery is needed. Identified benefits include:

1) early education; 2) early mediation; 3) early identification of issues/partial dismissals/amendments; 4) fewer motions; and 5) greater time to dedicate to the more substantial and complicated cases, and to conduct research on novel issues. We will continue to evaluate and quantify the efficiencies gained through this Case Management System while also working to identify the most effective practices to increase efficiencies across the agency.

The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than seven years, the EEOC has provided agencies with a digital method for submitting complaint-related documents. During FY 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). Beginning in 2017, administrative judges have been able to upload their orders and decisions for access by the agencies in cases before them. Using the FedSEP portal, agencies can easily upload all documents for both hearings and appeals. This laid the groundwork for plans to expand FedSEP access in FY 2018 to complainants through the creation of the EEOC Public Portal. The EEOC Public Portal also provides complainants with the capability of accessing hearings and appeals cases, uploading and transmitting hearings and appeals-related documents, and receiving of hearings-related documents issued by the agency and the Administrative Judge, as well as the appellate decisions issued by the Commission. The system also allows complainants to request a hearing or appeal online; and to review the status of the hearing or appeal case. In addition to the gains in efficiency and cost savings, these technological innovations will make the hearings and appeals process more transparent for all parties and help reduce the agency's reliance on support staff to prepare and scan paper documents received by the parties.

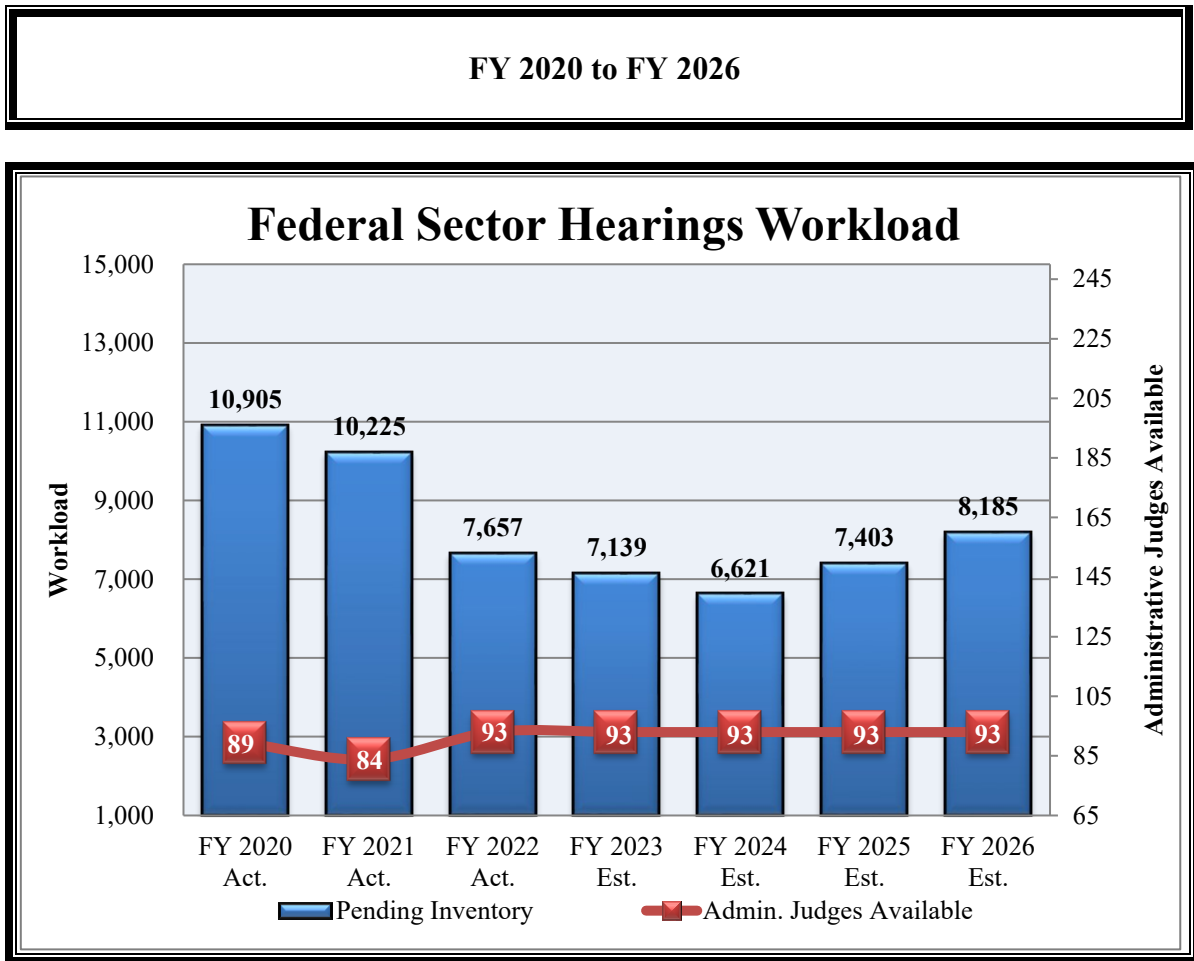
Priorities for the federal sector hearings program launched in FY 2018 and continuing through FY 2022 included exploring additional tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its AJs, thereby helping to manage the growing hearings inventory. Similar case management efforts have been made with respect to class actions filed against the federal government and adjudicated by the hearings program. During FY 2022, approximately 40,000 federal individual employees were included in several class actions. Such investments will further improve service and increase efficiencies for federal employees and federal agencies utilizing the federal sector hearings process.

In first quarter FY 2022, with the recent hiring of new hearings staff, OFP virtually launched "AJ Academy," the first national training program for AJs. The purpose of this initiative was to provide effective and consistent legal education, case updates, and case management best practices. AJ Academy took place over a two-week period, with several presenters. OFP contracted with the National Judicial College to provide courses in writing effective judicial decisions. Coupled with the AJ Handbook and the Legal Reference Guide, newly hired attendees of AJ Academy finished the mandatory session well-equipped to begin their work as AJs. In addition, experienced AJs who voluntarily attend the AJ Academy received federal sector case updates and refresher education that ensures consistency in the hearings program on a district and national level.

In addition, through coordinated collaboration between EEOC's Office of Field Programs and Office of Federal Operations, EEOC developed the LINKUP initiative, which launched in the third quarter FY 2022 with a virtual event, which will ensure consistency and communication among EEOC's federal sector community.

Chart 6 below demonstrates the workload and number of administrative judges assigned to handle hearings complaints for FYs 2021 through 2022 and projections for FYs 2023 through 2026. The increase in resolutions in FYs 2021 and 2022 reflect the continued use of the new case management procedures highlighted above. The decline in inventory levels allows for more timely processing of both newly filed and older cases using the enhanced procedures. The ability to increase the resolution rate in FY 2023 and 2024 will be enhanced by the expanded use of case management techniques and greater efficiencies achieved with technology in the hearings process. We anticipate this prompting a decline in the pending inventory through FY 2026.

Chart 6: Federal Sector Hearings Workload



Federal Sector Appeals Programs

One vital function of the EEOC is its comprehensive program designed to advance equity in federal government employment, including for people of color and others who have been historically underserved, marginalized, and adversely affected by persistent inequality. With the goal of affirmatively advancing equity, civil rights and equal opportunity, the EEOC has the responsibility for serving as the neutral arbiter in the federal sector for appeals from agency decisions on equal employment opportunity (EEO) complaints, collective bargaining agreement grievances alleging discrimination against federal agencies, and reviewing decisions by the Merit Systems Protection Board containing allegations of discrimination in appealable actions under 29 C.F.R. Part 1614.

The appellate decisions issued by the Commission serve as a vehicle for the development and promulgation of the Commission's policy and legal interpretation on emerging and evolving civil rights law that impact not only the federal sector, but also workers and employers throughout the nation. Finally, they serve to educate federal sector complainants, agencies, and the public sector about the law; guide agencies in their efforts to become model workplaces; and vindicate the public

interest in eradicating discrimination in federal employment. To this end, the appellate decisions are disseminated to several commercial publishing services as well as posted on the Commission’s website, which identifies noteworthy decisions as well as decisions of interest on current legal topics.

Advancing equity requires a systematic approach to embedding fairness in decision-making processes. The Commission ensures that its federal appellate adjudicatory functions are fair and efficient, and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. The EEOC's federal sector appellate attorneys exercise this adjudicatory responsibility while at the same time recognizing their responsibility to effectively manage the appellate inventory to ensure that decisions are issued as expeditiously as possible. The table on the next page details the EEOC's appellate adjudication results and projections.

Table 8: Appeals Workload Projections

FY 2020 to FY 2026							
Workload	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Est.)	FY 2024 (Est.)	FY 2025 (Est.)	FY 2026 (Est.)
Appeals Beginning	3,072	3,381	3,416	3,503	3,981	4,349	4,717
Receipts	4,617	4,207	4,212	4,528	4,418	4,418	4,418
Total Workload	7,689	7,588	7,628	8,031	8,399	8,767	9,135
Resolutions	4,308	4,172	4,125	4,050	4,050	4,050	4,050
Pending	3,381	3,416	3,503	3,981	4,349	4,717	5,085

Table 8 above identifies the actual workload for FYs 2020, 2021, and 2022, and projected workload for FY 2023 through FY 2026. The workload reflects a steady increase in appellate inventory resulting from a projected increase in appeals received in FY 2023 due to a surge in AJs and other pilot projects, while attorney staffing remains level.

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

As a result of the extraordinary circumstances of – the national emergency related to the COVID-19 pandemic, the EEOC’s federal sector attorneys were on 100 percent telework status from mid-March 2020 through April 2022. Nevertheless, they continued their diligent efforts to eradicate and remedy discrimination occurring at federal agencies while seeking means to address the challenge of the unexpected work environment. Further, they have continued these efforts upon reentry into the federal workplace.

The EEOC continues to explore operational improvements that can be achieved as the result of revisions to work processes. Through collaboration, training, and educational outreach, the Commission’s federal sector appellate adjudicatory body has partnered with federal agencies to speed submissions of the complaint record by leveraging technology, perfecting defective records, and reducing wasted efforts spent on records not ripe for adjudication.

The EEOC has been successful in managing its appellate inventory through improvements in technology. With regard to technological innovations, the EEOC has recognized the efficiency and cost savings that can be achieved by creating a digital infrastructure for the exchange of hearings and appeals related documentation. In FY 2015, the EEOC deployed the adjudicatory components of the Federal Sector EEO Portal (FedSEP). Using the FedSEP portal, agencies can upload documentation for hearings and appeals. The EEOC has continued to provide technical assistance to agencies and made numerous refinements to FedSEP based on federal agency stakeholder feedback.

In FY 2018, the EEOC deployed Phase 1 of the federal sector components of the EEOC Public Portal. Complainants can now use the EEOC Public Portal to request a hearing or appeal online and upload appeal and hearing related documentation. In addition to the gains in efficiency and cost savings, these technological innovations make the appellate process more transparent for all parties and reduce the EEOC’s reliance on appellate support staff to prepare and scan paper documentation received by the parties. The Portal also enhances parties’ ability to track the progress of their matters pending before the Commission. During FY 2020-2022, the Commission continued to disseminate information to federal agencies and the public on how to use their respective portals, and its federal sector and information technology offices have continued to collaborate to improve the Portal experience.

In addition to leveraging technology to improve the processing of appeals, the EEOC is using its Case Management System to bring consistency and greater efficiencies to the processing of federal sector complaints through the early categorization of incoming hearings and appeals. The EEOC continues to identify all "broad impact" appellate cases, as well as those that implicate areas of focus identified by the Commission.

A critical component called for by the Case Management System was the development and implementation of a Federal Sector Quality Practices Plan that was approved by the Commission in early FY 2017. The practices identified are designed to deliver excellent and consistent service in the EEOC’s adjudication of federal

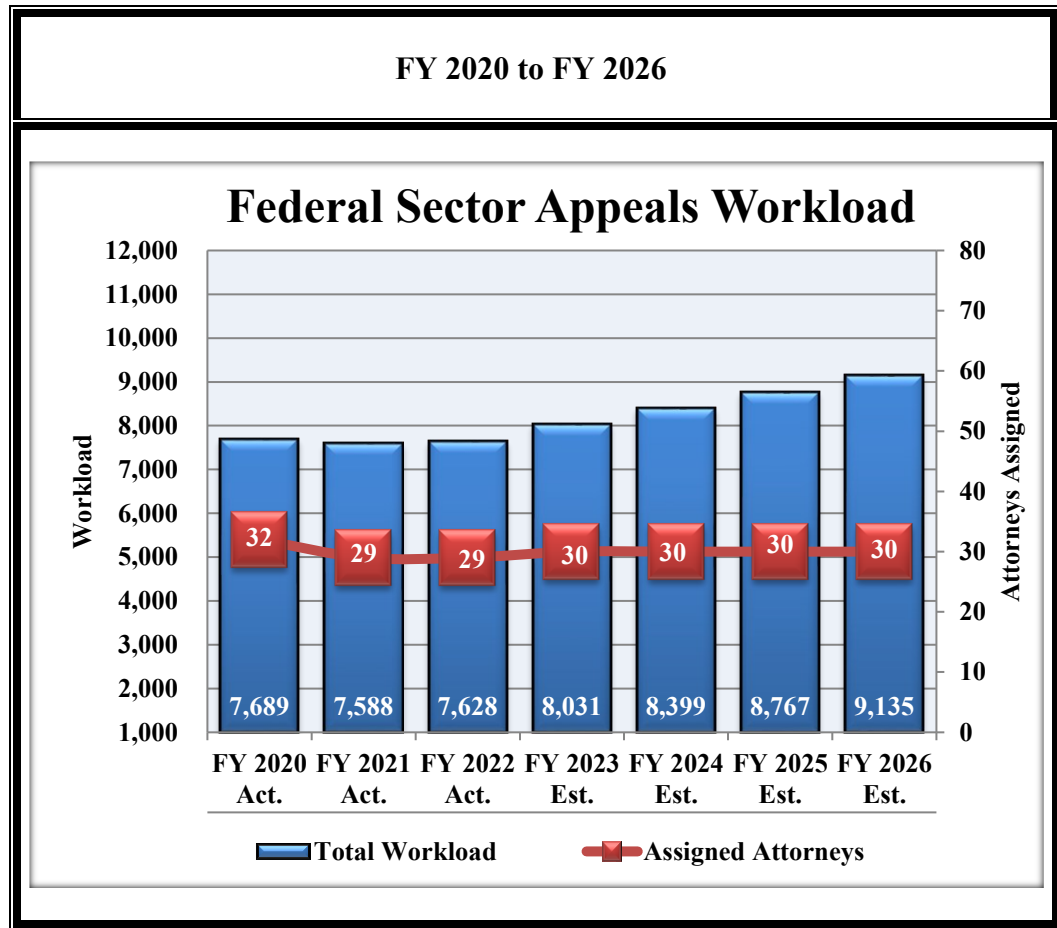
sector hearings and appeals and fulfill the Commission's oversight responsibilities for ensuring federal agencies' compliance with EEO laws.

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

As a result of these efforts, at the end of FY 2021, the EEOC had issued 4,125 appellate decisions, and made 107 findings of discrimination. During this same period, the EEOC's appellate program secured \$7.7 million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC's federal appellate program issued 90 decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP).

Chart 7 on the next page identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2020, 2021, 2022, and projections for FYs 2023 through 2026.

Chart 7: Federal Sector Appeals Workload



Appellate cases addressing access to the overall federal sector EEO Complaint process represent about 40 percent of the incoming appeals. One option which is being utilized to address this is the development of Federal Sectors EEO Shared Services. This will include the development of a government-wide Federal Sector EEO Complaint Management System. As well, the EEOC will continue to explore strategies to slow the rate of growth of its inventory by using sound case management principles and process improvement techniques without compromising quality. The EEOC will control the appellate inventory by focusing on resolving its oldest cases; prioritizing cases with the broadest impact; quickly addressing those appeals which seek to preserve access to the EEO process; and setting in place procedures to address an expected influx of a large number of appeals from an adjudication of a nationwide class action claims. The office will continue to fulfill its responsibilities under the Strategic Enforcement Plan and the Federal Complement Plan and the Commission's Strategic Plan for FYs 2017-2021.

The EEOC will continue its assessment and categorization process to identify impactful issues, Commission priority cases, and agencies in need of federal sector technical assistance, guidance and outreach, and program evaluations. Appeals will be assigned in a manner consistent with the Commission's strategic goals and public service. The EEOC will issue decisions which place improperly dismissed

complaints back into the EEO process while evidence is readily available and assure that inappropriate cases are quickly flushed from the process. At the same time the EEOC will systematically address its inventory control efforts by identifying methods to improve the quality of agency submissions.

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

Oversight of Federal Agencies' EEO Programs

The EEOC has oversight responsibility for ensuring that federal agencies maintain continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to participation. The EEOC's Management Directive 715 (MD-715) serves as the roadmap and tool kit for agencies to achieve the overall goal of making the federal government a model EEO workplace. MD-715 requires agencies to assess their progress and programs on at least a yearly basis on: (1) agency leadership's demonstrated commitment to EEO; (2) integration of EEO into the agency's strategic mission; (3) management and program accountability; (4) proactive prevention of unlawful discrimination; (5) complaint processing efficiency; and (6) responsiveness and legal compliance with the EEOC's regulations and orders.

The EEOC works with agencies to promote model EEO program policies and practices that foster an inclusive work culture and prevent employment discrimination by using a number of oversight tools. These include technical assistance visits followed by written feedback, formal program evaluations, opportunities to pilot new complaint processing techniques designed to enhance efficiency, technology advances, issuing Notice of Non-compliance to enhance compliance, researching, and producing analytical reports on topics of interest to the federal EEO community, and providing fee based and no cost training and outreach to the federal community. The EEOC sets new oversight goals each fiscal year that are tailored to achieve improvements, address emerging issues, and promote the government's goal of becoming a model EEO employer.

For FY 2022, the EEOC established several technical assistance goals. The first was to ensure that 90 percent of agencies have compliant reasonable accommodation procedures by the end of FY 2022. To meet this goal, our staff discussed the status of the procedures with the agencies during technical assistance meetings and provided written feedback to agencies, upon request. As of September 30, 2022, 179 out of 198 agencies, or 90.4 percent of the agencies that received EEOC feedback had compliant reasonable accommodation procedures. The EEOC also established a goal ensuring that 75 percent of agencies had a compliant anti-harassment policy by the end of FY 2022. As of September 30, 2022, the FY 2022 goal was met, as 78.8 percent, or 160 out of 203 agencies that received FSP feedback had compliant anti-harassment policies. Moreover, EEOC established a goal to conduct 55 technical assistance visits with agencies in FY 2022 and issue a feedback letter within 180 days

of each visit. In FY 2022, EEOC staff have conducted 66 technical assistance visits with agencies and timely issued 97 percent of the 34 feedback letters.

The EEOC continues to conduct research, which it presents to agencies to assist them in maintaining continuing affirmative programs to promote equal opportunity and to identify and eliminate any barriers to full and fair workplace participation. In February 2022, the EEOC issued a report on the [State of Age Discrimination in the Federal Sector](#). Additional reports that were published include [The EEO Status of Workers with Disabilities in the Federal Sector](#) and the [FY 2019 Annual Report on the Federal Workforce](#). For FY 2022, the EEOC will conduct further research to assist federal agencies to span various areas of reporting. A second report on Alternative Dispute Resolution will examine the impact of the program within the federal government. A continuation of a report on criminal histories and credit reporting is underway along with a study of the retention of persons with disabilities as related to organizational practices, as well as a report on the underreporting of sexual harassment. Lastly, three demographic profiles of women in Federal service are underway to highlight the status of African American, Latina, and Native American and Alaska Native women. Various aspects of these groups will be discussed to include their overall representation in the Federal workforce, their representation for ages 40 and over, median salaries and voluntary and involuntary separations.

During FY 2022, the EEOC continued to advance technology to improve communication within the federal community and to enhance the EEOC's analytical capabilities. For example, the EEOC is creating two new data dashboards for MD-715 data by gender and sex as self-service tools as well as updating the Annual Report Dashboard. The Commission's continued development of this system gradually will incorporate its legacy data into the platform (Form 462 and MD-715 data from 2006 to 2012) and other sources of data, including complaint data for hearings and appeals, the Federal Employee Viewpoint Survey, the 2016-2018 Census data, and responses to correspondence. In FY 2022, the EEOC will continue to work with the large federal payroll providers, Interior Business Center, National Finance Center, and Defense Civilian Personnel Advisory Service to facilitate the digital upload of federal agency workforce data into the EEOC's FedSEP portal. This effort will eliminate hundreds of staff hours necessary for each federal agency to submit statutorily required reports to the EEOC.

During FY 2022, the EEOC has continued to meet its mandate to conduct program evaluations both on a government-wide and agency-focused level. The EEOC is conducting a government-wide review of Merit Final Agency Decisions which will in part examine timeliness by various sized agencies. In addition, the EEOC is examining the impact of personal assistance services on the federal sector in light of the pandemic, to better determine how agencies are fulfilling their obligation to provide accessibility to federal employees with disabilities. Two program evaluations were initiated for two subcomponents of cabinet agencies with an emphasis on accessibility as part of the reasonable accommodation program as well as direct reporting structure.

To provide ongoing legal updates to the entire EEO community, the EEOC published on its public website three issues of the EEO Digest in FY 2021. This publication is a summary of important federal sector EEO cases. In addition, the EEOC published two legal articles on topics of interest for federal sector EEO programs in FY 2022. The EEOC published articles on [pay equity](#) and on the [progress made towards equality for the LGBTQI+ employees](#). . In FY 2023 and FY 2024, the EEOC will continue to issue the Digest and focused articles that support current efforts in the federal sector EEO community.

Concurrent with these oversight responsibilities in the federal sector, the Commission continues its education efforts to assist all stakeholders by: (1) creating and conducting fee-based training through the Revolving Fund; (2) creating and conducting customized EEO training for EEO professionals, managers, employees and other stakeholders; (3) forming strategic partnerships, and (4) participating in free outreach activities, including conferences, summits, meetings and other events where the Commission's presence would add value.

During FY 2022, the EEOC's Office of Federal Operations, Outreach Training and Engagement Division has strengthened and diversified federal training and outreach by revising existing course offerings and developing new topics to enhance federal employees' knowledge and understanding of DEIA and EEO laws, regulations, and guidance. The staff created and introduced LGBTQI+, implicit bias, intersectionality, and DEIA learning to its current curriculum. Select topics were delivered and well received at events averaging 300 attendees. To ensure the broadest reach, and foster a more accessible virtual learning environment, the EEOC also reviewed and updated existing workbooks and manuals to ensure 100 percent section 508 accessibility compliance and streamlined the process for attendees to request a reasonable accommodation. Providing excellent customer service is a priority, and Commission components joined to redesign the external registration system and process for all fee-based courses. During the redesign phase of the registration system when training was halted, our clients remained eager for learning. In response to the demand for learning opportunities, staff continued offering customized training and launched a no-cost two-week learning opportunity for the federal community and stakeholder organizations. The event covered 4 key EEO topics and was offered during eight different time slots. Well over 3,200 EEO practitioners attended and EEO Counselors and EEO Investigators received their required annual EEO Refresher credits. Once the registration system was complete, clients were timely notified and able to enroll in our specialized EEO courses.

The EEOC EEO Education Consortium continues to serve as a virtual meeting place to network and learn from other EEO practitioners. The EEOC EEO Education Consortium achieves its objective through the delivery of robust learning activities, small group meetings and social media. During 2022, five large scale events and numerous limited engagements were offered throughout the year. EEO practitioners held meetings and hosted events focusing on critical topics such as accessible workplaces, intersectionality and processing reasonable accommodations. To meet the growing demand for more robust programming, the Consortium is developing a mentorship program for GS 11-13 EEO practitioners to support their professional and

leadership development. The program pairs a mentee with a mentor who will provide needed guidance. The program also includes six optional leadership sessions and three networking activities.

The EEOC also made significant strides in broadening the Commission's reach by way of no-cost outreach initiatives such as webinars, online information sessions, and social media. Staff delivered 17 EEO and affirmative employment webinars for the public which were recorded and posted to the EEOC You Tube channel. Moreover, eight affirmative employment videos were developed and will be posted to the same channel for federal employees. The videos offer succinct learning on trigger identification and barrier elimination.

The EEOC has realized a combined 10 percent increase in participation in webinars and online information sessions from FY 2021. In FY 2022, the EEOC also achieved a marked 30 percent increase in engagement across each of its social media platforms and is developing a mobile application for stakeholders to access critical resources on their mobile devices. In addition to the EEOC broadening its reach to stakeholders across social media platforms, the team staffed several large conferences, including the League of United Latin American Citizens, Federal Employee Women, Federal Dispute Resolution Conference and Blacks in Government. Through these opportunities, staff provided training, updates, and educational information to attendees.

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

A. Introduction

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

There are two outcome goals for Strategic Objective II:

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

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

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

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

Moreover, the EEOC regularly reviews the agency's sub-regulatory documents and updates or augments these materials with plain language, as needed, on a priority basis each year. This reinforces the EEOC's continued focus on providing clear and easy to understand materials for the diverse array of audiences that the agency serves.

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

B. Performance Measures and Results

Performance Measure 6 for Outcome Goals II.A. and II.B.

Performance Measure 6: By FY 2022, the EEOC modernizes and expands utilization of technology to ensure that members of the public have greater access to information about their rights and responsibilities.		
	FY 2021	FY 2022
Target	Report on user experience surveys. Identify and increase access to information in at least two additional priority areas.	Report on user experience surveys. Identify and increase access to information in at least two additional priority areas.
Results	The EEOC finalized work toward implementing a survey tool for the website – utilizing the General Services Administration (GSA)-sponsored tool – to establish a baseline on the number of user responses. The EEOC increased access to information by implementing social media public education campaigns regarding retaliation, gender-based pay disparities, and gender discrimination based on sexual orientation and gender identity.	The EEOC implemented a survey tool for the website in FY 2022. As a result, the EEOC has received over 650 user responses, providing important baseline information for the agency. These responses have been reviewed and are being evaluated to determine whether revisions to the website would aid the public. The EEOC increase access to information by implementing four social media public education campaigns, increasing video content and language access to materials on the website.
		Targets Exceeded

Performance Measure 6 focuses on strengthening and expanding the impact of the EEOC's education and outreach activities by expanding use of technology. The implementation of a technology plan created in FY 2018 will better facilitate the dedication of resources to the most critical needs. The EEOC also focuses its technological advances on priority areas and specific communities to increase public access to information about rights and responsibilities under the laws the EEOC enforces. The FY 2022 targets for Performance Measure 6 were for the EEOC to report on the user experience surveys as directed and increase access to information in at least two additional priority areas.

During the fiscal year, the EEOC continued to build upon the effort to employ customer experience surveys on the website, most notably by implementing the plan that was developed in FY 2020. The agency has analyzed the survey responses received, approximately 150-200 survey responses per quarter, to determine whether any revisions to the website would aid the public's understanding of the equal employment opportunity laws or increase their knowledge of rights and responsibilities under these laws.

Additionally, the agency conducted four new social media campaigns during the fiscal year: 1) increasing awareness of workplace harassment through an interactive campaign on Instagram during Q1; 2) increasing awareness of how to report race and color discrimination in the workplace through a coordinated effort on Twitter in Q2; 3) increasing federal workers' awareness of the federal complaint process and the role of the EEOC on Twitter in Q3; and 4) increasing awareness in Q4 about pregnancy discrimination and the laws to protect pregnant workers and job applicants in the

workplace, utilizing Facebook and Twitter platforms including a focus on reaching Spanish language audiences.

The EEOC has also increased the amount of video content on the agency’s website and helped ensure that events focused on the Chair’s priorities have been recorded and posted on the EEOC’s YouTube channel, including posting more Spanish language videos and the agency’s first video in American Sign Language in over six years. In addition to maintaining the agency’s Spanish language website and posting 52 new documents in Spanish and 18 Spanish press releases, the EEOC implemented a public education campaign about the over 300 webpages in 7 languages newly posted to the agency’s website and posted over 18 new documents, each in Chinese (Simplified), Haitian Creole, Korean, Russian, Tagalog, and Vietnamese, and 2 new documents each in Pashto and Farsi.

Performance Measure 7 for Outcome Goals II.A. and II.B.

Performance Measure 7: By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.		
	FY 2021	FY 2022
Target	Maintain the FY 2019 baseline measure of 70 partnership events held.	Maintain the FY 2019 baseline measure of 70 partnership events held.
Result	The agency maintained the number of significant partners nationwide and increased the number to 131 joint partnership events with employer and employee groups.	The agency maintained the number of significant partners nationwide. In FY 2022, Partnership engagement increased to 1,619 events with advocacy groups serving vulnerable and underserved communities, small and new businesses, as well as employer groups.
		Target Exceeded

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

The FY 2022 target for Performance Measure 7 was to maintain the FY 2019 baseline measure of 70 joint partnership events held. The agency maintained the number of significant partners, nationwide, and worked with EEOC’s partners to advance equity in organizational policies, employment practices, and to reduce employment barriers in underserved and vulnerable communities and to support small and new businesses. The agency’s District Offices hosted 1,619 partnership events with state, local, tribal, federal, and advocacy groups to increase awareness of FY 2022 strategic partnership priorities and

initiatives and to provide updated technical assistance. Significant efforts were made to reach communities that may be reluctant to come forward, such as persons with low literacy skills and limited English proficiency, deaf, or hard of hearing individuals, and those new to the workforce.

Performance Measure 8 for Outcome Goal II.A.

Performance Measure 8: By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.		
	FY 2021	FY 2022
Target	Produce or update at least two resource or guidance documents on the updated priority list.	Produce or update at least two additional resource or guidance documents on the updated priority list.
Result	The agency produced and/or updated more than two resource or guidance documents that had been prioritized, including two new sub regulatory documents, two new formal opinion letters, and updates to five existing sub regulatory documents.	The agency produced and/or updated more than two resource or guidance documents that had been prioritized, including two new technical assistance documents, two updated regulations, and seven updates to an existing technical assistance document.
		Target Exceeded

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

The FY 2022 target for Performance Measure 8 was for the EEOC to produce or update at least two resource or guidance documents on the agency’s updated priority list that focuses on the most critical for action. The EEOC published two regulatory updates – to make inflationary adjustments to the penalty for violating notice posting requirements on February 23, 2022, and to make ministerial changes to the agency’s contact information in existing regulations on March 16, 2022. The agency also drafted and issued two technical assistance documents in FY 2022: 1)) [*The COVID-19 Pandemic and Caregiver Discrimination Under Federal Employment Discrimination Law*](#) (March 14, 2022); and 2) [*The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees*](#) (May 12, 2022), along with a companion document, [*Tips for Workers: the Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence*](#) (May 12, 2022).

Additionally, the EEOC updated the agency’s pandemic technical assistance document, [*What you should know about COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws*](#), seven times in FY 2022:

- On October 13, 2021, updates were made in accordance with updated guidance from the Centers for Disease Control and Prevention (CDC);
- On November 17, 2021, a new section on retaliation was added (Section M);
- On December 14, 2021, a new section was added about COVID-19 as an ADA disability (section N);
- On December 20, 2021, edits were made to reflect further changes in guidance from federal public health authorities;
- On March 1, 2022, a new section on religious objections was added (section L);
- On March 14, 2022, the section on caregivers was updated; and
- On July 12, 2022, a comprehensive update was issued.

With these updates, the EEOC ensured the document's continued accuracy in light of the most up-to-date guidance from the CDC.

C. Outreach

As the table below shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Territories of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. With the FY 2024 Budget for outreach activities, we will expand our outreach to individuals across the United States, including underserved areas. We plan to continue to target specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2022, the EEOC conducted over 3,040 free outreach events reaching more than 218,184 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace, and we anticipate similar outreach levels in FY 2023.

Table 9: Annual Outreach Events – Fee and Non-Fee

FY 2022 Annual Outreach Events Fee and Non-Fee		
District Office	Total Events	Total Attendees
Atlanta District Office	124	23,193
Birmingham District Office	60	4,910
Charlotte District Office	175	30,430
Chicago District Office	74	6,099
Dallas District Office	71	6,246
Headquarters and Other Offices	34	7,691
Houston District Office	124	7,740
Indianapolis District Office	50	3,430
Los Angeles District Office	1,212	19,141
Memphis District Office	115	5,715
Miami District Office	148	10,797
New York District Office	41	1,941
Philadelphia District Office	187	17,754
Phoenix District Office	206	24,885
San Francisco District Office	65	2,374
St. Louis District Office	147	36,015
Washington Field Office	207	9,823
Total	3,040	218,184

Through public relations, training, and education, the EEOC enhances public awareness of employment discrimination and the importance of preventing such discrimination in America's workplaces. Our outreach is meant to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce.

The EEOC targeted its outreach and education programs to vulnerable communities and small and new businesses in FY 2022. The EEOC conducted 1,007 outreach events for vulnerable workers and underserved communities in FY 2022, reaching 79,788 participants. This included outreach to immigrant and farmworker communities, as well as communities where individuals are reluctant to come forward to report employment discrimination. EEOC field offices also collaborated with partner organizations to extend the agency's and better serve vulnerable workers and underserved communities, which included conducting 1,619 partnership events reaching 98,490 attendees. To enhance the EEOC's ability to identify and reach vulnerable or underserved populations, the EEOC developed a data visualization tool to enable EEOC field offices to readily obtain demographic and industry data by District Office. The EEOC anticipates that in FY 2023 and beyond, this tool will increasingly be modified with additional data that will further its usefulness. Also, as the nation recovers from the effects of the pandemic, in FY 2023 the EEOC will strengthen its efforts to conduct in-person outreach to vulnerable communities.

Given their size and limited resources, these businesses are often less able to take advantage of commercial training programs and less likely to have in-house human resources professionals to assist them with compliance. In FY 2022, the agency conducted 399 outreach events directed toward small businesses, reaching 18,878 small business representatives.

In addition, the EEOC continued to promote its public website containing the online Small Business Resource Center, a comprehensive resource providing small businesses tools to understand the federal anti-discrimination laws and to prevent employment discrimination in their workplaces.

The site features answers to frequently asked questions, guidance for making employment decisions in common scenarios, and pointers for developing good workplace policies. It has tips for small businesses on various potential workplace discrimination issues to help businesses avert problems before they arise. It also provides quick access to the names and contact information of the EEOC's Small Business Liaisons in EEOC's field offices. These liaisons answer questions from small business owners as they institute policies and practices to comply with the law.

The Small Business Association Office of the National Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's most recent 2020 Annual Report to Congress, which was published in FY 2022, gave the EEOC an "A" rating across-the-board, the highest possible rating, reflecting the U.S. Small Business Administration's (SBA) recognition of the EEOC's strong commitment to assist this important sector of the economy.

Through the agency's education and outreach activities, the EEOC also played a pivotal role in promoting racial justice and confronting systemic barriers in the workplace during FY 2022. For example, the EEOC reached out to workers of color and conducted outreach through listening sessions, panel discussions, trainings, and other meetings to strategize ways to combat racial and ethnic harassment and discrimination. The EEOC's field offices facilitated the exchange of information across district offices, coordinated community

engagement efforts with other federal agencies, and collaborated with the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI), and the White House Office of Public Engagement in response to the rise in hate crimes and incidents against Asian American and Pacific Islander communities around the nation. Through regional roundtables, technical assistance programs, regular planning calls, resource-sharing, virtual convenings, and webinars, the EEOC worked with the WHIAANHPI Regional Network to address specific community needs and feedback. A total of 279 WHIAANHPI events were conducted reaching 12,213 individuals. The agency also conducted 42 Historically Black Colleges and Universities outreach events reaching 1,741 individuals, 468 outreach sessions involving race discrimination reaching 52,675 attendees, including 143 events focused on racial justice reaching 9,064 attendees, and 327 sessions on national origin discrimination reaching 51,454 attendees.

The EEOC also prioritized outreach and education on the workplace civil rights implications of the COVID-19 pandemic, providing workers, employers, and other stakeholders with up-to-date information about the interplay of COVID-19 and federal EEO laws. During FY 2022, the EEOC held 369 outreach events related to COVID-19, reaching 26,041 individuals.

In FY 2022, the EEOC also focused outreach and education on priorities identified in the agency's Strategic Enforcement Plan (SEP).

The EEOC takes seriously its role of enhancing public awareness about emerging issues of employment discrimination in America's workplaces. By facilitating effective partnerships and collaborations with internal and external stakeholders, the EEOC works to reduce and eliminate employment barriers and achieve sustained benefits for the communities we serve. In FY 2022, the agency conducted over 1,619 partnership events reaching 98,490 attendees.

1. Non-fee-based Outreach

Table 10 below shows funding for Outreach (non-fee-based). Our Budget request for FY 2024 for Strategic Objective II is \$6 million. The proposed request for FY 2024 will support our existing outreach activities across the United States.

Table 10: Budget request Summary through Outreach

FY 2022 to FY 2024 (Dollars in thousands)			
	FY 2022 (Actual)	FY 2023 (Enacted)	FY 2024 (Request)
Outreach (Non-fee-based)	\$6,000	\$6,000	\$6,000
Total	\$6,000	\$6,000	\$6,000

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

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

The Training Institute provides a wide variety of fee-based to assist private sector employers, and state, local, and federal government agencies in educating their managers and employees on the laws enforced by EEOC and how to prevent and eradicate discrimination in the workplace. The Training Institute offers workshops, courses, and conferences on a variety of EEO compliance issues including but not limited to current developments regarding EEOC guidance. Additionally, the Training Institute provides Respectful Workplaces employee training, Leading for Respect manager and supervisor training, and compliance training related to the 2016 Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace.

In FY 2022, the events were conducted virtually due to the COVID-19 pandemic. In FY 2022, the Training Institute conducted virtual workshops, courses, conferences, and Customer Specific Training (CSTs). Below is a more in-depth explanation of each type of program offered by the Training Institute in FY 2022.

Technical Assistance Program Workshops. In FY 2022, the RF continued the new product line introduced in FY 2021 to take advantage of the virtual training environment and to provide even more opportunities for employees and employers to receive training, education, and information about their respective rights and obligations to prevent and eradicate workplace discrimination. The Training Institute continued to offer 1-hour (breakfast and lunch briefings), 2-hour, 3-hour (half-day), and 5-hour (full-day) workshops. These workshops were extremely successful as they allowed EEOC field offices to partner together, pool their creative ideas and resources, and maximize revenue potential. These workshops received excellent evaluations from attendees. In FY 2022, the Training Institute conducted 16 national (1, 2, 3, and 5-hour) workshops with 2,444 attendees.

Customer Specific Training. The Customer Specific Training (CST) programs provide training and education for employees, managers, supervisors, and human resource professionals from private sector employers and State, local, and federal government agencies on their EEO responsibilities and how to prevent and eradicate workplace discrimination. The Training Institute can design customized courses to be delivered at employers' worksites, including virtual delivery during this pandemic period. In FY 2022, the Training Institute conducted 184 virtual CST events that reached 5,008 attendees. Of those events, 63 events focused on Respectful Workplaces employee training (789 attendees) and Leading for Respect manager and supervisor training (787 attendees).

National Federal Courses and Federal Agency Training. The Training Institute offers federal courses that are designed to meet training requirements for EEO practitioners working throughout the federal government. In FY 2022, there were 42 national federal courses with approximately 1,241 attendees and 42 federal agency training sessions with approximately 2,100 attendees. Of the federal agency training sessions, six focused on Respectful Workplaces employee training and Leading for Respect manager and supervisor training.

Due to federal agency COVID-19 guidelines, the RF did not conduct any in-person training in FY 2022. It used virtual platforms to meet the training needs of its external stakeholders. As a result, the RF successfully met its financial, operational, and program requirements.

Table 11 below shows the financial summary of the Revolving Fund.

Table 11: Summary of Financing for the Revolving Fund

FY 2020 to FY 2026 (Dollars in thousands*)							
	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Est.	FY 2024 Est.	FY 2025 Est.	FY 2026 Est.
Total Obligations	3,776	3,662	3,602	4,750	4,500	4,375	4,350
Offsetting collections from:							
Federal Funds	1,421	1,705	318	1,875	1,800	1,700	1,750
Non-Federal Sources	1,734	1,861	2,004	2,800	3,100	2,750	2,550
Unobligated balance, start of year	3,266	2,645	2,549	1,269	1,194	1,594	1,669
Unobligated balance, end of year	2,645	2,549	1,269	1,194	1,594	1,669	1,619
Net Budget Authority**	6,421	6,211	4,871	5,944	6,094	6,044	5,969

*May not add due to rounding

**Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2020, \$177,000, FY 2021, \$228,000, FY 2022, \$193,538, FY 2023, \$171,000 (included in the Net Budget Authority line above.)

EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE

The agency held its 25th Annual Examining Conflicts in Employment Laws (EXCEL) Training Conference for both federal sector and private sector EEO practitioners.

The conference started with a joint opening plenary session by EEOC Chair Charlotte Burrows, OPM Director Kiran Ahuja, and OFCCP Director Jenny Yang. Additionally, Vice Chair Jocelyn Samuels provided closing remarks on the conference's final day. The conference received outstanding feedback from participants. A record number of

874 participants attended from the federal and private sectors. The conference offered 36 workshops and several breakout sessions that covered COVID-19 related topics as well as significant employment law and EEO compliance issues. The conference generated approximately \$682,680 in net revenue.

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VIII. MANAGEMENT OBJECTIVE – Achieve organizational excellence

A. Introduction

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

The EEOC has developed two outcome goals for the agency's Management Objective:

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

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

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

B. Performance Measures and Results

Performance Measure 9 for Outcome Goal III.A.

Performance Measure 9: The EEOC's performance improves with respect to employee engagement and inclusiveness.		
	FY 2021	FY 2022
Targets	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages. Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.	Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture. EEOC FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages. Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.
Results	Due to the COVID-19 Pandemic, the FY 2020 FEVS results were not released until May 2021. In June 2021, the EEOC reestablished the BEST Workgroup to address the results of the FY 2020 FEVS. In September 2021, the BEST Workgroup developed recommendations for the Chair based on FY 2020 FEVS results.	In FY 2022 Q1, the Building Employee Satisfaction Together (BEST) Workgroup conducted focus groups based on five Federal Employee Viewpoint Survey (FEVS) areas and briefed senior leadership on the results and the agency's culture in December 2021. The EEOC FY 2022 FEVS Employee Engagement Index (EEI) score was 78 percent, a decline of 2 percentage points from 80 percent if FY 2021. However, in FY 2022, OPM replaced the Inclusion Index with the Diversity, Equity, Inclusion, and Accessibility (DEIA) Index, effectively eliminating the possibility the FY 2022 DIEA scores could be compared to prior year EEI results. For FY 2022, the EEOC's score for DIEA was 81 percent. OMB will be using the DIEA index moving forward to measure employee engagement and agency culture that aligns with Executive Order 14035.
		Targets Met

Performance Measure 9 takes a holistic approach to assessing and strengthening the agency's efforts to improve employee engagement and inclusiveness. The EEOC does not focus solely on improving Federal Employment Viewpoint Survey (FEVS) scores because that is only one snapshot of agency performance. Annual focus groups and climate assessments enable ongoing feedback mechanism to engage with staff and seek their input on solutions to agency challenges.

The FY 2022 targets for this measure were to conduct annual focus groups and climate assessment(s) with employees for feedback on agency culture and implement plans as

necessary, to maintain or increase the EEOC's FEVS scores. During Q1 of FY 2022, the BEST Workgroup conducted focus groups with employees based on five FEVS focus areas and briefed the Chair on the results and the agency's culture. Also, OPM released the EEOC's Employee Engagement Index (EEI) score of 78 percent for the agency, a decline of 2 percentage points from 80 percent in FY 2021. However, OPM also introduced the DEIA Index in FY 2022, which replaced the Inclusion Index from previous years – effectively eliminating the requirement to compare prior year EEI results, based on the agency's FY 2022 FEVS score. DEIA Index is specifically designed to align with Executive Order 14035 and emphasizes the four components in Equal Opportunity: Diversity, Equity, Inclusion, and Accessibility. In FY 2022, the EEOC's average score for DEIA was 81 percent, which exceeded the Government-wide average of 69 percent by 12 percentage points, and the average for medium-sized agencies of 75 percent by 6 percentage points.

Performance Measure 10 for Outcome Goal III.A.

Performance Measure 10: Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.		
	FY 2021	FY 2022
Target	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
Result	A variety of feedback surveys and other mechanisms were utilized throughout the fiscal year, including workgroup sessions, demonstrations of applications, electronic survey reviews, and an annual conference to generate feedback necessary to support continued access to EEOC services provided to the public. These surveys were designed to address the goal of enhanced customer service with a particular emphasis on virtual and online interactions necessitated by the pandemic; feedback received during the year was reviewed to identify enhancements for FY 2022.	The agency continued to conduct feedback surveys throughout the fiscal year, including workgroup sessions and electronic survey reviews, to support continued access to EEOC services provided to the public. In Q1 of FY 2022, new e-versions of participant surveys were issued as part of an independent evaluation conducted in coordination with academia and the EEOC's ADR Program. Additionally, the Revolving Fund evaluated prior survey measures and issued new FY 2022 surveys at the EEOC's 25th annual Examining Conflicts in Employment Laws (EXCEL) Training Conference held August 23-25, 2022. The results of the FY 2022 EXCEL Training Conference evaluation were reviewed and analyzed to provide feedback and set goals for next year's conference.
		Target Met

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

The FY 2022 targets for Performance Measure 10 were to continue to implement feedback surveys and related mechanisms from the public and targeted audiences the EEOC serves, to adjust the measures and targets, as necessary, and set goals for improvement or maintenance of the agency’s service delivery and increased accessibility annually.

As part of the annual assessment of the ADR program, an e-survey was issued at the end of FY 2022 to provide an assessment of participant satisfaction on the adaptation to remote mediation sessions. Results were issued and made available to the public in June 2022 on EEOC’s external website via a report titled, [“EEOC Mediation Participants in Online Mediation and Comparison to In-Person Mediation”](#). Also in FY 2022, the Revolving Fund utilized revised survey measures to secure feedback from attendees at all workshops, customer specific trainings, and the annual EXCEL Conference. The FY 2022 EXCEL conference design and presentations were modified based on the prior fiscal year’s conference to make further enhancement in FY 2023.

Performance Measure 11 for Outcome Goal III.B:

Performance Measure 11: Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.		
	FY 2021	FY 2022
Target	Report on progress quarterly and adjust the plan, as necessary.	Report on progress quarterly and adjust the plan, as necessary.
Result	The EEOC continued to deliver program oversight briefings to the Technology Modernization Fund (TMF)/ GSA project team, senior agency managers, and the TMF Board throughout the fiscal year. By year-end, the system was completing final user acceptance testing with a plan for roll-out of the first phase in early calendar year 2022.	The private sector module of the new TMF/EEOC funded Charge/Case Management System, now named ARC, went live in January 2022 to 145 EEOC and FEPA offices, replacing the legacy Integrated Mission System applications. Ongoing trainings, How-To videos, Teams communications for the field, as well as regular inhouse collaboration with the Office of Information Technology ensured a continued and smooth transition and provided for any necessary enhancements. The EEOC continued to deliver program oversight briefings to the TMF/ GSA project team, senior agency managers, and the TMF Board throughout the fiscal year.
		Target Met

Performance Measure 11 allows the agency to track and assess progress on migration to a fully digital charge/complaint environment. The benefits of such modernization include

improved collaboration and knowledge sharing, enhanced data integrity, reduced paper file storage or manual archiving/disposition requirements; and allowing a more mobile workforce. Streamlined services and increased responsiveness to users throughout the process will be regularly evaluated. The FY 2022 target for Performance Measure 11 was to report on progress quarterly and adjust the plan, as necessary.

During FY 2022, the modernization team defined and developed an end-to-end charge management solution for the agency's private sector processes and the accompanying processes for its FEPA partners. Over 200 requirements workgroup meetings, requirement reviews, and demonstrations were conducted in support of this program. These requirement efforts were critical to the development of nine common services, which are the foundation of the modernized system, and 20 app modules, which are the enabling tools for private sector and FEPA processes. The private sector component of the modernized system, now branded as ARC, was deployed on January 18, 2022, to 145 EEOC and FEPA offices, with demonstrations of the system and training for staff before full implementation. Development of ARC then shifted to modernizing the litigation and federal sector services components of the agency's charge management system. ARC Litigation Case Management was deployed in January 2023 with Litigation Appeals targeted for Spring 2023. Federal sector services will follow, for deployment in CY 2023.

Briefings were provided throughout the fiscal year to senior agency managers and the TMF Board to apprise them of the project's progress and to solicit feedback and input on key issues and proposed modifications to system design and launch. Status updates were also shared with the GSA in accordance with TMF requirements.

Performance Measure 12 for Outcome Goal III.B.

Performance Measure 12: The budget process prioritizes funding for the EEOC's strategic goals.		
	FY 2021	FY 2022
Targets	As part of an overall increase in budget development transparency, produce an annual Congressional Budget Justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual Congressional Budget Justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.
Results	The EEOC's final FY 2021 Operating Plan was approved by the Chair on March 8, 2021. The EEOC's FY 2022 Congressional Budget was submitted to Congress on May 28, 2021. The EEOC's FY 2023 Performance Budget was submitted to OMB on September 13, 2021.	The EEOC's final FY 2022 Operating Plan was approved by the Chair on March 15, 2022. The EEOC's FY 2023 Congressional Budget was submitted to Congress on March 28, 2022. The EEOC's FY 2024 Performance Budget was submitted to OMB on September 12, 2022.
		Targets Met

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

The FY 2022 targets for Performance Measure 12 were to submit the EEOC's FY 2023 Congressional Budget Justification and the 2022 Operating Plan and prepare the EEOC's FY 2024 Performance (OMB) Budget that aligns resources with the Strategic Plan. These documents were all submitted in a timely manner and clearly explained how resources aligned with strategic priorities. The final FY 2022 Operating Plan was approved by the Chair on March 15, 2022. The agency's [Fiscal Year 2023 Congressional Budget Justification](#) was submitted to Congress on March 28, 2022. The FY 2024 Performance Budget was submitted to OMB on September 12, 2022.

C. Program Areas

1. Highlighted Resource Area

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

Table 12: Highlighted Resource Area

Excellent & Consistent Services Through a Skilled and Diverse Workforce and Effective Systems (Dollars in thousands*)				
	FY 2022 (Enacted)	FY 2023 (Enacted)	FY 2024 (Request)	Change From FY 2023
Information Technology	\$24,564	\$25,773	\$28,706	\$ 2,933
Total	\$24,564	\$25,773	\$28,706	\$ 2,993

2. Human Resources

a. Workforce Planning

The EEOC has undergone several changes to its operations and workforce over the years. As a result of the pandemic in FYs 2020, 2021 and 2022, and early 2023, the EEOC successfully pivoted and adjusted operations to effectively deliver its mission and results. In order to continue to serve the public effectively, the EEOC must

conduct workforce planning to holistically staff and analyze the impact of changes in the laws and the workplace and develop and implement strategies to reshape/reform existing workforce structures, staffing, and functions for its offices.

In August 2017, OPM conducted a human capital management evaluation. The purpose of the evaluation was to assess the EEOC's strategic management of human capital, the efficiency and effectiveness of its human resources programs, and compliance with merit system principles, laws, and regulations. The findings indicated that the EEOC lacked comprehensive information and plans to recruit strategically its current workforce, plan for future staffing levels and leadership continuity, and ensure its training programs support agency needs. In FY 2018 through FY 2020, the EEOC started a workforce planning initiative and made comprehensive changes with improvements to hiring, recruitment, training, and retention. As a result of the pandemic, the EEOC effectively adjusted operations in FY 2020, 2021, 2022 and early 2023 due to the pandemic but must now complete robust workforce planning with ongoing analysis and staffing plans that allow leadership to identify and use human capital (and technology) strategies best suited to support the EEOC's current and future organizational goals in FY 2023, FY 2024, and beyond.

b. Training and Retention

The EEOC is focused on training and developing employees at all levels – non-supervisory employees, team leads, supervisors, managers, and executive-level staff. The EEOC will accomplish this continuous learning at all levels through talent management, ensuring our Headquarters and Field Offices identify and close skills gaps, and implement and maintain programs to attract, recruit, develop, promote, and retain quality and diverse talent so the agency can accomplish its mission.

The EEOC will continue to provide all employees with a comprehensive training program and expand access to learning and development through four primary approaches: 1) training activities responsive to their individual and executive development plans (IDP/EDP); 2) internally sponsored, instructor-led courses, workshops, and webinars; 3) training programs addressing position-related competency needs; and 4) online courses available through the EEOC Learning Management System (LMS). We will use a strategic approach to deliver these training programs for effective talent management. In FY 2024 and beyond, we will use agency strategic goals, focusing on necessary competencies, and continue developing a Talent Management and Leadership Succession Plan for employees at all levels. The plan is the result of our review of a variety of resources, including other agencies' leadership succession plans, Field and Headquarters perspectives, Office of Personnel Management (OPM) guidance, Government Accountability Office (GAO), the EEOC Office of Inspector General (OIG) Reports, and information regarding organizational planning for succession in both the private and public sectors. We will also consider the EEOC's performance reports, employee surveys, our Human Capital Operating Plan, and guidance/feedback on aspects of the plan from the EEOC Executive Resources Board.

We intend to address our future leadership needs in a coordinated and thoughtful manner. The Talent Management and Leadership Succession Plan will provide the reasoning and blueprint for addressing the anticipated loss of experienced leaders by providing a process to identify and prepare well-qualified individuals to lead the agency into the future. Strong leadership will ensure a continued commitment to the agency's mission and successful accomplishment of our goals.

During FY 2023, we will continue to expand web-based and virtual training as the EEOC continues to make significant investments in IT resources to increase bandwidth and modernize computer systems to handle increased traffic to train and develop employees at all levels. Virtual training opportunities remain very popular – allowing the EEOC to convey relevant information and timely updates to our staff in all of our 15 Districts and Headquarters locations reaching a vast amount of EEOC's employee population.

The EEOC launched a new, more robust LMS in FY 2021, that significantly aided the agency in strategically planning and administering learning and talent management activities for its staff, tracking employee course completions, conducting pre- and post-testing to measure results, and gathering data needed to submit required reports on agency training activities to OPM. In FY 2023, the EEOC plans to launch additional learning and development platforms to our system capabilities to deliver quality training for the workforce, to include a new leadership development on-demand platform, along with a language platform to assist employees in better serving the communities in which we provide services. We will continue to explore new learning modalities in this area to add to our system offerings in FY 2024.

Training for newly hired investigators is central to the agency's ability to conduct effective efficient investigations. In the first quarter of FY 2022, training was conducted for 103 new investigators, as well as 48 Investigative Support Assistants (ISAs), and 30 Office Automation Assistants (OAAs). Toward the end of the second quarter FY 2022, the EEOC held New Investigator Training for 55 participants, which included new EEOC investigators as well as investigative staff from Fair Employment Practices Agencies (FEPA) and the Office of Federal Contract Compliance Programs (OFCCP). Each New Investigator Training was a two-week intensive introductory level training for investigative staff that covers important topics that are critical to the development of New Investigators. In addition, in the first quarter FY 2022, with the recent hiring of new hearings staff, OFP virtually launched "AJ Academy," the first national training program for administrative judges.

The agency held four training sessions for all enforcement staff nationwide on identifying, investigating, and conciliating systemic discrimination. Furthermore, training was provided on new and emerging issues that all investigators need to effectively handle, including matters related to COVID-19 (for example, discrimination related to disability, religious accommodation, and discrimination and harassment against Asian-American and Pacific Islanders), increased awareness surrounding LGBTQI+ issues to ensure robust implementation of the Supreme Court's landmark decision in *Bostock v Clayton County*, and the EEOC's alignment with Executive Order 13175 and our relationship with Native American Tribes and Tribal Employment

Rights Offices (TEROs). The EEOC held both the FEPA conference and the TERO conference at the beginning of the fourth quarter, FY 2022.

In the second quarter FY 2022, the EEOC held a joint training with the Office of Field Programs (OFP), Office of Legal Counsel (OLC), and the Office of Information Technology (OIT) to provide two substantive training sessions on the Freedom of Information Act (FOIA). This training was tailored to focus on the needs of the field FOIA staff to assist them with completing their work.

Leading up to the launch of the new charge management system in January 2022, ARC, the EEOC conducted several training sessions to ensure staff were trained and prepared for the new digital charge system. This resulted in open communications and support throughout the Agency, and a successful transition.

In late FY 2022, the EEOC designed and conducted a systemic conference for approximately 70 employees from across the country. That conference consisted of a two-day, hands-on, interactive case study simulating a hiring process that used artificial intelligence. Participants practiced the skills of interviewing a charging party to frame the systemic violation and drafting requests for information to gather data from Respondent. This conference helped to develop critical skills for field investigators and attorneys. As we bring on new staff, we will continue to provide these types of trainings in FY 2023 to position us for success going forward.

Because the EEOC has begun to rebuild the agency's capacity by hiring many new attorneys in FY 2021 and FY 2022, we conducted a three-day, virtual New Trial Attorney Orientation training in FY 2022, and we conducted a three-day in-person New Attorney training for 50 attorneys from legal units around the Nation in early FY 2023. We plan to conduct more in-person training and conferences for Trial Attorneys and legal unit leadership from across the country. These meetings are vital to engagement and retention of the field legal units, as they share strategies and best practices about litigation and performance management.

In FY 2022, OGC conducted two skills-based training sessions with the National Institute for Trial Advocacy (NITA), on oral advocacy. A total of 53 trial attorneys attended. These learning-by-doing trainings enhance the ability of trial attorneys to litigate cases independently and bring quality advocacy to the litigation program. In FY 2022, we also conducted training for approximately 30 trial attorneys and 20 legal support staff on electronic stored information (ESI) matters. The training covered the EEOC's internal ESI policies, litigation support services, preserving, collecting, and producing ESI from claimants and aggrieved individuals, and obtaining ESI from defendants and third parties. In FY 2022, we held basic Relativity training for new employees. Recognizing the importance of technology, we continued to offer monthly virtual technology trainings for trial attorneys and legal support staff, highlighting various technological tools which can make their work more efficient. In FY 2022, we also coordinated with an outside vendor to provide monthly legal professional development training to paralegals and legal support staff. Additionally, we arranged for the LitSupport staff and three attorneys to attend a four-month training program to become certified e-discovery specialists. As we bring on new staff, we will need to

provide these types of trainings in FY 2024, including in-person, to position us for success going forward.

The EEOC strives to make continuous improvements to our training programs to ensure our employees at all levels have the knowledge and skills to effectively perform their duties. In FY 2023, the EEOC will continue providing mandated training requirements to employees and will partner with the Small Agency Council to provide expanded training courses from Shared Service providers Training Centers.

c. Performance Management

In FY 2021 and 2022, the EEOC satisfied the requirements outlined in OMB memorandum (M-19-24) regarding “Guidance on Awards for Employee and Agency Workforce Fund Plan.” In accordance with M-19-24, the EEOC implemented a balance between performance/rating-based awards and individual/contribution awards that supported the strategic use of awards and recognition throughout the year and addressed workforce challenges by allocating rating-based awards in a manner that recognize high performing employees.

d. Recruitment and Retention

In FY 2024, in support of our Workforce Planning initiative, the EEOC will develop a Workforce Plan and Recruitment and Retention Plan for the field and headquarters offices to improve overall recruitment and retention to ensure we retain increased staffing levels.

The EEOC will continue to act in accordance with OPM and OMB guidance and executive orders to ensure compliance with the federal recruitment requirements by providing tools and resources needed to attract and retain talent at all levels. To support our Recruitment and Retention strategy to fill and retain positions year-round, the EEOC will use a wide range of hiring flexibilities to rebuild and increase agency staffing including encouraging Schedule A hiring of persons with disabilities; continued use of non-competitive veterans hiring appointments; using internships, fellowships, and early career hiring programs that include the Pathways Programs (Internship, Recent Graduates, and Presidential Management Fellows), College Graduate, and Law Clerk/Attorney Honors Program for entry level positions; encouraging Military Spouses appointments; collaborating with AmeriCorps VISTA/Peace Corps for various appointments; and building strategic partnerships and alliances with stakeholders such as Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American and Pacific Islander Serving Institutions (AAPISIs), Tribal Nations, local high schools, and colleges/universities.

Simultaneously, as part of the Workforce Planning strategy, the EEOC will closely monitor and analyze, recruitments and separations of highly qualified candidates and employees due to retirements, transfers to other agencies, and separations for employment outside of the Federal Government. By utilizing recruitment, relocation, and retention (3Rs) incentives and employee development, the EEOC will strategically

address human capital needs and build and maintain a high-performing workforce with essential skills and competencies to ensure we retain our talent and staffing numbers.

In FY 2023, the EEOC will continue to provide Work-Life programs, including Employee Assistance Programs for our entire workforce to support work-life balance that ultimately helps with employee retention to maintain and support the EEOC workforce.

e. Addressing Internal Workplace Issues

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

The Office for Civil Rights, Diversity and Inclusion (OCRDI), under the direction of the Chair, provides leadership in the development, implementation and evaluation of the EEOC internal equal employment opportunity (EEO) and civil rights programs, including investigations, compliance, and affirmative employment programs; the EEOC's diversity, equity, inclusion, and accessibility (DEIA) programs; and the agency's reasonable accommodation (medical, religious, and interpreter services, etc.,) programs. OCRDI was created in August 2022 in response to President Biden's Executive Order No. 14035 (Diversity, Equity Inclusion and Accessibility in the Federal Workforce).

OCRDI provides technical guidance, advice, investigations, and support services to managers, executive staff, employees, applicants for employment and other services on the Federal government's equal opportunity and civil rights program; diversity, equity, inclusion, and accessibility programs; and reasonable accommodation program in accordance with Section 717 of Title VII of the Civil Rights Act of 1964, as amended; Sections 501 and 504 of the Rehabilitation Act of 1973, as amended; Section 403 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended; Executive Order 11478, as amended by Executive Order 12106; Executive Order 14035, Diversity, Equity, and Inclusion in the Federal Workplace; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, as amended; the Americans with Disabilities Act of 1990; the Civil Rights Act of 1991; the Genetic Information Nondiscrimination Act of 2008; and title 29, Code of Federal Regulations, part 1614.

OCRDI serves as a liaison and central organization to design and implement DEIA programs, investigate employee and applicant inquiries and complaints, and handle all reasonable accommodation requests. The OCRDI director is responsible for the establishment of effective and efficient formal and informal procedures for prevention and investigation of agency internal civil rights and DEIA issues.

OCRDI provides overall leadership and management of agency-wide training and development of policies and programs designed to establish, maintain, and enhance internal EEO and civil rights, DEIA, non-discrimination practices, and a healthy organizational culture across the agency.

3. Public Service

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

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone, e-mail, and video phone service for the deaf and hard of hearing. The IIG consists of in-house staff who serve as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail. The IIG received over 475,000 calls in FY 2022 (an 18.8 percent increase from FY 2021); and it is on track for a similar call volume in FY 2023. In FY 2022, approximately 46.76 percent of callers utilized the Interactive Voice Response (IVR) information system and needed no further assistance. Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. In FY 2022, on average each month our IIG Contact Representatives answered more than 39,500 calls, 5,725 emails and approximately 75 video phone transactions from individuals wanting more information or wishing to discuss their situation with an EEOC representative. In FY 2022, over 74 percent of calls, emails, and videophone calls answered by the IIG Contact Representatives were fully resolved by the IIG Contact Representatives without being referred to other staff in the EEOC field offices. Assessing all contact channels combined, the IIG Contact Representatives received almost 544,560 transactions in FY 2022, and we anticipate a higher volume in FY 2023. Investments made in the Intake Information Group have allowed the EEOC to expand its reach and more efficiently serve the public. Previously, the EEOC's investigators in each EEOC office responded to calls from the public. In FY 2022, our staff of approximately 39 IIG Contact Representatives, handled over 400,000 contacts without the need to forward them to EEOC investigators. As noted above, using IIG Contact Representatives to handle calls allows investigators to be more productive and efficient and enhances our service to the public. In FY 2022, each EEOC investigator continued to resolve an average of 129 charges.

In the third quarter FY 2022, the IIG undertook the significant challenge of implementing a new telephony contract, along with a new/updated software platform. This new technology enables the IIG to significantly improve customer service by, among other things, leveraging new self-help features for the public and increasing the IIG's ability to successfully address a higher percentage of inquiries without having to forward them to other parts of the Agency. The IIG implemented this new technology while simultaneously maintaining all of the high-quality services referenced above to all internal and external stakeholders of the EEOC who seek assistance from the EEOC on a daily basis.

As noted above, the EEOC has also increased the agency's accessibility to individuals who are deaf and hard of hearing. As technology has moved forward, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. Staff members were hired to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FY 2022 approximately 898 video calls were handled by the IIG, and we anticipate that number to increase in FY 2023. We will continue to assess the public demand for ASL services to determine if additional staffing resources are needed to support this aspect of our service to the public.

The IIG continues to lead the way in advancing remote work, thus helping to reduce our physical footprint and reduce costs. In addition to the seven individuals hired for remote work with the IIG through a partnership with the National Telecommuting Institute (NTI), the option for remote work status had been expanded to all IIG Contact Representatives. Prior to the pandemic, 74 percent of the IIG Contact Representatives teleworked full-time. During the period of the agency's shift to 100 percent telework due to the pandemic, the IIG operations were able to successfully continue with all staff working remotely. The IIG was able to operate at optimal levels because of the experience gained during prior years of using telework. Currently all IIG Contact Representatives have elected remote work status.

Beyond the contacts made through our IIG, another significant part of our work is addressing inquiries that do not ultimately become charges. These inquiries involve significant amount of staff time. In many instances where inquiries are submitted, staff interview the individual in depth and counsel the individual as to their rights, responsibilities, and the process. In FY 2022, the EEOC received more than 218,000 inquiries in field offices, an almost 10 percent increase from the prior fiscal year, over 160,700 of those inquiries were filed through the online intake and appointment scheduling system.

The EEOC has had a continual focus on enhancing its charge intake services, including through the expansion of walk-in hours, and issuance of a plain language brochure to assist potential charging parties in understanding their rights and the EEOC charge handling process. Individuals may contact the agency by phone, by

mail, by e-mail, and by facsimile, by going to the EEOC's website, or by visiting the EEOC field offices. In October 2018, the agency expanded the Online Inquiry and Scheduling System to all 53 field offices. This system allows potential charging parties to submit a pre-charge inquiry for review and schedule an appointment for an intake interview.

4. Information Technology - Digital Transformation

The EEOC is committed to digital transformation to increase its efficiency and to provide timely and effective service to the public. This encompasses everything the agency does, from increasing the efficacy of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed at stopping and remedying unlawful employment discrimination. These efforts are organized around three strategic IT goals:

- Transform the way the EEOC serves the public by making its charge complaint, and appeal processes transparent and providing information to its constituents online and on demand.
- Streamline processes to improve customer service for constituents, including individuals, state and local partners, Federal agencies, businesses, and other organizations.
- Improve productivity by providing agency employees secure access to the tools, data, and documents they require.

The first and most important effort of the agency's digital transformation efforts is the modernization of its charge/case management system. The EEOC's Strategic Plan required that the EEOC "complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management system." To meet this goal the agency submitted a proposal to the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make funds available to federal agencies for technology improvements. After a process that included developing project proposals, a high-level project plan, a technical architecture, and a full business case, the TMF Board awarded the agency \$4 million dollars, in two \$2 million tranches. The initial TMF funds were received in early 2020, with the second \$2 million received in FY 2022. These TMF funds have provided the EEOC with the resources to modernize the legacy technology and data structure of its now 22-year-old Integrated Mission System (IMS) over a three-year period.

Over 22 months, the modernization team defined and developed an end-to-end charge management solution to enable the agency's Private Sector processes and the accompanying processes for its Fair Employment Practices Agency (FEPA) partners.

Over 230 requirements workgroup meetings, requirement reviews, and demonstrations were conducted in support of this program. These requirement efforts were critical to the development of nine common services, which are the foundation of the

modernized system, and 20 app modules, which are the enabling tools for Private Sector and FEPA processes.

The modernized system – now branded as the Agency Records Center (ARC) – was deployed in January 2022. The EEOC completed this large-scale deployment – to 145 EEOC and FEPA offices – after significant user acceptance testing and training efforts. The agency is committed to the change management activities crucial to the program’s success and developed and presented more than 35 national-led trainings and demonstrations. Feedback for this effort was universally positive. The EEOC is now modernizing Litigation and Federal Sector Services. Litigation Case Management went live within ARC in January 2023. The development of Litigation Appeals is underway, with the Federal Sector Services in the wings for delivery in CY 2023.

Modernizing its legacy charge/case management while also transitioning to new, more effective, peripheral digital systems is complex, and the success of both is essential to the agency’s mission. These supplementary efforts have included:

- The EEOC previously launched our Public Portals, providing online services for parties to submit inquiries, schedule an interview, formalize charges, exchange documents, identify processing preferences, check status, and update contact information – without the need to visit an EEOC office or use mail services. Similarly, the EEOC deployed electronic services to our public sector constituents, bringing the EEOC’s federal sector online services on par with the private sector. The companion Federal Sector EEO Portal (FedSEP), which provides online services to Federal Agency OEO offices, integrates with the public sector side of the EEOC Public Portal for information and document exchange.

We conservatively estimated that the use of private sector online services saves over 41,000 hours of investigator time (almost two weeks per investigator) annually. Electronic service also results in printing/postal/processing savings for the field offices’ clerical staff, freeing each enforcement office administrative assistant from more than seven days of work to perform other tasks. In addition to these cost savings and efficiency gains, the EEOC’s Public Portals proved to be a critical success factor in the agency’s ability to provide continuity of services to the public during the COVID-19 pandemic.

Beginning in FY 2023, and continuing in FY 2024, the EEOC will modernize its Public Portals with expanded language offerings, more granular data, new services, and improved interview scheduling made possible by the ARC implementation.

- In FY 2020, the agency modernized its over ten-year old external website, eeoc.gov. The new website is based on secure open-source technologies and improves our constituents experience, better promotes the agency’s message, integrates more effectively with our social media activities, supports multi-

language capabilities, provides a mobile responsive platform for easier viewing on phones and tablets, and is fully compliant with applicable accessibility standards. In FY 2021, the agency integrated multi-language capabilities into eeoc.gov to further reduce barriers in providing information and services to our constituents. As of FY 2022, eeoc.gov provides some services in 9 languages, with additional expansion underway.

Also, during FY 2021, the EEOC migrated its out-of-support legacy intranet site, InSite, to SharePoint. Both the eeoc.gov and inSite migration efforts helped partially resolve an open OIG finding regarding “out-of-date infrastructure supporting legacy EEOC systems and services.” The migration of EEOC’s final at-risk system, our legacy Document Management System, to SharePoint, was completed in January 2023 – closing out this multi-year risk finding.

- In accordance with another of the EEOC’s Strategic Plan goals – to “[align resources] with priorities to strengthen outreach [and] education,” the agency conducted market research for cloud-based software-as-a-service Outreach and Engagement solutions to support the activities of OFP, OFO, and OGC. Prototyping of a new solution will begin in FY 2023, with procurement, development, and deployment continuing through FY 2024.

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

- The EEOC previously expanded Field Offices and Headquarters network capacity to better support operations and prepare for the transition to unified communications, including investments to replace outdated network equipment. These efforts provided highly available, secure, data communication capabilities that are critical to our development of digital workplace. Initial bandwidth expansion was completed in FY 2021 via the Federal Enterprise Infrastructure Solutions (EIS) contract. EIS is expected to reduce the agency’s annual data communications costs by nearly 50 percent, which are being re-invested in increased bandwidth – enabling agency personnel to communicate with voice, video, and data from all locations. The network investments for the EEOC’s Headquarters, Virtual Private Network (VPN), and Microsoft Office 365/Azure connections enabled the EEOC to support fulltime remote telework brought on by the COVID-19 pandemic.

During FY 2023, the EEOC will continue to modernize our network infrastructure and will implement enterprise wireless capabilities, facilitating communication and collaboration throughout the EEOC office space and removing physical workstation-based connectivity limitations.

- In FY 2020, the agency completed its shift from its aging Novell directory and file services to investments in Microsoft Office 365 and Azure.

Completion of these efforts enabled the agency to migrate its primary device operating system to Windows 10 during FY 2021. To address concerns associated with deploying a major upgrade during the pandemic and fulltime remote work, the EEOC developed a fully automated re-imaging / restore process that allowed laptop migrations to be performed via three methods, all following strict COVID-19 protocols: no-contact on-premise laptop swaps/upgrades, curbside (drive-through) laptop swaps, and shipped swaps. In FY 2022, the agency introduced “auto-pilot” deployments, enabling laptops to be reimaged and updated fully remotely, without attachment to the agency network. This automation will significantly improve the security and version control of our endpoints, especially for fully remote workers. During FYs 2023 and 2024, the EEOC will continue to refresh end-user equipment – mobile devices, laptops, peripherals, and multi-function devices – and will deploy the Windows 11 upgrade.

To improve remote collaboration and communication capabilities during the COVID-19 pandemic, the EEOC aggressively deployed Microsoft Teams enterprise-wide. Deploying and utilizing Teams so rapidly, including developing written guidance, video presentations and remote training, helped transform the way the EEOC communicates – as EEOC employees are now able to use the enhanced chat, file, meeting, and videoconferencing capabilities in Teams. This effort was expanded to provide Teams voice capabilities enterprise-wide, enabling staff to make and receive external calls during full-time remote work.

- The migration from legacy telephone systems to unified communications was completed in FY 2021, saving the agency over \$1.2 million annually, which will be reinvested in other needed IT services.
- The EEOC continued its migration from on-premises and hosted data centers to cloud services. In FY 2021, the agency developed a roadmap and long-term success goals for its Azure Commercial tenant, including governance, policy enforcement, cost management, automation, and integrated security – factors that will enable the EEOC to leverage secure cloud services and manage costs going forward. In FY 2022, the agency increased its Azure Commercial workload usage and, at the same time, reduced costs by leveraging Azure Hybrid Use Benefits, reserving Virtual Machine instances, and automating storage repository cleanup.
- One of the significant challenges associated with the COVID-19 pandemic was provisioning laptops to the summer interns that were preparing to on-board. Understanding the importance of this resource, and the time constraints related to their service, in less than one month the EEOC designed and provisioned a secure Windows Virtual Desktop (WVD) environment for interns use. WVD allows interns to securely connect to EEOC systems and services from their personal laptops at their remote locations. Using the EEOC’s Azure cloud infrastructure, WVD services are ramped up or down to more efficiently and cost effectively meet these fluctuating needs. Due to the success of this effort, the WVD platform has

been expanded to support the EEOC's continuity of operations, advanced data analytics, and litigation support requirements.

Table 13: Cybersecurity Spending by National Institute of Standards and Technology (NIST) Framework

Cybersecurity Spending by NIST Framework (Dollars in Thousands)			
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	FY 2022 Actual	FY 2023 Enacted	FY2024 President's Budget
IDENTIFY			
Authorization and Policy	745	1,100	1,136
Non-CDM Information Security Continuous Monitoring	614	1,167	1,007
PROTECT			
Cloud Security	949	961	975
Credentialing and Access Management	1,065	1,086	1,088
Data Safeguarding	463	455	455
Secure Data Transmission	176	123	123
Secure Patch Management	144	145	10
Security Training	20	20	20
System Security Testing and Analysis	136	421	421
Zero Trust Network Architecture	179	1,395	1,545
DETECT			
Anti-Phishing and Malware Defense	291	291	201
Endpoint Detection and Response	113	113	113
Intrusion Prevention	503	450	455
RESPOND			
Incident Management and Response	666	676	685
RECOVER			
Disaster Recovery	332	333	333
Incident Notification	42	42	42

*This table includes cybersecurity FTE costs.

Securing the EEOC's digital workplace is a critical part of the agency's plans, with priorities developed and put in place to protect data that is central to the agency's mission and the privacy of the people the EEOC serves. The EEOC acquired several systems and services what will enhance security capabilities to better identify, analyze, and resolve internal vulnerabilities.

In January 2022, OMB released M-22-09, Federal Zero Trust Strategy, requiring agency enterprise security architectures to be based on Zero Trust (ZT) principles. During FY 2022, the EEOC made significant progress in implementing Zero Trust Architecture (ZTA) requirements across all five pillars: Identity, Device, Network, Application, and Data. This work will expand significantly in FYs 2023 and 2024, as outlined below:

- The ZTA Network pillar is one of the core capability models. In FY 2022, the EEOC initiated the implementation of network access control (NAC), limiting and securing network access to only government-furnished devices. In FY 2023, the EEOC will complete a comprehensive evaluation of zero trust network capabilities and begin the incremental implementation of Software Defined Networking/Perimeter (SDN/P). SDN/P will provide secure access to EEOC's enterprise resources and applications without a VPN. The EEOC is evaluating both SDN standalone and cloud service offerings. SDN/P implementation, which will continue into FY 2024, will enable the EEOC with network segmentation, zero trust network access, and access control. Furthermore, it allows for removing VPN infrastructure and eliminating points of exposure.
- The EEOC currently leverages various technologies and security controls to gain contextual details and obtain a greater understanding of performance, behavior, and activity baselines across ZTA pillars. This visibility improves detection of anomalous behavior and provides the ability to make dynamic changes to security policies and enforce real-time access decisions. In FY 2024, the EEOC will expand focus on Data pillar of the ZTA capability model. The SDN/P implementation, outlined above, will address some elements of data in-motion activities. FY 2024 activities will expand to data at rest – reviewing data, inventory, categorizing, and labeling. These activities will provide extra visibility into data and how it is accessed and used, allowing the EEOC to automate categorization, security responses, and granular audits; implement additional data integrity/data spillage techniques; and deploy comprehensive logging and information sharing to meet the needs of zero trust. This includes focusing on monitoring systems, such as sensor data and telemetry, supplementing visibility into activity occurring within the environment and aiding in the triggering of alerts used for response. Automation and orchestration will be additional areas of focus, integrating Security Information and Event Management (SIEM) and other automated security tools and managing disparate security systems.
- For the ZTA Identity pillar, in order to better meet ZT requirements for all agency-provided devices, the EEOC made a strategic decision to move away from the prior PIV-based device-login solution to a new password-less Multi-Factor Authentication (MFA) strategy - providing a strong, non-impersonable authentication process for all agency resource access. In FY 2022, the EEOC piloted and acquired FIDO2/WebAuthn-compliant devices and services for workstation logon, remote desktop (RDP) sessions, network device login, and cloud applications access. Deployment of this new ZT

MFA service will be completed in FY 2023. In addition, in FY 2022, the EEOC established a MOU with GSA's Technology Transformation Services for Login.Gov integration. The secure sign-in service integration will provide the public with MFA and phishing-resistant authentication methods for EEOC's public-facing systems. In early FY 2023, the EEOC completed Login.Gov integration for its public-facing system receiving FOIA requests. Integration work will continue with the EEOC's other public portals during FYs 2023 and 2024.

- To address requirements for the ZTA Device pillar, in FY 2021, the EEOC deployed Hardware Security Module (HSM) dedicated cryptographic components into the agency's infrastructure to provide enterprise PKI certificates for workstations, servers, applications, and other IT security efforts. In FY 2022, the EEOC successfully enabled, tested, and deployed a new agency laptop setup experience using Windows Autopilot and Microsoft Intune Endpoint Manager, a cloud-enabled transformative platform for unified and secure endpoint management. The new process: reduces end users' device setup time by 75 percent; does not require access to EEOC's Network for provisioning; and ensures the laptops are up to date with automatic patches and updates, reducing security vulnerabilities. FY 2023 and FY 2024 ZTA efforts under this pillar are focused on improving device authentication, compliance, and inventory management.
- For the ZTA Application pillar, the above referenced deployment of the TMF-funded ARC system utilized DevSecOps practices, continuous integration/continuous deployment (CI/CD) pipelines, and immutable infrastructure Platform-as-a-Service (PaaS) features. In FY 2022, the EEOC coordinated with DHS to conduct a "High Value Asset" (HVA) security assessment review of the new ARC system and its cloud-based environment. The ARC system is designated as an HVA due to its support of EEOC mission essential functions. All findings associated with this DHS review were fully mitigated by early FY 2023. In FY 2024, the EEOC will continue to focus on ZTA secure access cloud and isolation requirements.

In addition to the above efforts, in FY 2022, the agency implemented a Vulnerability Disclosure Program (VDP), and operational continuous monitoring capabilities through the Department of Homeland Security's Continuous Diagnostics and Mitigation (CDM) Program. These expanded controls will significantly reduce cybersecurity risk and allow the agency to better meet FISMA requirements and standards.

On the privacy front, the EEOC implemented Office 365 Data Loss Prevention (DLP) technologies to monitor outgoing external email transmissions for content containing sensitive information, such as Social Security numbers. In FY 2021, the agency also implemented EEOC Secure Share, a secure file transfer solution that enables the agency and external parties to exchange files in a HIPPA and FIPS 140-2 compliant manner. The EEOC will continue to deploy and utilize data-at-rest encryption and

other data loss prevention technologies within SharePoint and Azure to better protect and secure the agency's sensitive data.

Another key IT focus is Enterprise Analytics and Reporting, as the agency has recognized the need to better utilize its data for analytics, such as to support decision making, and operational reporting, to support mission results. The EEOC migrated its IMS-based analytics to Microsoft Power BI, retiring its aging and unsecure Hyperion environment in early FY 2022. For the remainder of FY 2022 and into FY 2023, this work turned to developing Power BI-based reporting and analytics services for its new ARC charge/case management system.

As outlined above, in FY 2022, the EEOC achieved many of our multi-year digital transformation milestones – realizing the related benefits, efficiencies, and cost savings. With sufficient funding in FYs 2023 and 2024, the EEOC will continue to use its newly acquired technologies to their fullest potential – modernizing its network infrastructure, improving digital services, and enhancing information security and privacy through our ZTA strategy and plan.

5. Finance and Administration

Office Rehabilitations and Relocations

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

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

The EEOC continues to incorporate space reduction or sustainment measures to comply with amended OMB memorandum M-12-12 "Promoting Efficient Spending to Support Agency Operations," Executive Order 13589 requirements to reduce operating costs and "Reduce the Footprint (RTF)." Measures we employ include, but are not limited to the following:

- The EEOC will employ measures to not increase our total square footage from the FY 2015 RTF baseline. The agency will return to GSA or lessor unneeded or underutilized space (rightsizing); and identify "off-setting" office space to reduce when we must exceed the FY 2015 RTF baseline for one or more of the EEOC's offices.
- Adherence to Agency Space Allocation Guidelines, for universal application of personnel and office space requirements that include a designated number of two-person private offices dependent upon the total square feet of the office.
- For maximum economic efficiency, the Commission continues to plan space requirements for both the short and long terms and "right-size" offices in

conjunction with lease expiration operations. We also fund security and safety improvements and furniture replacement as needed.

- The EEOC also will continue to review all space needs, current and emerging to ensure that we maximize our space utilization and update our space allocation guidelines to adjust for a post-COVID work environment, as detailed in OMB Memorandum M-21-25 “Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment, Appendix II.” Our efforts will consider the agency’s mission, current and future workplace needs, and most importantly the impact on the communities we serve. To this end, the EEOC is moving to relocate the Washington Field Office to the first floor of the EEO headquarters building to improve customer access, allow for repurposing their old space to accommodate the newly formed Office for Civil Rights, Diversity and Inclusion (OCRDI); establish a separate physical security office; and, to establish a hoteling/shared space section to accommodate several cubicles and offices for remote workers and enhanced workstation sharing.

Based on the above, the following is a summary of FY 2021 completed space actions and FYs 2022-2024 planned space actions:

- FY 2022: Expiring leases and lease awards, anticipated relocations and office wide re-configuration Commission projects: Charlotte, Dallas, Indianapolis, Little Rock, Los Angeles, Louisville, Milwaukee, Memphis, Nashville, Norfolk, New York, and Pittsburgh.
- FY 2023: Anticipated expiring lease, relocation, and office wide re-configuration Commission projects: Cincinnati, Cleveland, Detroit, Greenville, Newark, San Diego, Savannah, and Richmond.
- FY 2024: Anticipated expiring lease, relocation, and office wide re-configuration Commission projects: Raleigh.

Financial Management and Data Analysis

The “Digital Accountability and Transparency Act of 2014” (DATA Act) requires agencies to designate Agency Senior Accountable Officer (SAO) to meet the legislative and regulatory requirements.

The EEOC’s designated SAO is the CFO. The EEOC is taking steps to improve budget, performance and financial data as prescribed by the DATA Act.

Financial and Spending Data Analysis and Compliance

The EEOC currently uses an outdated Oracle Contract Life Cycle Management (CLM) System to procure goods and services. The CLM has many system and control limitations, does not produce 508-compliant documents, and is no longer in compliance with basic regulatory requirements, including the DATA Act, clause and form updates, e.g., Standard Form 26 (SF26), Item 13 is not updated to reflect the past update from

March 2013 of “41 U.S.C. 3304(a)”, the authority for using other than full and open competition. Additional help desk support requests for data fix scripts are often required to resolve historical data inputs and revisions to prior workarounds for technical integration obstacles which were required for processing obligations prior to system upgrades. Examples which have surfaced include the following: the inability to receive negative dollar amounts for processing modifications for de-obligations; and, the inability to override actions previously requiring “approved without reporting” for award processing or actions requiring the “technical connectivity failure” option after the FY 2018 system upgrade.

The EEOC is taking various complementary approaches and controls to overcome the CLM system limitation and non-compliance challenges to meet the legislative and regulatory mandates, and to satisfy the DATA Act requirements.

Security, Safety, Emergency Preparedness and Continuity of Operations

In FY 2022, the Commission will complete the installation of an Enterprise Physical Access Control System (ePACS) in all 53 Field Offices and Headquarters. This will bring the EEOC into compliance with HSDP-12, FIPS 201, NIST SP 800-116 and DHS/Interagency Security Committee standards and guidance. Ongoing support, life cycle replacement, office relocation installation, service and maintenance are required.

In FY 2019, the Commission embarked on mitigating active shooter vulnerabilities within their Field Office’s intake areas for offices located in buildings without physical security screening (x-ray and magnetometer) and armed Protective Security Officers. The EEOC, working with GSA, collaborated to install ballistic resistant glass transaction windows in 16 locations without physical security screening and armed Protective Security Officers. The final installation will be complete in FY 2022. Future office relocations into buildings without physical security screening and armed Protective Security Officers will include ballistic glass transaction window installations.

IX. VERIFICATION AND VALIDATION OF DATA

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

The EEOC systematically reviews the information collected in the agency's databases for accuracy by using statistical software (e.g., SAS, PowerBI, etc.) and program reviews of a sample of records during field office technical assistance visits. Additionally, headquarters offices regularly conduct analyses to review the information collected to identify erroneous entries requiring correction to collection procedures.

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

The EEOC's Office of Inspector General (OIG) continues to review the agency's data verification and validation procedures, information systems, and databases and offer recommendations for improvements. The agency uses the OIG's information and recommendations to continually improve the EEOC's systems and data.

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X. PROGRAM EVALUATIONS

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

Independent program evaluations played an important role in formulating the strategic objectives and performance goals detailed in the EEOC's Strategic Plan and helped shape some of the program issues and key focus areas for improvement. They are an invaluable management tool to guide the agency's strategic efforts in attaining high levels of productivity and program efficiency, effectiveness, and accountability. Consistent with the agency's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to consider appropriate program areas for evaluation each year. This review will ensure that the agency's efforts align with the EEOC's budget and other programmatic priorities.

In FY 2022, the agency continued its work on the following evaluation projects: 1) The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine (National Academies) for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 Project; 2) the Mediation Survey Modernization Project; and 3) the EEOC's Data and Modernization Program. See Appendix B for more detail.

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XI. ADMINISTRATION AND SUPPORT

A. Introduction

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

B. Freedom of Information Act Workload

The data suggests that the number of requests received under the Freedom of Information Act (FOIA) will stabilize at slightly under 14,000 by FY 2026.

Table 14 below depicts the actual FOIA workload for FYs 2020 - 2022, and projections for the number of requests received, processed, and pending for FYs 2023 - 2026.

Based on actual workload data from the first three quarters of FY 2022, Table 14 below projects the number of FOIA requests to be received each year from FYs 2023 - 2026 as approximately 13,712 requests each year. Based on data from the first three quarters of FY 2022, the number of FOIA requests processed each year is estimated to be approximately 13,967 in FYs 2023 through FY 2026.

Table 14: Freedom of Information Act (FOIA)

FY 2020 to FY 2026*							
	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Est.)	FY 2024 (Est.)	FY 2025 (Est.)	FY 2026 (Est.)
Carryover Previous Year	746**	1,935	1,275**	728	473	218	0
Receipts	16,287	15,596	13,664	13,712	13,712	13,712	13,712
Total Workload	17,033	17,531	14,939	14,440	14,185	13,930	13,712
Processed	15,098	16,436	13,692	13,967	13,967	13,930	13,712
Pending FOIA***	1,935	1,095	728	473	218	0	0

* May not add due to rounding

** Carryover Previous Year inventory adjusted to reflect FOIA activity spanning FYs

*** The term “pending” FOIAs does not mean “overdue” FOIAs. The term “pending” FOIAs means the total number of timely FOIAs and overdue (“backlogged”) FOIAs at the end of the fiscal year.

C. GINA Study Commission

Section 8 of Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 requires that a commission designated by members of Congress be established on May 21, 2014 to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA. To date, Congress has not designated any members. In order to abide by our statutory responsibilities, should such a Commission be established, we anticipate that we would need to cover the following costs for the eight-member commission: shared rent and security; IT services; per diem, including air fare; postal services; and other miscellaneous expenses.

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

APPENDIX A: GENERAL STATEMENT OF LAWS

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

The EEOC is charged with preventing and remedying unlawful employment discrimination and advancing equal opportunity for all in the workplace. The EEOC fulfills its mission through the implementation of a vigorous law enforcement program that includes investigation, conciliation, mediation, and litigation, complemented by an outreach program that provides information, guidance, and technical assistance to help prevent discrimination.

Statutes Enforced

The EEOC enforces Title VII of the Civil Rights Act, which prohibit discrimination on the basis of race, color, religion, sex, or national origin by private and state or local employers with 15 or more employees; by employment agencies; by labor organizations with 15 or more members; by joint labor-management training and apprenticeship programs; and by the federal government. The law also requires employers and other covered entities to reasonably accommodate an employee's religious beliefs or practices unless doing so would cause more than a minimal burden on the operations of the employer's business. In 1978, Title VII was amended to enact the Pregnancy Discrimination Act (PDA), which requires employers to treat pregnancy, childbirth, or a medical condition related to pregnancy or childbirth as any other medical condition with respect to terms of employment, including health benefits.

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

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

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

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

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

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

The PWFA requires employers to make reasonable accommodations for employees or applicants with known limitations due to pregnancy, childbirth, or related medical conditions, absent undue hardship (i.e., significant difficulty or expense). President Biden signed the PWFA into law on December 29, 2022; the law goes into effect on June 27, 2023.

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

Enforcement Methods

Private Employers, State and Local Government Respondents

Members of the public may file charges alleging employment discrimination in violation of EEOC-enforced laws with an EEOC field office. Charges also may be initiated by the EEOC's Commissioners or, alternatively, "on behalf of" another person by an individual or organization, such as a union or civil rights group. After charges are filed, the EEOC's staff members investigate and the EEOC may issue a determination of "reasonable cause" or dismiss the charge for a variety of reasons. If the agency determines there is reasonable cause to believe unlawful discrimination occurred, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation, in lieu of an investigation or at any stage of an investigation. Under Title VII, the ADEA, ADA, GINA, and the PWFA, filing a charge generally is a prerequisite to filing a lawsuit. Filing a charge of discrimination is not a prerequisite to filing a suit under the EPA.

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

Federal Agency Respondents

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

The EEOC may award relief to federal employees, applicants and former employees to remedy harm suffered by violations of these laws and may monitor federal agencies' compliance. It also is responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity, including by posting equal employment opportunity data pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "No FEAR Act") – including the additional responsibilities under the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 amendments – to help Congress, federal agencies, and the public assess whether and to what extent agencies are meeting their EEO responsibilities.

Data Reporting and Record Keeping

Under section 709(c) of Title VII, the EEOC may require covered entities to keep records that are relevant to determining whether the law has been violated and may require reporting from this information. Pursuant to this authority, the EEOC requires covered private employers, state or local governments, and labor organizations to file periodic reports providing data on the makeup of their workforces or memberships by gender and

racial/ethnic categories. The EEOC uses this data in charge investigations and other enforcement activities. It also uses this data to produce reports about the status of workers by race, ethnicity, or gender in selected industries.

Section 709(e) of Title VII forbids the EEOC or any EEOC officer or employee from making public any information before a Title VII proceeding is instituted that involves that information. EEOC staff who violate this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The EEOC directly imposes this Title VII confidentiality requirement on all of its contractors, including contract workers and contractor companies, as a condition of their contracts. With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII *only* if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. For the EEOC, its agents and contractors, Title VII only permits disclosure of information after suit is filed in a particular matter on the issues that were investigated at the administrative level.

With respect to data-sharing with FEPAs, Title VII states that the EEOC may give FEPAs information (including EEO-1 data) about employers in their jurisdiction on the condition that it not be made public prior to the institution of a proceeding under state or local law involving such information. The EEOC's current practice is to share with a contracted FEPA the EEO-1 data filed by an organization within the FEPA's jurisdiction. The contracts include provisions imposing obligations with respect to confidentiality, privacy, and data security. The EEOC may also share data with a non-contracted FEPA only if specified internal review protocols are followed and such sharing is deemed appropriate. In such instances, non-contracted FEPAs will be required to formally agree to confidentiality, privacy, and data security requirements. The general rule is that EEO-1 data for an employer within the FEPA's jurisdiction will be shared. However, the policy recognizes and allows for additional data to be shared to assist labor market analyses, in some instances. Title VII authorizes the EEOC to decline to honor a FEPA's subsequent requests for information if the FEPA violates Title VII's confidentiality requirements.

Leadership and Coordination of Federal EEO Efforts

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

APPENDIX B: EVALUATION AND EVIDENCE

1. Agency Context

a. Current Efforts and Future Plans

The EEOC recognizes the importance of data driven decision-making and the transformative role data can have to make the federal government more efficient and to better serve the American people. The EEOC is committed to building our capacity to provide viable evidence and better integrate our information and data policy into budget, performance and management decision making. As a basis for this emphasis, we are guided by:

- The EEOC’s Strategic Plan and its prioritization across the agency’s long-term strategic goals and objectives;
- Foundations for Evidence-Based Policymaking Act of 2018;
- OMB Guidance including OMB M-21-27, OMB M-20-12, and OMB M-19-23;
- Executive Order on “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government;”
- Executive Order on “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce;
- Presidential Memorandum on “Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking;” and,
- Executive Order on “Improving the Nation’s Cybersecurity.”

b. Recent Major Progress

The EEOC continues to make great strides with its Data and Analytics Program that was implemented in FY 2018. In FY 2022, the program focused on enhancing the transparency of agency functions and operations, reducing burden on our stakeholders, augmenting agency use of modern data analytics to drive data-driven decision making, and promoting greater public access to the data.

c. Current Barriers

The EEOC, having made significant initial strides to modernize its methods of data collection, reporting, and access in recent years, will seek to identify resources in FY 2023 and FY 2024 to continue the agency’s work to implement data-driven decision-making, enterprise-wide, and to use data to deliver on the EEOC’s mission and serve both the agency and the public. In FY 2023, the agency will allocate funding to modernize the EEOC’s data and analytics in direct support of the [Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and

the [Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking](#).

2. Evaluation Projects

In FY 2022, the agency continued work on the following evaluation projects: The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics of the National Academies of Sciences, Engineering, and Medicine (National Academies) for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 Project; the Mediation e-Survey Modernization Project; and the EEOC's Data and Analytics Modernization Program.

The IAA between the EEOC and the National Academies for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO-1 Project.

In 2020, the EEOC contracted with the National Academies to evaluate the EEOC's historic, first-time collection of pay data from certain private employers and federal contractors between July 2019 and February 2020. On July 28, 2022, the National Academies issued an approximately 300-page Consensus Study Report, which concluded that the data the EEOC collected may be used to prioritize investigations and the agency's allocation of resources to identify potential pay discrimination. It also offers recommendations for improving the collection of pay data in the future. Many of the recommendations complement efforts already underway as part of the agency's ongoing modernization of its EEO data collections and data analytics. The EEOC is examining the report from the National Academies and will use it to inform the agency's approach should it decide to again undertake pay data collection in the future.

Mediation Survey Modernization Project.

EEOC mediation participants are now able to share their feedback by completing a survey electronically in English, Spanish, Haitian/Creole, and Chinese (Simplified). The project's benefits include fewer steps in the process of distributing the survey to participants, faster receipt of survey responses, reduced data entry and elimination of postage. In FY 2022, this project was expanded to not only include mediation participants, but EEOC mediators.

The EEOC's Data and Analytics Modernization Program:

Beginning in FY 2018 and continuing into FY 2023, the goals of the modernization program are to: 1) enhance transparency of agency functions and operations; 2) reduce burden on our stakeholders; 3) augment agency use of modern data analytics to drive data-driven decision making; and 4) promote greater public access to the data.

Specific initiatives the EEOC's Data and Analytics Modernization Program include:

Modernize the EEOC's Data Collections.

Conducted by the EEOC with assistance from National Opinion Research Center (NORC) at the University of Chicago, a leading federal survey data contractor, this project focuses on modernizing the EEO-1, 3, 4, and 5 data collections. Through this work, the EEOC has conducted an initial assessment of Paperwork Reduction Act (PRA) Information Clearance Request (ICR) packages, to identify potential opportunities to strengthen ICRs. In addition, the first phase of a comprehensive evaluation to conduct a full review of the EEOC's current methods of data collection and reporting with an eye toward identifying innovations and efficiencies has been completed. The EEOC issued a new five-year contract for the EEO Data Collections that will implement new strategies and innovations identified in the evaluation.

In addition, to ensure that all employers eligible to file the EEO-1, 3, 4, and 5 are included in the data collection frame/roster, EEOC proposes to:

- Utilize external sources to continuously update the frame for EEO Data Collections and Improve Agency's Employer Master List by developing a multi-year contract with an external vendor or vendors to provide annual updates to all EEO data collection frames, and the agency's Employer Master List.
- Develop an Interagency Agreement with Census Bureau to conduct a study matching the most recent EEO-1 roster with Census Bureau establishment survey rosters to ascertain completeness, missing entities, etc.

Provide Secure Access to the EEOC's Restricted Data for Research and Statistical Purposes.

To protect the EEOC's restricted-access data released for research purposes, the agency through an Interagency Agreement with the Census Bureau is establishing through the Federal Statistical Research Data Center, a modern, secure, and privacy protected approach to facilitate access to protected data for external researchers.

EEOC Explore.

This project enhances the transparency of agency functions and operations by facilitating and simplifying access to agency publicly releasable data by creating easily accessible public use files, documentation, and a web-enabled, state-of-the-art, user-friendly, data query and mapping tool, to facilitate access, and encourage greater use of the EEOC's publicly available data. The initial public launch displays EEO-1 aggregated files for FY 2014 – FY 2018. Additional years of EEO-1 and other EEO data collection files will be added each year as data becomes available for publication. This publicly accessible tool is located at www.eeoc.gov/statistics/employment/jobpatterns/eeo1.

Data Visualizations for the Public.

The EEOC has created new data visuals to accompany the existing data summary product it releases to the public in tabular format. The purpose of these visuals is to display enforcement data in a simple, comprehensible, and visually appealing way for all our internal and external stakeholders. These products represent the EEOC's first major new type of data product in more than 20 years. These data visualizations illustrate statistics for employment discrimination charges and resolutions for the general public as well as specialists in anti-discrimination law and are part of the agency's broader effort to bring greater transparency to the EEOC's operations. The agency also is creating customized visualizations for use by internal stakeholders in each district to support enforcement and outreach functions of the agency. For example, one application of the visualizations will be to identify demographic characteristics and counties of residence of populations more vulnerable to workplace discrimination.

Data Visualization Tool for EEOC Outreach and Education Coordinators.

The EEOC has created an interactive data visualization tool for internal stakeholders in the EEOC's Office of Field Programs to support outreach and education activities. Using public-use Census Bureau data and the Tableau visual analytics platform, the tool enhances data-driven decision making by enabling users to identify counties, EEOC districts, and states with relatively high concentrations of vulnerable workers by race and ethnicity, sex, age, and disability, and depicts the proximity of every Tribal Area to the nearest EEOC office. The tool provides other characteristics of vulnerable worker populations including median income and foreign languages spoken. Future versions of the tool will overlay the Census data with EEOC EEO data collection data and historical charge data to also inform enforcement activities.

Evaluate the Efficacy of Existing Relevant Federal Data Sets.

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

APPENDIX C: ENTERPRISE RISK MANAGEMENT

BACKGROUND

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

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

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

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

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

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Audit of the Equal Employment Opportunity Commission's FY 2019 Financial Statements (OIG Report No. 2019-002- AOIG)	November 19, 2019	Recommend that the EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis.	Repeat finding. Work in progress. EEOC, OCFO will review the existing OFF/OBIE Report; Review the existing 1311 Quarterly Report; Distribute notifications of updated Guidance to HQ and District Offices; and conduct training on the modified 1311 Open Obligation reporting requirements.
Performance Audit of the EEOC Commercial Charge Card Program (OIG Report Number 2018-007-AOIG)	May 31, 2019	Purchase Cards - the Administrative Officer or District Resources Manager should maintain documentation of all account closures electronically or in hard copy. Travel Cards - The Charge Card Program Manager should maintain documentation of all account closures electronically or in hard copy.	Repeat Finding. Work in progress.
Independent Evaluation of the U.S. Equal Employment Opportunity Commission's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (OIG Report Number 2018-004-AOIG)	March 6, 2019	The OIT needs to analyze and resolve internal vulnerabilities.	Repeat finding. Work in progress.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Independent Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2017 (OIG Report Number 2017-07-AOIG)	December 18, 2017	Recommend the EEOC OIT develop and implement a Trusted Internet Connection (TIC) program in accordance with Office of Management and Budget requirements to assist in protecting the agency's network from cyber threats.	Repeat finding. Work in progress.
		Recommend EEOC OIT conduct an e-authentication risk assessment based on NIST SP 800-63-3 Digital Identity Guidelines suite, for the EEOC's digital services and fully implement multi-factor authentication for logical and remote access enterprise-wide.	Repeat finding. Testing and validation pending
Independent Evaluation of the U.S. EEOC's Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) (OIG Report Number 2016-08-EOIG)	January 4, 2017	EEOC OIT should review and analyze critical, high, and medium vulnerabilities. These vulnerabilities should be resolved to avoid compromise of the EEOC's systems; or the agency should document acceptance of the risk or reclassification of the risk.	Repeat finding. Work in progress.
Performance Audit of the Agency's Personnel Security Program (OIG Report Number 2013-08-PSA)	September 15, 2014	Develop and implement policies and procedures to address the safeguarding, transfer, storage, or disposal of classified information. The policy should include the requirements for Memorandum of Understanding between agencies.	Work in progress "Standard Operating Procedure for Classified National Security Information: A Procedural Handbook for the Proper Safeguarding of Classified National Security Information" was submitted in DRAFT form.
		Implement a formalized training program for individuals who use classified information as a part of their duties. If an external agency is to assume the responsibility of training these individuals, this agreement should be documented in an MOU.	Training slides are complete and are included in the draft policy.
		Immediately correct any known weaknesses. If the EEOC determines not to correct a noted weakness, the EEOC should document this analysis and their acceptance of the associated risk.	Work in progress. Note: Implementing a Personnel Security Program for national security positions is on hold per Agency Head(s).

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Evaluation of EEOC Federal Hearings and Appeals Process (OIG Report Number 2018-01-EOIG)	March 30, 2020	Standardize on-boarding activities and training programs required for new AJs and other staff working at the District and Field offices, so that the Federal hearings experience is consistent for both complainants and agencies across offices. The updated AJ Handbook can be used as a foundation for training materials and should include directions on how to access other standardized on-boarding activities and additional training programs.	Closed. Testing and validation completed. Developed standardized training for new AJs. The revised AJ Handbook and Legal Reference Guide was sent, via hardcopy, to all AJ's and the Hearings Staff. AJ Academy took place in October 2021 and involved on-boarding activities and standardized training for new AJs and other Hearings Staff. Closure pending test and validation by auditor (s).
		Ensure future process changes are implemented according to change management best practices noted by GAO.	Work in progress. Practice for the Hearings Program is on-going. Best practices are reinforced on a continuing basis during conversations in the quarterly meetings with the Supervisory Administrative Judges and District Directors.
		Office of Information Technology (OIT), in partnership with OFP and OFO re-evaluate IMS requirements, and requirements for the framework of its successor system, to determine what additional reporting functionalities are needed in order to analyze data about staff and office productivity.	Work in Progress. Charge-Case Management Modernization Governance Charter highlighted the program risk associated with "Data and Reporting" and established the framework to help mitigate this risk-01/08/2020. TMF project timelines were adjusted with the GSA/TMF Board to release both ARC Private and ARC FEPA in Phase I (versus deploying FEPA as part of Phase II, as originally slated). ARC Private and FEPA were deployed in Q2 FY 22. ARC Litigation Case Management was deployed in January 2023 with Litigation Appeals Scheduled for Spring 2023. ARC Federal Sector Hearings and Appeals are now scheduled for deployment in CY 2023. Solicitation of Reporting Requirements - Ongoing
		OIT developers should meet directly with software users, such as OFO attorneys and supervisory attorneys and OFP AJs and Supervisory AJs (SAJ) to determine additional requirements.	Charge-Case Management Modernization Governance Charter outlines "Roles and Responsibilities" for workgroup participation." See 3.1 related to TMF approved schedule changes for ARC Federal Hearings and Appeals. Solicitation of Application Requirements – Ongoing Federal Hearings FY 23 Federal Appeals CY 23

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Continued: Evaluation of EEOC Federal Hearings and Appeals Process (OIG Report Number 2018-01-EOIG)	Continued: March 30, 2020	OFO and OFP, in partnership with OIT should consider development of an IMS training guide or document that is consistently updated and reviewed following upgrades, enhancements or modifications of the software.	Charge-Case Management Modernization Governance Charter highlighted the program risk associated with “Communication” and established the framework to help mitigate this risk through training and documentation See 3.1 related to TMF approved schedule changes for ARC Federal Hearings and Appeals. Federal Hearings FY 23 Federal Appeals CY 23
		Assign a target amount of days for intake so that management can determine if changes implemented impact the efficiency of the process.	Work in progress.
Evaluation of EEOC’s Contracts Administration Activities (OIG Report Number 2019-001-EOIG)	March 11, 2020	OCFO should review and update the Contract File Content Checklist to reflect current documents maintained in the file.	Closed. Testing and validation completed.
		ASD should review and update the COR Appointment Letter as needed and specifically address the maintenance of electronic contract files.	Closed. Testing and validation completed
		OCFO should revise EEOC Order 360.001 as needed to assist CORs in performing their duties. Include implementation guidance for contract administration activities, such as submitting contract modifications.	Work in progress.
Final Report: FY 2021 Annual Report on EEOC’s Compliance with the Payment Integrity Information Act of 2019 (PIIA) (OIG Report Number 2022-002-IOIG) <i>*New Report*</i>	July 11, 2022	Annually conduct an improper payment review in accordance with PIIA and follow the guidance outlined in OMB Circular A-136, section II.4.5 [Payment Integrity Information Act Reporting].	Completed. FY 2022 Period 1 was conducted June 30, 2022. FY 2022 Period 2 conducted October 2022. Testing and validation closure pending.
		Complete the OMB Annual Data Call reporting, and if necessary, contact OMB via email at MBX.OMB.OFRFM.PaymentIntegrity@eop.gov to obtain access to the annual data call.	Completed. OMB Payment Integrity has received FY 2022 guidance and is currently assessing updates to year-end reporting. Testing and validation for closure pending.
		Report the OIG’s finding of non-compliance with the FY 2021 PIAA requirements, as outlined in OMB Memorandum M-21-19, Section VI.D, “Agency Responsibility When a Program is Non-Compliant”.	Completed. OMB Payment Integrity has confirmed receipt and updated distribution lists. Testing and validation for closure pending.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Transmittal of Management Letter Report for FY 2020 Financial Statement Audit (OIG Report Number 2020-002- AOIG)	December 16, 2020	Recommend that EEOC management create a control where management reviews, on a sample basis, at least quarterly, the approved PP&E disposals/retirements or conformity to the EEOC SOP for OIT Excess Property that states, “When equipment is disposed of and SF 120, SF 122, or SF 120 copy using GSAXcess, is approved by the EEOC Approving Official(s), CSD Backup or Property management who have been found to not adhere to requirements of the SOPs for OIT Excess Property and require them to obtain additional training, to include certifying they have read the Approval Officials responsibilities, as it relates to the aforementioned control.	Work in progress. When office conditions permit, the manual physical inventory will be conducted.
		Recommend that EEOC ensures the existing policy in place is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis.	Work in progress. This control was tested in the year-end testing 9/30/21. The recommendation is a repeat finding from FY 2019. (Financial Statements 2021-005-AOIG and 2019-002-AOIG)
Federal Information Security Modernization Act of 2014 (FISMA) FY 2019 Performance Audit (OIG Rpt. No. 2019-004- AOIG)	February 20, 2020	Recommend EEOC OIT review and remediate critical-risk, high-risk and medium-risk vulnerabilities in accordance with EEOC OIT’s assessment of risk. If risk is not remediated, then we recommend EEOC OIT document the acceptance of the risk.	Work in progress. EEOC security officers will continue efforts to mature OIT’s software patching and vulnerability management program. OIT will increase efficiencies in (1) evaluating current vulnerability remediation lifecycles as well as scenarios which affect these lifecycles; (2) exploring vulnerability management timelines and remediation procedures; and (3) drafting, approving, and implementing improved vulnerability management standard operating procedures (SOP).
		EEOC OIT conduct a privacy impact assessment of the SharePoint system to identify privacy issues and risks associated with the security settings; and to provide recommendations to mitigate potential privacy risk.	Closed. Testing and validation completed.
		EEOC OIT provide specialized training for SharePoint administrators and users to reduce the risk of exposing sensitive information and PII.	Closed. Testing and validation completed.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Performance Audit of the EEOC's Charge Card Program (OIG Rpt. No. 2020-004-AOIG)	March 24, 2021	Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation, monitoring, and enforcement of its controls over the closure of charge card (purchase and travel) accounts.	Repeat Finding. Work in progress.
		Recommend the EEOC ensure that emailed policy memos are promptly updated in the appropriate EEOC Directives Transmittal Order.	Work in progress.
		Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation and monitoring of controls over the validation process of charge card transactions.	Work in progress.
		For purchase cards, EEOC management should create a control where management reviews, on a sample basis, purchase cards transactions to ensure all obligating documents and purchase orders are in conformity with EEOC Directives Transmittal Order 360.003, Commercial Purchase Charge Card Program Practical User's Guide.	Work in progress.
		For travel cards, EEOC management should create a control where management reviews, on a sample basis, travel card transactions to ensure all travel authorization or vouchers and receipts are in conformity with EEOC Directives Transmittal Order 345.001, Travel and Transportation Administrative Policies and Procedures Manual.	Work in progress.
		We recommend EEOC management update its policies and procedures to include all required safeguards and internal controls to be compliant with the Government Charge Card Abuse Prevention Act of 2012. In addition, the EEOC should create a monitoring control to review the policy when changes or updates are made to federal law or Office of Management and Budget or General Services Administration guidance.	Work in progress. Repeat finding,

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Evaluation of the EEOC Compliance with Provisions of the Federal Information Security Modernization Act of 2014 (FISMA) for FY 2020 (OIG Report No. 2020-003-AOIG)	May 18, 2021	We recommend the EEOC's Office of Information Technology (OIT) review and remediate critical-risk and high-risk vulnerabilities in accordance with the EEOC OIT's assessment of risk. Where risk acceptance is required for vulnerabilities based on EEOC's network operation, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.	Work in progress. Repeat finding.
Evaluation of the EEOC's Social Media Program (OIG Report No. 2020-001-EOIG)	July 26, 2021	Hire people with specialized expertise to manage the social media program and its assets specifically a dedicated social media manager and part-time (or contract) graphic designer and multimedia specialist.	Closed. Social Media manager and graphic designer / multimedia specialist hired.
		Simplify the EEOC's social media architecture by consolidating many of the existing social media channels and limiting creation of new channels.	Closed. Testing and validation completed.
		Implement a consistent content approval process run by OCLA.	Work in progress. After a social media manager is hired, develop criteria for content that needs to be approved and a content approval.
		Implement an ongoing training series for all staff involved in the EEOC social media program.	Work in progress. After the social media manager is hired, develop a schedule of potential trainings. Identify outside course offerings that would fit within the agency's training budget.
		Use paid media to support improved reach and engagement.	Work in progress. Identify appropriate campaigns/initiatives for paid media support. Resources permitting, buy ads to improve reach and engagement for appropriate campaigns.
		Complete revisions to the social media handbook and provide to all staff managing social media channels	Work in progress. Following review of social media accounts, revise social media handbook draft. Circulate for review and revisions. Distribute final updated social media handbook.
		Begin quarterly reporting on social media outcomes, using an online dashboard to ease data collection.	Closed. Quarterly reporting established. All social media managers are using a shared scheduling tool.
Transmittal of Management Letter Report for Audit of the EEOC's FY 2021 Financial Statements (OIG Rpt. No. 2021-005-AOIG)	January 19, 2022	We recommend EEOC ensures the existing policy in place for Undelivered Orders is followed and documentation of the process is reviewed by the CFO or their designee on a quarterly basis.	Work in progress. This is a repeat finding from the FY 2020 Financial Statement (2020-001-AOIG issued 11/12/2020).

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Final Report: Performance Audit of the EEOC Federal Information Security Modernization Act of 2014 (FISMA) for FY 2021 (OIG Rpt. No. 2021-004- AOIG) <i>*New Report*</i>	March 15, 2022	Recommend that EEOC defines, communicates, and implements an organization wide SCRM (Supply Chain Risk Management) strategy to guide supply chain analyses, provide communication channels with internal/external partners and stakeholders, and assist in building consensus regarding the appropriate resources for SCRM.	Work in progress. EEOC will define, communicate, and implement and organization wide SCRM strategy to guide supply chain analyses, provide communication channels with internal/external 1 partners and stakeholders, and assist in building consensus regarding the appropriate resources for SCRM. Test and validation pending.
		Recommend that EEOC plans and prepares to meet the goals of the TIC initiative, consistent with OMB M-19-26. The agency should define and customize, as appropriate, a set of policies, procedures, and processes to implement TYIC 3.0, including updating its network and system boundary policies, in accordance with OMB M-19-26. This includes, as appropriate, incorporation of TIC security capabilities catalog, TIC use cases, and TIC overlays.	Work in progress. EEOC will meet the goals of the TIC initiative, consistent with OMB M-19-26. The agency will define and customize, as appropriate, a set of policies, procedures, and processes to implement TIC 3.0, including updating its network and system boundary policies, in accordance with OMB M-19-26. This includes, as appropriate, incorporation of TIC security capabilities catalog, TIC use cases, and TIC overlays.
		Recommend that EEOC consistently utilize and document POA&Ms by employing centralized automated mechanisms to help ensure that the POA&Ms for agency information systems are regularly being completed, updated, and maintained.	Closed. Testing and validation completed.
		Recommend that EEOC implement strong authentication mechanisms for privileged and non-privileged users in accordance with Federal guidance, to meet the required use of PIV or an Identify Assurance Level (IAL)3/Authenticator Assurance Level (AAL) 3 credential of the agency's networks, including remote access sessions, in accordance with Federal targets. The agency should continue developing their plans for organization-wide use of strong authentication mechanisms for non-privileged users and require multifactor authentication to network access for all user accounts.	Work in progress. EEOC will implement strong authentication mechanisms for privileged and no-privileged users in accordance with Federal guidance, to meet the required used of PIV or an Identity Assurance Level (IAL) 3/Authenticator Assurance Level (AAL) 3 credential of the agency's networks, including remote accessions, in accordance with Federal Targets. The agency will continue developing their plans for organization-wide sue of strong authentication mechanisms for non-privileged users and require multifactor authentication to network access for all user accounts,

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Continued: Final Report: Performance Audit of the EEOC Federal Information Security Modernization Act of 2014 (FISMA) for FY 2021 (OIG Rpt. No. 2021-004- AOIG) <i>*New Report*</i>	Continued: March 15, 2022	Recommend that EEOC update its SAT policy to specifically address annual privacy training in accordance with NIST SP 800-53, Rev. 4, AR-5. In addition, the Agency should: • Document, monitor, and retain individual privacy training activities (records) as part of its overall SAT program. • Update its training to include a separate PII/PHI training specific to EEOC's overall privacy requirements. • Identify all EEOC employees responsible for PII/PHI or activities that involve PII/PHI to ensure EEOC specific training for those employees is administered at least annually and based on their role within EEOC as it applies PII/PHI.	Closed. Testing and validation completed.
		Recommend that EEOC create a Chief Privacy Officer position and corresponding Office of the Chief Privacy Officer that reports directly to the Chair and assumes primary responsibility for all aspects of privacy, from identifying risks, controls, and mitigation solutions to policy, Agency-wide.	Closed. Testing and validation completed.
		Recommend that EEOC review and remediate the medium level severity vulnerabilities identified during external penetration testing by: • Modifying network firewalls to no longer allow external access to specific services. • Reviewing the NTP server's configuration to ensure that this functionality is not abused. Considering restricting or disabling NTP mode 6 query capabilities	Work in progress. EEOC will perform identified actions to better strengthen security controls.
		Recommend that EEOC review and remediate the medium level severity vulnerabilities identified during external penetration testing by: • Disabling IKE Aggressive Mode. • Refraining from the use of pre-shared authentication keys. • Implementing multi-factor authentication for all VPN access.	Closed. Testing and validation completed.

Audit Report Name Month and Year Report was Issued	Date of Report	Recommendation	Implementation Status
Continued: Final Report: Performance Audit of the EEOC Federal Information Security Modernization Act of 2014 (FISMA) for FY 2021 (OIG Rpt. No. 2021-004- AOIG) <i>*New Report*</i>	Continued: March 15, 2022	Recommend that EEOC review and remediate the informational vulnerabilities identified during external penetration testing by: • Ensuring that passwords meet complexity requirements. • Requiring 2-Factor Authentication mechanisms for all externally accessible systems. • Recommending that employees not use their work email addresses for personal accounts. • Recommending that employees avoid using previously breached passwords.	Closed. Testing and validation completed.
		Recommend that EEOC review and remediate the level 4 severity vulnerabilities identified during internal scanning to avoid compromises to agency systems. • To remediate vulnerabilities and prevent further exploitation, the agency should implement risk mitigation procedures such as: performing system updates, operating systems with administrative rights, downloading patches, uninstalling unprotected applications, etc. • Where risk acceptance is required for vulnerabilities based on EEOC's network operations and risk assessments, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.	Closed. Testing and validation completed.
		Recommend the EEOC review and remediate the level 5 severity vulnerabilities identified during internal vulnerability scanning to avoid compromises to agency systems. • To remediate vulnerabilities and prevent further exploitation, the agency should implement risk mitigation procedures such as: applying vendor-released security fixes, disabling certain user access rights, upgrading to the latest supported version, and removing vulnerable/obsolete hardware from its network. • These vulnerabilities should be added and tracked on PAOM(s). • Where risk acceptance is required for vulnerabilities based on EEOC's network operations and risk assessments, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.	Closed. Testing and validation completed.

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Transmittal and Exist Conference Memorandum: Federal Information Security Modernization Act of 2014 (FISMA) Fiscal Year 2022 Performance Audit (OIG Report No. 2022-001-AOIG) <i>*New Report*</i>	November 3, 2023	Recommend that EEOC defines, communicates, and implements an organization-wide SCRM strategy to guide supply chain analyses, provide communication channels with internal/external partners and stakeholders, and assist in building consensus regarding the appropriate resources for SCRM.	Work in progress. This is a repeat finding.
		Recommend that EEOC implement strong authentication mechanisms for privileged and on-privileged users in accordance with Federal guidance, to meet the required use of PIV or an Identity Assurance Level (IAL) 3/Authenticator Assurance Level (AAL) 3 credential of the agency's networks, including remote access sessions, in accordance with Federal targets. The agency should continue developing their plans for organization-wide use of strong authentication mechanisms for non-privileged users and require multifactor authentication to network access for all user accounts.	Work in progress. This is a repeat finding
		Recommend that EEOC review and remediate the medium the medium level severity vulnerabilities identified during external penetration testing by: - Disabling IKE Aggressive Mode if supported. - Refraining from the use of pre-shared authentication keys. - If using a pre-shared key cannot be avoided, use strong keys. Do not allow VPN connections from a non-approval IP address, if possible.	Work in progress. This is a repeat finding.
		Recommend that EEOC: - Determine if listening ports or entire system should be blocked from public access. - Regularly review network device search engines for new systems belonging to EEOC or those that may be masquerading as EEOC systems. - Perform a forensic analysis on identified system to ensure no malicious access has taken place. - For authorized remote sessions, create a control to address remote access being left open after the session has concluded. - Create an auditability feature that checks internally via an agent when a device with remote access is listening. Create an auditability feature that checks for remote connection software being installed.	Work in progress.

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GAO: Gender Pay Differences: The Pay Gap for Federal Workers Has Continued to Narrow, but Better-Quality Data on Promotions Are Needed (GAO-21-67)	December 3, 2020	The Chair of EEOC should take steps to assess the quality of the promotion data in the MD-715 report and address data discrepancies with agencies in a timelier manner.	Closed – Implemented. EEOC neither agreed nor disagreed with this recommendation but took steps to implement it. During fiscal year 2021, EEOC initiated a Lean Six Sigma project to analyze the MD-715 submission process and identify process improvements. Also, during fiscal year 2021, EEOC reviewed the MD-715 data submitted by 13 agencies and provided them with feedback to improve the quality of their data submissions. In addition, EEOC developed a report that is automatically generated after agencies submit their MD-715 reports electronically. This report validates the data submitted by agencies and identifies issues involving missing and/or inconsistent data so that agencies can correct any errors and resubmit the data. EEOC is also working with three personnel servicing providers to obtain demographic data from them directly. EEOC expects that this direct data reporting will result in more consistent demographic data by eliminating the potential errors created by agencies manually submitting the data.
GAO: Workplace Sexual Harassment: Experts Suggest Expanding Data Collection to Improve Understanding of Prevalence and Costs (GAO-20-564)	October 16, 2020	As part of the Equal Employment Opportunity Commission's plans to implement a new data system, the Chair of the Equal Employment Opportunity Commission should assess the feasibility of developing the agency's capacity to systematically analyze retaliation charge data, including the protected activities associated with these charges.	As part of the development of ARC, the EEOC assessed the feasibility of developing the capacity to systematically analyze retaliation data.
GAO: Freedom of Information Act: Agencies Are Implementing Requirements but Additional Actions Are Needed (GAO-18-365)	June 25, 2018	(1) The Chair of EEOC should designate a chief FOIA officer at the assistant secretary level or equivalent.	EEOC has a designated chief FOIA officer.
		(2) The Chair of EEOC should take steps to develop and document a plan that fully addresses best practices with regards to reduction of backlogged FOIA requests.	Chief FOIA Officer developed a FOIA backlog reduction plan in FY 2018. Applying this plan, EEOC staff reduced the agency backlog of overdue FOIA requests in FYs 2019 - 2021; the FOIA backlog of overdue receipts at the end of FY 2022 is estimated at under 100 agency-wide, out of receipts numbering over 13,700 per year

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GAO: Workforce Diversity: Hispanic Workers Are Underrepresented in the Media, and More Data Are Needed for Federal Enforcement Efforts (GAO-22-104669)	October 5, 2022	The Chair of EEOC should work with FCC to develop a new memorandum of understanding that includes a plan for EEOC to routinely share data with FCC regarding discrimination charges filed against broadcasters and cable and satellite television operators.	Work in Progress. EEOC is working with FCC to review the types of data collected by each agency, the potential for data sharing, and the possible improvements in enforcement.
		The Chair of EEOC should improve EEOC's approach to routinely identify local unions required to file an EEO-3 report to help ensure that they file such reports on the demographics of union members.	Work in Progress. The EEOC is actively exploring approaches that would allow the agency to better determine whether all eligible local referral unions are complying with reporting requirements designed to collect demographic data on union membership and referrals.
GAO: Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process is Needed (GAO-23-106245)	October 31, 2022	The Chair of the EEOC should monitor field office-level data on the length of the intake process. For example, EEOC could monitor these data by including them in the monthly internal management reports it produces.	Work in Progress. The EEOC is currently working on enhancements to the agency's inquiry database that will allow the EEOC to track the time between a potential charging party's inquiry and intake interview. The agency has also initiated a workgroup to evaluate the EEOC's intake process and help identify areas to provide improved services to the public.
GAO: Information Management: Agencies Need to Streamline Electronic Services (GAO-23-105562)	December 20, 2022	The Chair of the Equal Employment Opportunity Commission should establish a reasonable time frame for accepting remote identity proofing with authentication, digitally accepting access and consent forms from individuals who were properly identity proofed and authenticated and posting access and consent forms on the agency's privacy program website.	Work in Progress. The EEOC is currently implementing login.gov authentication for our public-facing Freedom of Information Act (FOIA) portal. The EEOC's login.gov integration with our FOIA portal was officially rolled into production on January 12, 2023. Since that time, the EEOC has begun preliminary discussions with the agency's FOIA portal vendor to similarly connect Privacy Act requesters through login.gov to accept online access and consent forms from individuals who have been identity proofed and authenticated.



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