



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Fiscal Year 2016

CONGRESSIONAL BUDGET JUSTIFICATION

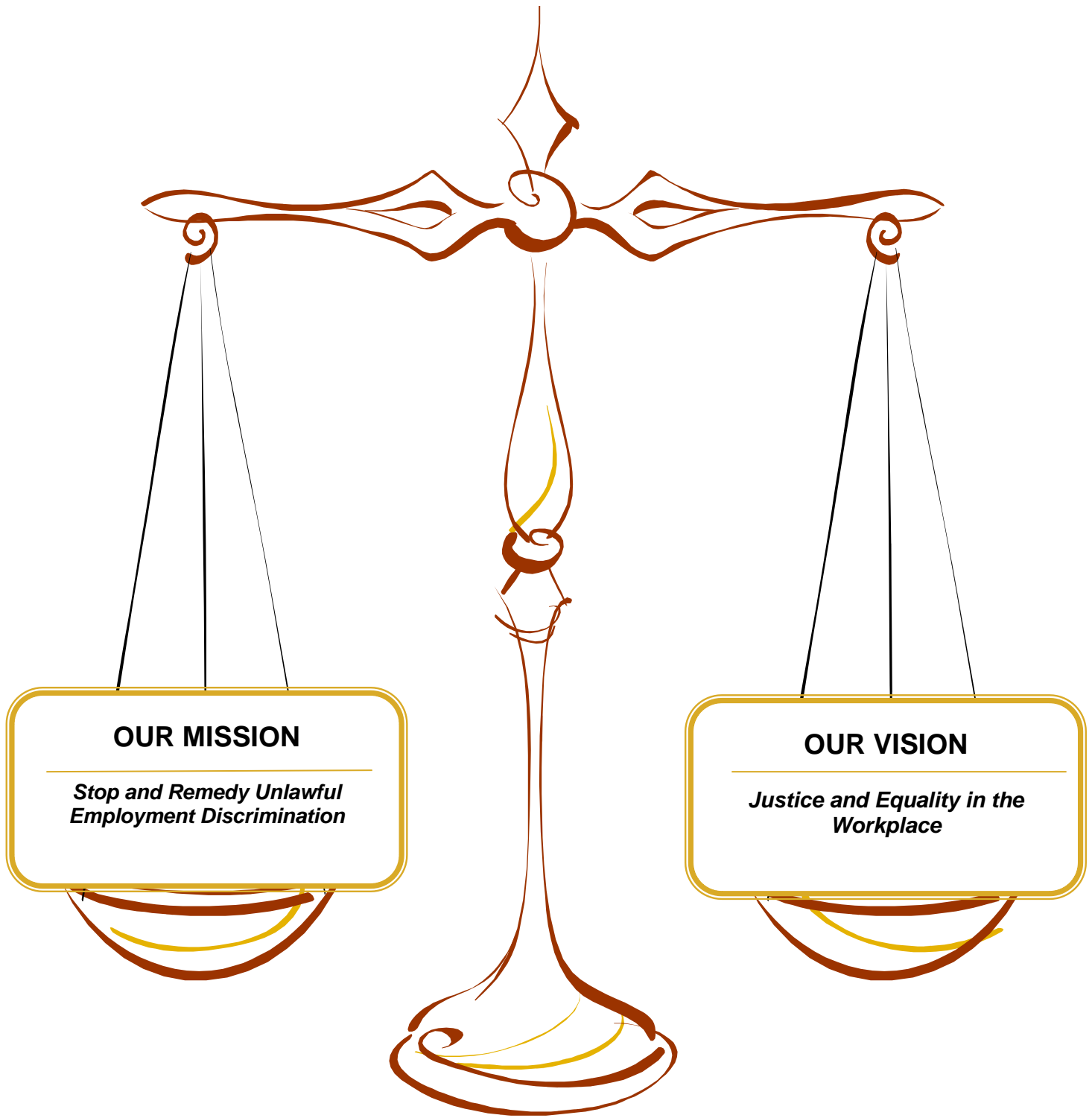
SUBMITTED TO THE CONGRESS OF THE UNITED STATES
FEBRUARY 2015

***Fiscal Year 2016
Congressional Budget Justification***

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

February 2015

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



OUR MISSION

*Stop and Remedy Unlawful
Employment Discrimination*

OUR VISION

*Justice and Equality in the
Workplace*

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I. CHAIR'S REPORT

A. Fiscal Year 2016 Congressional Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC) is the leading federal law enforcement agency dedicated to stopping and remedying employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information or family medical history. The 2016 Budget requests \$373,112,000 for the EEOC, which includes \$29,500,000 for State and Local programs. This request represents an increase of \$8.612 million from the fiscal year 2015 appropriation.

The EEOC was created as part of the historic Civil Rights Act of 1964. Title VII of the Civil Rights Act prohibited discrimination on the basis of race, color, religion, sex, and national origin in private sector employment throughout the United States. During the past 49 years, our jurisdiction over employment discrimination issues has grown and now includes the following areas:

- **Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, as amended, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Title VII of the Civil Rights Act of 1964**, as amended, which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **Pregnancy Discrimination Act of 1978**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **Age Discrimination in Employment Act of 1967**, as amended, which protects workers 40 and older from age-based discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Rehabilitation Act of 1973**, as amended, which prohibits discrimination and in some cases requires reasonable accommodation on the basis of disability in federal government programs.
- **Americans with Disabilities Act of 1990**, as amended, which prohibits employment discrimination on the basis of disability by private and state and local government employers; requires covered employers to provide reasonable accommodations for qualified individuals with disabilities unless it creates an undue hardship for the employer, limits the circumstances under which they may conduct medical examinations or make inquiries about disabilities; and requires that any medical information about applicants and employees be kept confidential, subject to limited exceptions.

- **Genetic Information Nondiscrimination Act of 2008**, which prohibits employment discrimination on the basis of an applicant's or employee's genetic information, generally prohibits acquisition of genetic information from applicants and employees, and requires covered entities to keep such information confidential, subject to limited exceptions.
- **Lilly Ledbetter Fair Pay Act of 2009**, which codified the EEOC's long-held position that each paycheck that contains discriminatory compensation is a separate violation of federal law, regardless of when the discrimination began.

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

B. Chair's Message

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) fiscal year 2016 Congressional Budget Justification. On September 1, 2014, President Obama designated me to serve as Chair. It is an honor and a privilege to serve the agency in this new role, and I look forward to building upon the work of my predecessor, Jacqueline Berrien.

Fifty years ago, with the passage of the Civil Rights Act of 1964, this nation committed to a vision of equality of opportunity in the workplace. Congress created the EEOC with a mandate to end employment discrimination on the basis of race, color, national origin, sex, and religion. In the years since the agency opened our doors in July 1965, the EEOC's responsibilities have expanded considerably to include eradicating employment discrimination on the basis of age, disability, and family medical history or genetic information. The EEOC also assumed responsibility for enforcing the Equal Pay Act (which formerly resided with the U.S. Department of Labor). In addition, federal government departments and agencies became subject to Title VII. EEOC's mission remains critical today—to ensure that we stop and remedy discriminatory practices in the workplace through enforcement, public education, and outreach.

This budget is an opportunity to advance the work the Commission began with the adoption of the Strategic Plan for Fiscal Years 2012 – 2016. That Strategic Plan outlined a new framework for achieving the EEOC's mission so that the nation might realize the vision of justice and equality in the workplace. The plan has three objectives: 1) Combating employment discrimination through strategic law enforcement; 2) Preventing employment discrimination through education and outreach; and 3) Delivering excellent and consistent service through a skilled and diverse workforce and effective systems. As discussed in greater detail below, the EEOC's Strategic Plan recognizes that with demand for agency services frequently outpacing available resources, it is more important than ever to ensure that resources are used in the most efficient and effective manner possible.

Given the agency's broad range of enforcement responsibilities, we are constantly challenged to meet public demand for our services. We are mindful of the need for all federal government

agencies to identify ways to wisely manage resources. We have worked diligently to control costs while ensuring that we continue to make strides in advancing our mission. EEOC employees have worked to streamline operations, while at the same time enhancing our service to the public, and vigorously enforcing the federal laws prohibiting employment discrimination.

The fiscal year 2014 appropriations allowed the Commission to launch a critical hiring effort in order to rebuild our workforce, particularly those who provide direct services to the public in our field offices or who investigate, mediate, conciliate, and litigate pending discrimination claims. To date, we have hired 363 new employees and have a FTE level of 2,180. With the hiring activity launched in mid-2014, following a three year hiring freeze, we anticipate that the increased staffing levels will yield a higher level of resolutions and contribute to reducing our inventory. In fiscal year 2014, our charge resolutions were 87,442, but with the hiring of investigators and other front line staff beginning in fiscal year 2014 and continuing into fiscal year 2015, we project an increase in resolutions to 92,929 and our fiscal year 2016 resolutions will climb to 99,217. This will result in a declining pending inventory of 68,735 by the end of fiscal year 2016, a 9 percent decrease. This budget submission requests a level of funding for the EEOC that will allow the Agency to continue to restore our capacity in mission critical areas, repair the adverse effects of recent budget cuts, address staff attrition and workload concerns, and continue to implement our Strategic Plan to better serve the public.

C. Fiscal Year 2016 Priorities

This proposed budget requests \$373,112,000, which will enable the EEOC to leverage our position as the leading government agency charged with enforcing our civil rights protections in the workplace to ensure broad and sustained compliance with our anti-discrimination laws and achieve the following priorities.

Building Strong Workplaces

The EEOC's work to promote equality of opportunity strengthens our workplace and also our economy by fully utilizing the talents of all those in the workforce. Across the agency, we are working to strategically deploy our resources to achieve broader and sustained compliance with our anti-discrimination laws. In addition, we are partnering with the employer and employee communities to identify practices that work to address some of the difficult workplace challenges and to demonstrate the benefits of investing in practices that fully utilize the strengths of all workers. The proposed budget advances our work in this area, allowing us to strengthen our infrastructure to focus on the strategic impact of our work, including technology, training, statistical and analytical support and increased capacity.

In addition to investigating and resolving individual charges of discrimination, we also have a responsibility to identify and strategically address discriminatory practices that have persisted throughout the years. This includes pursuing systemic investigations and cases, which address issues of alleged discrimination that have broad impact on an industry, profession, company, or geographic area. The Commission's Systemic Task Force recognized in 2006 that systemic enforcement helps to prevent unlawful discrimination through deterrence and by directing scarce resources towards conduct, practices, and policies with broad impact. There is a strong bipartisan foundation of Congressional and Commission support for, and prioritization of,

systemic enforcement. The Strategic Plan for Fiscal Years 2012 – 2016 reaffirms this agency priority. In addition, I recently established a task force, co-chaired by Commissioners Chai Feldblum and Victoria Lipnic, to convene experts from the employer community, workers' advocates, human resources experts, academics, and others in a broader effort to identify effective strategies for preventing and remedying harassment in the workplace.

In December 2012, the agency adopted the Strategic Enforcement Plan ("SEP"), in response to the Strategic Plan's first objective of "Combating employment discrimination through strategic law enforcement." The SEP lays out the agency's substantive priorities and promotes an effective use of our resources. The agency began its implementation of the SEP in fiscal year 2013 and continues those efforts today. The SEP and the Strategic Plan together foster a culture of coordinating strategies, outreach, and enforcement across the agency to make the most strategic use of our resources.

In July 2013, the Commission approved the Federal Sector Complement Plan to the SEP, which addresses issues of specific concern for federal government employers. In addition, the Office of Federal Operations and the Office of Field Programs are piloting a case management system for hearings and appeals. The case management system is part of the Commission's long term goal to move to a paperless case processing system. The primary goal of electronic case processing is to create a paperless case processing system that permits web-based electronic filing and case tracking capability. The system allows parties to submit documents, and EEOC's federal sector staff will be able to issue decisions through a web-based portal. When the system is fully operational, all parties will be able to track the receipt of their submissions and obtain the status of their case via the web-based portal.

Working Collaboratively Across the Government

The EEOC has strengthened collaborative efforts with enforcement partners in federal, state and local government. Government enforcement partners and a wide range of private sector stakeholders assisted with the development of the Strategic Plan and Strategic Enforcement Plan. This will continue to be a hallmark of our work in the future and is a key strategy in our Strategic Plan that cuts across many of our Strategic Objectives and measures. Collaboration is especially important now because it allows us to achieve savings and operate more efficiently by leveraging the work of other federal, state and local agencies responsible for civil rights law enforcement and avoiding duplication of efforts or pursuit of conflicting enforcement strategies.

Effective collaboration also minimizes burdens for employers by preventing adoption of duplicative or conflicting compliance measures. Consistent with this priority, we will continue to collaborate with the Office of Federal Contract Compliance Programs of the Department of Labor (OFCCP, DOL) concerning collection of data from employers, and to work with OFCCP, DOL, the U.S. Department of Justice (DOJ), state and local Fair Employment Practice Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs) to coordinate investigative and enforcement strategies and activities when doing so will promote efficiency or enhance law enforcement. We will also continue to work with those enforcement partners to develop and conduct joint outreach, public education, and staff training programs wherever possible.

The EEOC has also engaged with other federal government agencies and contributed to the work of intergovernmental efforts such as the National Equal Pay Enforcement Task Force, the Cabinet-level Reentry Council, the White House Initiative on Asian Americans and Pacific Islanders, the Presidential Inter-agency Task Force on Human Trafficking, the President's HIV/AIDS Strategy, and Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws, among other collaborations, including EEOC's efforts to support the 21st Century Policing Taskforce. Finally, the EEOC's work in the federal sector includes advising and training a wide range of officials across the federal government in the fundamentals of EEO compliance as well as efforts they can undertake to advance diversity and promote inclusion in the federal workplace.

Prevention through Education and Outreach

An important objective of this budget request is to strategically use our resources to reach all our stakeholders. The EEOC provides essential resources for employees and employers alike. Effective law enforcement begins with coordinated and innovative efforts to inform the public about the requirements of the law, with the goal of raising awareness about prohibited conduct and promoting voluntary compliance to the greatest extent possible. Outreach and education are the focus of Strategic Objective II in the EEOC Strategic Plan for Fiscal Years 2012-2016.

In fiscal year 2014, the agency's outreach programs reached more than 236,000 persons through sponsorship and participation in more than 3,500 no-cost educational, training, and outreach events. These efforts targeted small businesses, vulnerable workers, underserved geographic areas and communities, and emphasized new statutory responsibilities, issues relating to migrant workers, human trafficking and youth.

The Strategic Plan builds upon existing outreach efforts targeting small businesses and encourages both our program analysts in the field and headquarters staff involved with training, outreach and public education, to engage in significant partnerships with organizations that serve small businesses, and to target small and new businesses directly through their outreach efforts. Furthermore, members of the Commission, the General Counsel, and agency staff across the country participate in numerous programs, meetings and events convened by agency stakeholders, including representatives of the employer community.

The Commission, as part of the Strategic Enforcement Plan, also began work on a Communications and Outreach Plan, to ensure consistency and coordination in message content and management of the agency's communications, program outreach, technical assistance, and legislative outreach. The Communications and Outreach Plan will incorporate the agency's social media policy.

In fiscal year 2014, the EEOC signed a National Memorandum of Understanding (MOU) with Mexico to coincide with the many agreements various field offices have with Mexican Consulates around the country. The MOU identifies ways in which the EEOC and Mexico will work together to reach and protect the rights of members of the Mexican community as it relates to outreach, education, and enforcement efforts. The agency has also entered into similar local agreements in various areas with Consulates of Ecuador, Guatemala, and El Salvador. We also

continue to extend our outreach to Spanish language media outlets including a Spanish language Twitter feed.

Finally, the EEOC is well-suited to identify emerging trends in light of our 53 District, Area and Field offices in communities around the country, in addition to our research and data collection efforts. Swift and responsive attention to the changing workplaces of today, and a critical analysis of the developments of the workplaces of tomorrow, allow us to provide important guidance to all stakeholders.

Better Serving the Nation

One of the agency's greatest challenges has been, and continues to be, resolving discrimination charges filed by private and federal sector employees and job seekers promptly, while at the same time ensuring that the rights of the charging parties and respondents receive appropriate attention and respect. Through investments in staffing, training, and technology we have been able to enhance the quality of our customer service.

We are also investing in technology to improve customer service. In fiscal year 2014, the agency approved "A Vision Statement for a Digital Charge System." The Action Council for Transformation (ACT) Digital Executive Steering Group and Workgroup began work on identifying information and communications to be digitized. The Workgroup has begun developing a prototype to digitize the charge and notice to the employer, which will save considerable time, effort, paper, and postage. In addition, we completed enhancements to our charge management system to allow for the entry and retention of the narrative description of the charge allegations. This proposed budget will support the added IT infrastructure necessary to fully implement this plan as well as provide training to staff in its utilization.

With a widely dispersed workforce, it is important that the Commission invest in technology and training to provide a unified structure throughout the agency. This budget will permit us to improve efficiencies through data resource consolidation, promote knowledge sharing, and foster communication to avoid unnecessary duplication of efforts.

We have an important opportunity to improve how we operate. Strategic Objective III of EEOC's Strategic Plan for Fiscal Years 2012 - 2016 is delivering "excellent and consistent service through a skilled and diverse workforce and effective systems."

Full implementation of Executive Order 13522 is an important part of our work to improve Labor-Management relations and facilitate collaboration between managers and employees concerning improved delivery of service to the public and agency performance. In fiscal year 2010, the EEOC reached an agreement with the National Council of EEOC Locals, No. 216 to implement Executive Order 13522. Members of the National and District-level Labor-Management Forums created to implement Executive Order 13522 within the EEOC were appointed and have been trained by the Federal Mediation and Conciliation Service. The proposed fiscal year 2016 budget includes support for continued operation of the forums.

The EEOC entered into a new collective bargaining agreement (CBA) with the Union, which was implemented in November 2013. The Labor-Management Forum has helped to identify

ways to reduce costs and preserve limited resources. Another Labor Management Forum Committee reviewed employee's responses to certain questions on the Office of Personnel Management's (OPM) Employee Viewpoint survey such as those addressing job satisfaction, reasonable workloads, family friendly programs, and adequate job related training. Using this information, the Workgroup developed a survey in collaboration with the Merit Systems Protection Board to identify ways to improve our workplace.

In conclusion, the EEOC has accomplished much in the past 50 years. EEOC employees continue to give the extra effort to ensure future progress toward our mission. With the ongoing support of the Administration and our Congressional partners we can move closer to our ultimate goal of ending discrimination in the workplace.

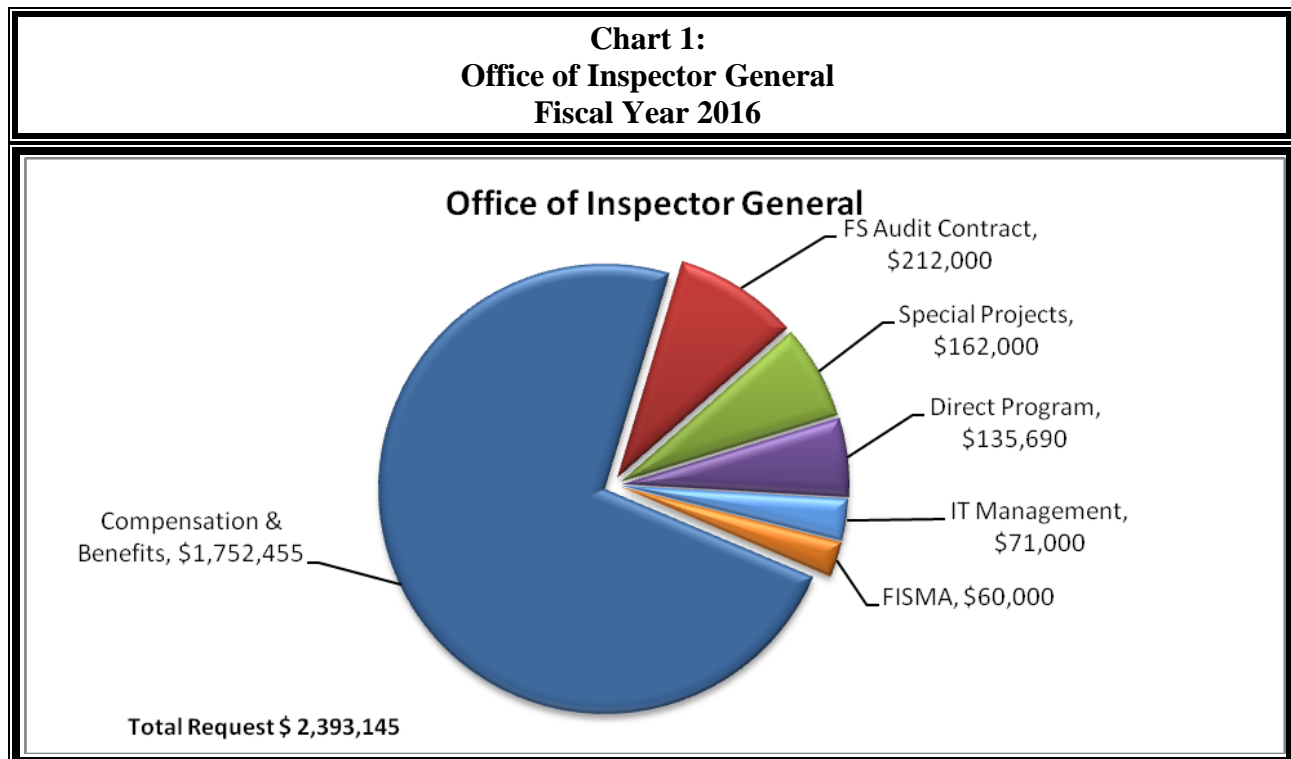
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II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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

Office of Inspector General Initial Request	\$2,393,145
Aggregate amount of funds	\$2,393,145 ¹
Portion of amount for training	\$74,000 ²
Amount needed to support CIGIE	\$6,461 ³

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



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

² The Inspector General certifies that this amount would satisfy all OIG training requirements for fiscal year 2016.

³ .27% of \$2,393,145 or \$6,461 will support the Council of Inspectors General on Integrity and Efficiency (CIGIE).

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III. BUDGETING AND ACCOUNTING INFORMATION

A. Appropriation Language

U.S. Equal Employment Opportunity Commission

Salaries and Expenses

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621), the Equal Pay Act of 1963 (29 U.S.C. § 206), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 705), the Civil Rights Act of 1991 (Pub. L. 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (42 U.S.C. § 2000ff), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and up to [\$30,000,000] \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission,[\$364,500,000] \$373,112,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: [*Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this:] *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.
(*Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015*)

B. Staffing and Funding Profile

Table 1 below depicts the EEOC’s total agency staffing and funding profile by Strategic Objectives and Programs for fiscal years 2014 through 2016.

Table 1: Total Agency Staffing and Funding Profile Fiscal Year 2014 to Fiscal Year 2016 (Dollars in thousands*)				
	FY 2014 (Actual)	FY 2015 (Enacted)	FY 2016 (Request)	Change From FY 2015
Strategic Objective I: Combat employment discrimination through strategic law enforcement				
1. Private Sector Enforcement	\$286,973	\$287,252	\$295,206	7,954
State and Local	29,472	30,000	29,500	(500)
2. Federal Sector Enforcement	41,555	41,248	42,406	1,158
Total Strategic Objective I	\$358,000	\$358,500	\$367,112	8,612
Strategic Objective II: Prevent employment discrimination through education and outreach				
Outreach (Non Fee based)	\$6,000	\$6,000	\$6,000	0
Total Strategic Objective II	6,000	6,000	6,000	0
Agency Total (includes Strategic Objective III Resources)	\$364,000	\$364,500	\$373,112	\$8,612
Total Full Time Equivalent**	2,098	2,300	2,347	47
Strategic Objective III: Deliver excellent and consistent service through a skilled and diverse workforce and effective systems				
Highlighted Resource Areas [Information Technology]	\$25,625***	\$14,363	\$15,053	\$690

*May not add due to rounding

**Includes 14 FTE Reimbursable From Revolving Fund

***Include onetime cost for Financial System.

C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes to the EEOC's appropriation request for fiscal year 2015 to fiscal year 2016. The significant changes reflect mandated increases in compensation and minimal increases in programs.

Table 2: Analysis of Change Fiscal Year 2016 (Dollars in thousands*)			
	FY 2015 (Enacted)	FY 2016 (Request)	Net Change (+/-)
Spending Authority – Includes funding for State and Local	\$364,500	\$373,112	\$8,612
Explanation of Changes:			Amount
Total Compensation and Benefits	\$262,835	\$269,045	\$6,210
1. Annualization of FY 2015 pay raise of 1%, effective January 2015**		484	
2. FY 2016 Pay Raise - Provides 1.3% pay increase, effective January 2016**		1,976	
Subtotal, Base Changes			6,210
Program Support Increases			
1. Information Technology Administrative Systems***	14,363	15,053	690
2. Rent****	28,958	29,670	712
3. Relocation*****	1,000	2,000	1,000
Subtotal, Program Support			2,402
Total Net Change FY 2015 – FY 2016			\$8,612

*May not add due to rounding

**Included in FY 2016 total Compensation and Benefits

*** IT increase is required to meet recurring costs associated with the agency's transition to the Department of Interior's shared services financial system and the expansion of bandwidth across the agency distributed telecommunications infrastructure.

****Rent increase due to inflation

*****The additional funds will be used for relocations planned for the following locations: Baltimore, MD; Indianapolis, IN; Los Angeles, CA; Memphis, TN; Mobile, AL; New York, NY; and St. Louis, MO as well as deferred 2014 action for Philadelphia, PA.

D. Object Class – Agency Summary

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

Table 3: Object Class Schedule – Agency Summary Requirements by Object Class Fiscal Year 2014 to Fiscal Year 2016 (Dollars in thousands*)			
OBLIGATIONS BY OBJECT CLASS	FY 2014 (Actual)	FY 2015 (Enacted)	FY 2016 (Request)
Personnel Compensation			
11.1 Full-time permanent (FTP)	\$189,385	\$199,147	\$203,997
11.3 Other than FTP	1,835	2,750	2,750
11.5 Other personnel compensation	2,182	2,400	2,400
Total Personnel Compensation	193,402	204,297	209,147
12.1 Civilian personnel benefits	56,024	58,538	59,898
Total Compensation and Benefits	249,426	262,835	269,045
21.1 Travel of persons	3,023	3,000	3,000
22.0 Transportation of things	0	25	25
23.1 Rental payment to GSA	28,273	28,958	29,670
23.2 Other rent/communications	6,000	6,700	6,700
24.0 Printing and reproduction	176	250	250
25.1 State and Local contracts	29,472	30,000	29,500
25.2 Security services (including DHS)	2,808	3,057	3,057
25.2 Other services from non federal sources	27,085	15,545	16,498
25.2 Litigation support	3,544	3,350	3,450
25.3 Other goods & serv. from federal sources	7,028	5,200	6,537
26.0 Supplies and materials	4,204	4,300	4,100
31.0 Equipment	2,961	1,280	1,280
Total Other Objects	114,574	101,665	104,067
Agency Total	\$364,000	\$364,500	\$373,112

*May not add due to rounding

IV. STRATEGIC PLAN AND PERFORMANCE MEASURES

A. The Fiscal Years 2012-2016 Strategic Plan

1. Introduction

On February 22, 2012, the U.S. Equal Employment Opportunity Commission (EEOC) approved a new Strategic Plan (“Strategic Plan” or “Plan”) for fiscal years 2012-2016. Developing a new mission and vision for the agency, as well as new strategic objectives, goals, and performance measures for the Plan, was prompted in part by enactment of the Government Performance and Results Modernization Act of 2010 (P.L. 111-352), or the GPRA Modernization Act. In addition, we wanted to acknowledge lessons learned and successes realized from our previous Strategic Plan. We incorporated commentary received from a broad range of public and private participants from Congressional, State, and local arenas, as well as the EEOC workforce and Union in the development process – all representatives who share an interest in our mission - to “stop and remedy unlawful employment,” so that the nation might soon realize the Commission’s vision of “justice and equality in the workplace.”

2. Strategic Objectives, Goals, and Strategies Overview

The Plan serves as a framework for the EEOC to achieve our mission by focusing on the following three strategic objectives:

Strategic Objective I: To combat employment discrimination through strategic law enforcement. This objective reflects our primary mission of preventing unlawful employment discrimination through the use of: 1) administrative (investigation, mediation and conciliation) and litigation enforcement mechanisms with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) adjudicatory and oversight mechanisms with regard to Federal employers. In keeping with the agency’s statutory mandate, the majority of the EEOC’s financial and human resources will be devoted to Strategic Objective I. Seven performance measures were developed under Strategic Objective I. The performance measures and 2014 results for these measures are more fully described in Section V.B., starting on page 20.

Strategic Objective II: To prevent employment discrimination through education and outreach. This objective reflects the importance of our efforts to prevent employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means by which the agency fulfills its mission and vision. Title VII also authorizes the agency to engage in education and outreach activities, including providing training and technical assistance, for those with rights and responsibilities under employment antidiscrimination laws. Four performance measures were developed under Strategic Objective II. The performance measures and 2014 results for these measures are more fully described in Section VI.B., starting on page 46.

Strategic Objective III: To deliver excellent and consistent service through a skilled and diverse workforce and effective systems. This objective recognizes that our ability to deliver excellent and consistent service depends on a skilled workforce and the deployment of effective systems.

Two performance measures were developed under Strategic objective III. The performance measures and 2014 results for these measures are more fully described in Section VII.B., starting on page 56. Performance Measure 14, which ensures that the agency's budgetary resources align with the Strategic Plan, is more fully described in Section VII.B., on page 60.

The outcome goals related to these strategic objectives and the 14 performance measures identified in the Plan will help gauge our progress as we approach fiscal year 2016. The agency's strategic objectives, outcome goals, and related performance measures are depicted in the Strategic Plan Diagram on the following pages.

STRATEGIC PLAN DIAGRAM

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

STRATEGIC OBJECTIVE I Performance Measures	STRATEGIC OBJECTIVE II Performance Measures	STRATEGIC OBJECTIVE III Performance Measures
<p>Performance Measure 1 for Strategy I.A.1 By FY 2016, the EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.</p> <p>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2 By FY 2016, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2 By FY 2016, 100% of federal sector case inventory is categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p>Performance Measure 4 for Strategy I.A.3 By FY 2016, 22-24% of the cases in the agency's litigation dockets are systemic cases.</p> <p>Performance Measure 5 for Strategy I.A.4 By FY 2016, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.</p> <p>Performance Measure 6 for Strategies I.B.1 and I.B.2 By FY 2016, a 65-70% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.</p> <p>Performance Measure 7 for Strategies I.B.1 and I.B.2 By FY 2016, a 15-17% of resolutions by FEPAs contain targeted, equitable relief.</p>	<p>Performance Measure 8 for Strategy II.A.1 By FY 2016, the EEOC is maintaining 108 significant partnerships with organizations that represent vulnerable workers and/or underserved communities.</p> <p>Performance Measure 9 for Strategy II.B.1 By FY 2016, the EEOC is maintaining 86 significant partnerships with organizations that represent small or new business (or with businesses directly).</p> <p>Performance Measure 10 for Strategies II.A.1 and II.B.1 By FY 2013, the EEOC implements a social media plan.</p> <p>Performance Measure 11 for Strategies II.A.2 and II.B.2 The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.</p>	<p>Performance Measure 12 for Strategy III.A.1 The EEOC strengthens the skills and improves the diversity of its workforce.</p> <p>Performance Measure 2 for Strategy I.A.2 and Strategy III.A.2 By FY 2016, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.</p> <p>Performance Measure 3 for Strategy I.A.2 and Strategy III.A.2 By FY 2016, 100% of federal sector case inventory are categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.</p> <p>Performance Measure 13 for Strategy III.A.3 The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.</p>

<p>BUDGETARY RESOURCES MEASURE Performance Measure 14 The EEOC's budgetary resources for FY 2014 – 2017 align with the Strategic Plan.</p>
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V. STRATEGIC OBJECTIVE I - Combat employment discrimination through strategic law enforcement.

A. Introduction

To further the law enforcement objective, we have focused on outcome goals that are critical to the success of the agency's mission. These are to: 1) have a broad impact in reducing employment discrimination at the national and local levels; and 2) remedy discriminatory practices and secure meaningful relief for victims of discrimination.

To effectively impact a reduction of employment discrimination, we have identified and are implementing four key strategies, as directed by the agency's fiscal years 2012-2016 Strategic Plan and the administrative priorities established by the Office of the Chair:

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

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


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

Table 4: Budget Request Summary for Strategic Law Enforcement Fiscal Year 2014 to Fiscal Year 2016 (Dollars in thousands*)			
	FY 2014 (Actual)	FY 2015 (Enacted)	FY 2016 (Request)
Private Sector Enforcement	\$286,973	\$287,252	\$295,206
Administrative Charge Resolution	200,881	201,076	206,644
Mediation	22,958	22,980	23,616
Litigation	63,134	63,196	64,946
State and Local	29,472	30,000	29,500
Federal Sector Enforcement	41,555	41,248	42,406
Hearings	23,211	22,479	23,013
Appeals	12,706	13,124	13,614
Mediation	764	765	783
Oversight	4,874	4,880	4,996
Total	\$358,000	\$358,500	\$367,112

*May not add due to rounding.

B. Performance Measures and Results

Strategic Enforcement Plan

Performance Measure 1: By FY 2016, the EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.			
	FY 2014	FY 2015	FY 2016
Targets	The agency fully implements the Strategic Enforcement Plan.	The Commission evaluates the Strategic Enforcement Plan.	The Commission revises and votes on a new Strategic Enforcement Plan, as necessary.
Results	The agency continued to implement key elements of the Strategic Enforcement Plan, as directed, in FY 2014.		
			Target Partially Met*

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

Under its first objective, the Strategic Plan directed the Commission to develop a Strategic Enforcement Plan (SEP), which was approved on December 17, 2012. The SEP: 1) establishes the EEOC's national priorities, and 2) integrates the agency's investigation, conciliation, and litigation responsibilities in the private and public sectors; adjudicatory and oversight

responsibilities in the federal sector; and research, policy development, and education and outreach activities. The six SEP priorities are: 1) eliminating barriers in recruitment and hiring; 2) protecting immigrant, migrant and other vulnerable workers; 3) addressing emerging and developing issues; 4) enforcing equal pay laws; 5) preserving access to the legal system; and 6) preventing harassment through systemic enforcement and target outreach. Its implementation will ensure a targeted, concentrated, and deliberate effort to pursue priority issues and practices that significantly affect applicants, employees, and employers.

For fiscal year 2014, the target for this measure was to fully implement the SEP approved by the Commission in December 2012. The EEOC achieved the following milestones during the 2014 reporting period: 1) the Chair approved the District Complement Plans (DCPs) in November 2013 and District offices began implementing their DCPs; 2) agency leadership briefings on SEP priorities were provided in December 2013; 3) enforcement and legal staff were trained on all priority issues in January 2014 and in regular i-Class training sessions on specific topics throughout the year; 4) systems implementation and IMS coding of priorities in the SEP, the DCPs, and the Federal Sector Complement Plan in January 2014; 5) in August 2014, the agency trained 140 new investigative staff on the SEP priorities; and 6) in September 2014, local and area directors and enforcement managers met to discuss training and implementation strategies under the SEP.

To be effective, the SEP also required quarterly Commission briefings on the implementation of the SEP and on the effectiveness of the delegation of authority to the field offices, to the Office of Federal Operations, and to the General Counsel. The quarterly Commission briefings for fiscal year 2014 were held in December 2013 (initially delayed due to the October 2013 Federal Government shutdown), and continued in February and thereafter. The quarterly briefings have been successful in keeping the Commission informed as to how SEP priority areas are being implemented in the field. The briefings also evidence increased collaboration among the program offices on priority issues across private and federal sector enforcement, which is one of the primary goals of the SEP.

The SEP authorized the development and approval of several plans as follows:


Communications and Outreach Plan: The SEP required the development of a multi-year nationwide communications and outreach plan to ensure consistency and coordination in message content and management of the agency's communications, program outreach, technical assistance, and legislative outreach. The plan is in development and should be finalized in fiscal year 2015.

Research and Data Plan: The SEP required the development of a multi-year research and data plan to provide a proactive and strategic approach for collecting data and engaging in research projects that will further the work of the agency, including the agency's SEP priorities. A draft of the plan, with input from stakeholders, has been developed and was circulated informally to the Commission in the fourth quarter of fiscal year 2014. The plan should be presented to the Commission for a vote in the first quarter of fiscal year 2015.

Federal Sector Organization Plan: The SEP required a full evaluation of the current structure of the agency's federal sector program, including the placement and status of Administrative Judges in that structure, as well as related issues impacting the effectiveness of the program. To ensure the plan was well-informed, the EEOC contracted with the Administrative Conference of the

United States to conduct an organizational study of the agency’s federal sector program, which was completed on March 31, 2014. The Office of the Chair solicited comments from the Commissioners and agency staff on the report and received extensive comments. The Chair’s office is considering all of the input received on this and other federal sector reform projects in order to present a plan to the Commission for review and consideration.

Quality Control Plan

Performance Measure 2: By FY 2016, TBD% of investigations and conciliations meet the criteria established in the new Quality Control Plan.			
	FY 2014	FY 2015	FY 2016
Targets	Apply the criteria and the peer review assessment system to a statistically significant sample of investigations and conciliations. Analyze the results, develop a baseline of existing quality and set targets for improved quality.	A revised Quality Control Plan will be submitted to the Commission for a vote in FY 2015.	TBD% of investigations and conciliations meet targets for quality.
Results	Commission vote on the draft Quality Control Plan and peer review assessment process developed in FY 2013 was extended by the Office of the Chair (OCH). Performance plans incorporated quality measures and additional training provided to staff focused on quality service; OCH began the process for developing Standard Operating Procedures as required under the SEP, by appointing a work group in 4 th QTR FY 2014.		
			Target Partially Met*


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

The fiscal year 2014 target for Performance Measure 2 required the EEOC to apply the criteria from the agency’s approved Quality Control Plan (QCP) and the peer review assessment system drafted in fiscal year 2013 to a statistically significant sample of investigations and conciliations. From the resulting analysis, the agency was also required to develop a baseline from which to measure the quality of the EEOC’s existing investigations and conciliations, as well as establish targets for improved quality performance directed by the agency’s fiscal year 2012-2016 strategic plans. The SEP amended the deadline for voting on the QCP to April 30, 2013. A QCP work group began meeting in January 2013, sought public input in February, and the Commission held a public meeting for the development of the plan in March. In May 2013, the work group requested public input on a set of principles for the QCP. See <http://www.eeoc.gov/eeoc/newsroom/release/5-10-13c.cfm>.

To allow for additional review and input by the full Commission, a vote on the QCP was postponed until the second quarter of fiscal year 2014. After extensive discussion, former Chair Jacqueline A. Berrien, in consultation with other Commissioners, decided to postpone a vote on QCP in order to work toward a consensus approach. In fiscal year 2015, new Chair Jenny Yang will consult with the full Commission regarding adoption of a QCP, at which point the agency

will establish the target percentage(s) for fiscal year 2016 to measure the quality of investigations and conciliations. In the interim, the agency is proceeding with the development of Standard Operating Procedures, as required by the SEP, which will address many of the quality control recommendations included in the draft QCP. See Strategic Enforcement Plan section on Standard Operating Procedures: <http://www.eeoc.gov/eeoc/plan/sep.cfm>. A workgroup was appointed by the Office of the Chair in the fourth quarter of fiscal year 2014 to begin those developmental efforts.

Case Management System

Performance Measure 3: By FY 2016, 100% of federal sector case inventory is categorized according to a new case management system and TBD% of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.			
	FY 2014	FY 2015	FY 2016
Targets	100% of all incoming hearings requests and appeals and 50% of old case inventory are categorized. Develop a Federal Sector Quality Control Plan to establish criteria for the quality of federal sector hearings and appeals.	100% of incoming and old case inventory is categorized. Apply the quality criteria to a statistically significant sample of federal sector decisions (hearings and appeals), develop a baseline of quality [standards], and set targets for improved quality.	100% of incoming and old case inventory are categorized. TBD% of hearings and appeals meet targets for quality.**
Results	83% of the agency's pending appellate case inventory was categorized and 100% of incoming appeals were categorized. Pilot offices continue to use categorization on new requests for the hearings module with up to 70% success; further expansion of the pilot to five additional offices began in 1 st QTR FY 2015. Finalization of the federal sector QCP is pending approval of the private sector QCP.		
			Target Partially Met*

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

** Once the private sector QCP is approved by Commission vote in FY 2015, the agency will be positioned to establish the baselines for quality standards and set targets for the federal sector OCP in fiscal year 2016.


For fiscal year 2014, Performance Measure 3 required the agency to develop a federal sector case management system and to have 100 percent of all incoming hearings requests and appeals and 50 percent of old case inventory categorized according to the new case management system. An additional requirement included developing a Federal Sector Quality Control Plan (federal sector QCP) to establish the criteria for measuring the quality of EEOC's federal sector hearings and appeals. With respect to federal sector appeals, at the start of fiscal year 2014, the agency's appellate inventory consisted of 4,305 appeals. The agency exceeded its annual target by systematically categorizing 3,574, or 83 percent, of the agency's old appeals under the new case management system. As for new inventory, there were 2,891 appeals docketed in the first three

quarters of fiscal year 2014. (Note: new inventory was determined to include only “those cases docketed during the period of October 1, 2013 and June 30, 2014 to account for any lag in the agency’s submission of documentation necessary for the categorization”). EEOC categorized 2,505 of those cases (with 1,195 cases having been adjudicated), or 100 percent of the appeals docketed during the first three quarters of fiscal year 2014 and for which the agency had the complete case record. The remaining 386 matters fell outside of the new inventory designation because the records in those cases were not complete.

With respect to hearings before the agency’s administrative judges, in January 2014, the agency began to pilot the hearings case management system to promote a more effective and efficient hearings process. In the four pilot offices, including Charlotte, New York, St. Louis, and San Francisco, approximately 70 percent of all incoming receipts processed after January 2014 had an initial conference and cases were categorized pursuant to that office’s case management system.

EEOC’s Strategic Plan states that the federal sector (QCP) will develop criteria for measuring the quality of hearing decisions and appeals. In the third quarter of fiscal year 2014, the agency convened a joint program workgroup to develop outlines of the federal sector QCP. Additionally, senior program office management and supervisory administrative judges participated in a workshop during their headquarters training held on June 4 and 5, 2014, where the broad concepts of the federal sector QCP were analyzed. A federal sector QCP will be developed consistent with the standard operating procedures and training initiatives reflecting the quality standards in the private sector QCP, which we anticipate will be submitted to the Commission for a vote in fiscal year 2015. This will position the agency to finalize the federal sector QCP and establish the requisite baseline of quality standards necessary to set targets for improved quality in fiscal year 2016.


Systemic Cases

Performance Measure 4: By FY 2016, 22-24% of the cases on the agency’s active litigation docket are systemic cases.			
	FY 2014	FY 2015	FY 2016
Targets	Increase targets (i.e., the percentage of systemic cases on the active docket) to 19-21%.	Increase targets (i.e., the percentage of systemic cases on the active docket) to 20-22%.	Increase targets (i.e., the percentage of systemic cases on the active docket) to 22-24%.
Results	25%		
			Target Exceeded

The fiscal year 2014 target for Performance Measure 4 was to increase the percentage of systemic cases on the agency’s litigation docket to approximately 19-21 percent of all active cases. Under the EEOC’s Strategic Plan, systemic cases are defined as pattern or practice, policy, or class cases where the alleged discrimination has a broad impact on the industry, occupation, or geographic area. A baseline of 20 percent was established by the agency in fiscal year 2012 because it represented the proportion of systemic cases on the active litigation docket at the end of the fiscal year. Utilizing the baseline, as well as a comprehensive review of historical suit filing, resolution, and systemic case development trends, the agency projected

targets for performance through fiscal year 2016. By fiscal year 2016, the agency projects that 22-24 percent of cases on the EEOC’s active litigation docket will be systemic. At the end of fiscal year 2014, the agency reported that 57 out of 228, or 25 percent, of the cases on its litigation docket were systemic, exceeding the annual target.

Federal Sector Workforce Analysis

Performance Measure 5: By FY 2016, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.			
	FY 2014	FY 2015	FY 2016
Targets	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plans.	Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.
Results	The agency completed two evaluations focused on the Commission’s SEP Priority 5 – Preserving Access to the Legal System and issued one compliance plan in June 2014. The timeline for development of the FY 2013 target for a fully operational, online registration platform was extended into FY 2015.		
			Target Partially Met*

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

The Federal Government is the largest employer in the United States. Therefore, reducing unlawful employment discrimination in the federal sector is an integral part of achieving Strategic Objective I and fulfilling the mission of the agency. The fiscal year 2014 target for Performance Measure 5 required the agency to conduct a number (TBD) of on-site program evaluations focused on federal sector priorities identified in fiscal year 2013 and issue compliance plans. The initiative that began in fiscal year 2013 required the EEOC to create and implement a data system of complaint, hearing, appeal and statistical employee data in order to establish priorities in the federal sector; i.e., an integrated data system that can identify discriminatory policies or practices in those agencies and help set priorities for the prevention of discrimination in the Federal government. The agency was successful in designing and implementing several data capture/reporting sources to be used in the new online data system during fiscal years 2013 and 2014. However, the time line for development of a fully operational, online registration platform was extended into fiscal year 2015.


In fiscal year 2014, the agency completed two evaluations focused on the Commission’s Strategic Enforcement Plan Priority 5 (Preserving Access to the Legal System) and issued one compliance plan. A program evaluation of the Transportation Security Administration (TSA) was conducted to assess whether TSA employees had adequate information about how to access the EEO complaint process in compliance with laws, regulations, and other written instructions

enforced by the EEOC, and whether employees were discouraged from filing EEO complaints. A compliance plan was issued to TSA on June 18, 2014.

In the fourth quarter of fiscal year 2014 the agency issued a Practical Guide located at <http://www.eeoc.gov/federal/upload/Practical-Guide-to-Providing-EEO-Program-Info-to-Employees-SEP-2014.pdf>, that consisted of practices and ideas for federal agencies to efficiently distribute to their workforce concerning the EEO complaint process, laws, and regulations in support of the EEOC’s SEP/FCP priority concerning preserving access to the legal system. We also published a report examining five years of appellate decisions concerning improper dismissals of EEO complaints in the federal sector to assist agencies with proper dismissal decisions. This report, located at <http://www.eeoc.gov/federal/reports/dismissals.cfm>, identified common errors by federal agencies in dismissing complaints of discrimination on procedural grounds as well as strategies for agencies to better apply the dismissal provisions of the EEOC’s regulations.

The EEOC continues to collect data for its goals under the agency’s priorities of: Enforcing Equal Pay Laws; Addressing Emerging and Developing Issues; Protecting Other Vulnerable Workers; and Eliminating Barriers in Recruitment and Hiring. We will be better able to address additional national priorities with the completion of a fully operational, online registration platform in the Federal Sector EEO Portal (FedSEP) that captures not only MD 715 and Form 462 data, but hearings and appeals data as well. (Note: EEOC’s Management Directive 715 or MD-715 (Effective October 1, 2003), provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under Section 717 of Title VII (PART A) and effective affirmative action programs under Section 501 of the Rehabilitation Act (PART B). Form 462, allows Federal agency administrators to enter complaints processing data for the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints on EEOC’s Form 462 website).

Administrative and Legal Resolutions with Targeted Relief


Performance Measure 6: By FY 2016, 65-70% of the EEOC’s administrative and legal resolutions contain targeted, equitable relief.			
	FY 2014	FY 2015	FY 2016
Targets	Increase targets by 63-67% or maintain targets.	Increase targets by 64-68% or maintain targets.	Increase targets by 65-70% or maintain targets
Results	The proportion of administrative and legal resolutions containing TER was increased to 73.5%.		
			Target Met

The fiscal year 2014 target for Performance Measure 6 was to increase the proportion of administrative and legal resolutions currently containing targeted, equitable relief (TER) to within a range of 63-67 percent. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in

the future. In addition, the agency was required to establish a baseline of existing TER in resolutions in order to project future targets for different types of TER.

In April 2014, new i-Meeting classes on the subject of TER were delivered to both field enforcement and litigation staff to provide ongoing guidance. The guidance also provided additional details about TER and reinforced the concepts for staff to use in their resolution of charges and cases, as well as information about recording relevant information in IMS. At year-end, the agency had 850 administrative and legal resolutions with TER out of a total of 1,157 resolutions, or 73.5 percent, which exceeded the target for fiscal year 2014.

FEPA Resolutions with Targeted Relief

Performance Measure 7: By FY 2016, 15-17% of resolutions by FEPAs contain targeted, equitable relief.			
	FY 2014	FY 2015	FY 2016
Targets	FEPAs increase targets by 13-15% or maintain targets.	FEPAs increase targets by 14-16% or maintain targets.	FEPAs increase targets by 15-17% or maintain targets.
Results	The proportion of FEPA reported resolutions containing TER was increased to 16%.		
			Target Exceeded

The fiscal year 2014 target for Performance Measure 7 was to increase the proportion of resolutions reported by the State and local Fair Employment Practices Agencies (FEPAs) that contained targeted, equitable relief (TER) to within a range of 13-15 percent. In fiscal year 2013 the agency determined the baseline percentage of merit factor resolutions containing TER by reporting FEPAs was 14 percent. To better capture the variance in the number of FEPA resolutions achieved through TER, we developed a series of ranges for future targets through fiscal year 2016 to include an increase in FEPA resolutions with TER within a range of 13-15 percent in fiscal year 2014; 14-16 percent in fiscal year 2015; and 15-17 percent in fiscal year 2016. (Baseline percentages established under Performance Measure 7 for FEPAs are different from Performance Measure 6 due to variations between charge processing systems at the FEPAs with whom the EEOC has work-sharing agreements).

During fiscal year 2014, the agency invited FEPA staff to attend the joint i-Meeting presented on TER, conducted in April 2014. Further discussions were held on the topic of TER during the August 2014 FEPA conference. By year-end, there were 1,027 FEPA merit resolutions with TER out of 6,616 merit resolutions, or 16 percent, which also exceeded the fiscal year 2014 target.

C. Program Areas

1. Private Sector Enforcement

Charge Receipt and Inventory

As discussed earlier in this request, the agency's new Strategic Plan places a strong emphasis on ensuring our enforcement efforts reduce employment discrimination and provide remedies that correct discriminatory practices in the workplace as well as meaningful relief for those affected by such practices. In fiscal year 2014, through our strong enforcement activity, we secured 87,442 resolutions, with a merit factor resolution rate of 18 percent. (Merit factor resolutions include mediation and other settlements and cause findings, which, if not successfully conciliated, are considered for litigation). The EEOC also secured more than \$296 million in fiscal year 2014 in monetary benefits through its private sector administrative enforcement activities. Overall, the EEOC secured both monetary and non-monetary benefits for over 36,000 people through administrative charge resolution.

While the agency has achieved some significant successes as outlined above, these successes are better understood in light of the challenges confronting the agency over the past 13 years. The EEOC's charge inventory had been growing since fiscal year 2002. Increases in the agency's budget in fiscal years 2009 and 2010 allowed us to make strides in managing the inventory which we continued to see through fiscal year 2012, with a second consecutive year of inventory reduction resulting in a pending inventory level of 70,312. However, the impact of the hiring freeze imposed in fiscal year 2011 and in place through the beginning of the second quarter of fiscal year 2014 led to the agency's inventory increasing to 75,658 by the end of fiscal year 2014. The total number of charges filed with EEOC during fiscal year 2014, 88,788 was down slightly from previous years, due in part to the federal government shutdown for 16 days at the start of the fiscal year.

We remain committed to improving our internal processes and enhancing our productivity to make progress in managing the inventory. After an extended hiring freeze, our 2014 enacted appropriation allowed us to fill a significant number of investigator and mediator positions, through the late enactment of the appropriation and attrition kept the agency at roughly the 2013 FTE level. We hired approximately 116 investigators and 12 mediators during the third and fourth quarters of fiscal year 2014 which helped restore some of the prior years' losses to the front-line staffing levels and rebuild our enforcement capacity in our field offices. Our 2015 appropriation will allow EEOC to increase its investigator staffing levels over fiscal year 2014's rate. With this infusion of staff, we project that we will be able to begin reducing our inventory level below fiscal year 2014. This fiscal year 2016 request provides for 47 new investigator hires and 5 mediator hires which will allow us to achieve a further reduction in the inventory level to 68,735 by the end of the fiscal year. We will also continuously monitor our ability to replace separating investigators and mediators throughout the fiscal year in order to increase our mediation and enforcement resolutions.

In addition to the hiring activity in fiscal years 2015 and 2016, we will continue our focus on identifying creative approaches to addressing the inventory and utilizing Priority Charge Handling Procedures (PCHP) in a manner that will produce further reductions in the inventory. We also recognize that we must balance our efforts to address the inventory while still maintaining a high level of quality in our investigations and conciliations. In fiscal years 2015 and 2016, in support of

the concepts embedded in the QCP outlined in Performance Measure 2; we will continue to focus on the quality of our work to provide the public with the confidence that our inventory reduction focus will be complemented by our emphasis on maintaining high quality in our enforcement activities.

As demonstrated above, the EEOC has made significant progress toward rebuilding the capacity needed to effectively enforce Federal employment discrimination laws through the strategic management of existing resources during periods that did not allow for hiring. With the further investments in staff, training and technology made in fiscal years 2015 and 2016 as outlined in this budget justification, we are confident that we will be able to maintain the downward trend in our inventory in those years. Throughout all of these activities, we will continue to focus on ensuring that we enhance our ability to better serve the public and resolve charges in as timely a manner as is feasible.

Chart 2 below shows the minimal growth of the pending inventory in fiscal year 2013 as well as the increase in fiscal year 2014 due to the extended government shutdown and the later front-line staff hires. With the fiscal year 2014 hires becoming fully productive in fiscal year 2015, in conjunction with continued hiring activity in fiscal years 2015 and 2016, the inventory levels reflect a steady decline into the subsequent fiscal years.

**Chart 2:
Private Sector Charges Pending
at Year End for Fiscal Year 2012 to Fiscal Year 2018**

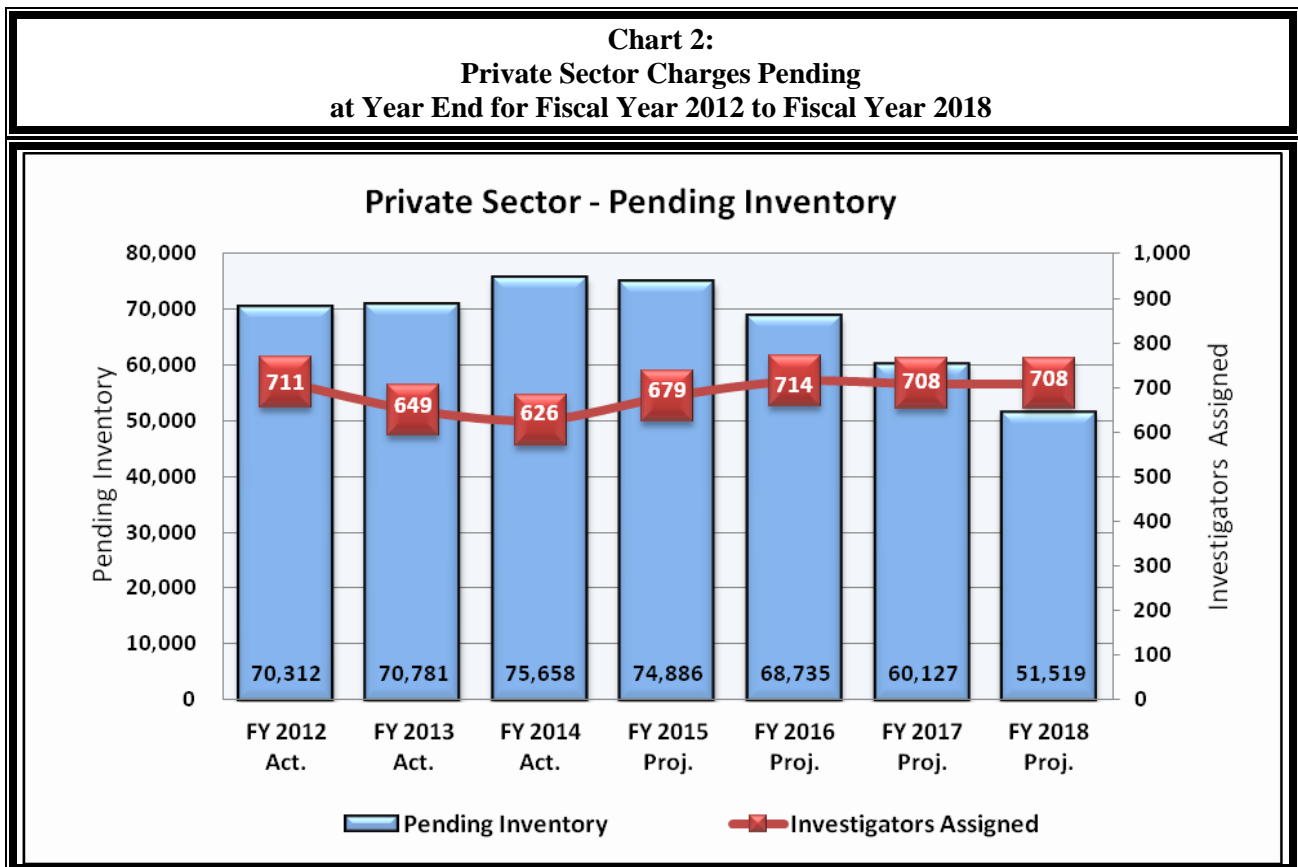
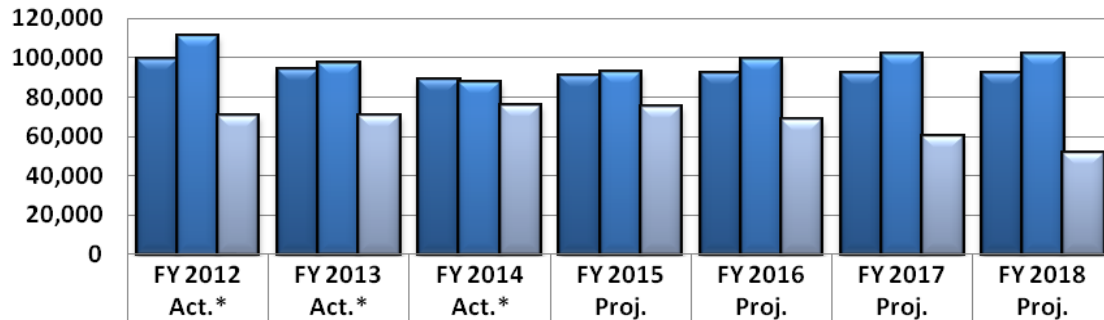


Chart 3 below depicts the actual Workload for Private Sector Enforcement for fiscal years 2012 through 2014 and projected Workload through fiscal year 2018. As Chart 3 demonstrates, we had reduced receipts in fiscal year 2014 due to the government shutdown, followed by a projected slight uptick for fiscal years 2015 – 2018. We also realized a lower level of resolutions in fiscal year 2014 due to the impact of the shutdown, followed by an increasing level of projected resolutions in fiscal years 2015 – 2018 as we realize the productivity of staffing hires made in the latter half of fiscal year 2014 and the projected hiring in fiscal years 2015 and 2016. Fiscal years 2016 -2018 resolutions will continue to climb with the additions of front-line staff.

**Chart 3:
Private Sector Enforcement Program Workload Table
Fiscal Year 2012 to Fiscal Year 2018**

Private Sector Enforcement Program Workload Table



	FY 2012 Act.*	FY 2013 Act.*	FY 2014 Act.*	FY 2015 Proj.	FY 2016 Proj.	FY 2017 Proj.	FY 2018 Proj.
Total Receipts	99,412	93,727	88,778	90,997	91,907	91,907	91,907
Total Resolutions	111,139	97,252	87,442	92,929	99,217	101,674	101,674
Pending Inventory	70,312	70,781	75,658	74,886	68,735	60,127	51,519

*Pending beginning inventory adjusted to reflect charge activity spanning fiscal years.

Table 5 shows the actual private sector charges received by Statute for fiscal year 2012 – fiscal year 2014 and the projected charges through fiscal year 2018. As can be seen by Table 5 the largest portion of the charges received by the agency involves those with allegations covered by Title VII.

**Table 5:
Charges Filed by Statute Fiscal Year 2012 to Fiscal Year 2018**

	FY 2012 (Act.)	FY 2013 (Act.)	FY 2014 (Act.)	FY 2015 (Est.)	FY 2016 (Est.)	FY 2017 (Est.)	FY 2018 (Est.)
Title VII Only							
Charges filed	54,446	50,760	47,134	48,797	49,285	49,285	49,285
Charges resolved	59,885	52,797	46,841	50,115	53,506	54,831	54,831
Title VII With Concurrents							
Charges filed	71,578	67,558	63,589	65,385	66,038	66,038	66,038
Charges resolved	79,310	70,175	63,061	57,037	71,573	73,345	73,345
Age Discrimination in Employment Act Only							
Charges filed	9,257	8,269	7,852	8,038	8,119	8,119	8,119
Charges resolved	11,886	8,643	7,697	8,219	8,776	8,993	8,993
Age Discrimination in Employment Act w/Concurrents							
Charges filed	22,857	21,396	20,588	20,938	21,147	21,147	21,147
Charges resolved	27,335	22,371	20,148	21,394	22,842	23,408	23,408
Equal Pay Act Only							
Charges filed	61	90	31	60	60	60	60
Charges resolved	50	95	54	74	79	81	81
Equal Pay Act with Concurrents							
Charges filed	1,082	1,019	938	975	985	985	985
Charges resolved	1,139	1,063	1,024	1,052	1,123	1,151	1,151
Americans with Disabilities Act Only							
Charges filed	15,480	15,125	14,509	14,778	14,926	14,926	14,926
Charges resolved	16,427	15,309	13,916	14,709	15,704	16,093	16,093
Americans with Disabilities Act w/Concurrents							
Charges filed	26,379	25,957	25,369	25,602	25,858	25,858	25,858
Charges resolved	28,799	26,410	24,441	25,605	27,338	28,015	28,015
Genetic Information Nondiscrimination Act Only							
Charges filed	20	27	25	26	26	26	26
Charges resolved	25	24	19	22	23	24	24
Genetic Information Nondiscrimination Act w/Concurrents							
Charges filed	280	333	333	332	336	336	336
Charges resolved	319	294	308	304	325	333	333
Total*							
Charges filed	99,412	93,727	88,778	90,997	91,907	91,907	91,907
Charges resolved	111,139	97,252	87,442	92,929	99,217	101,674	101,674

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

Mediation Program

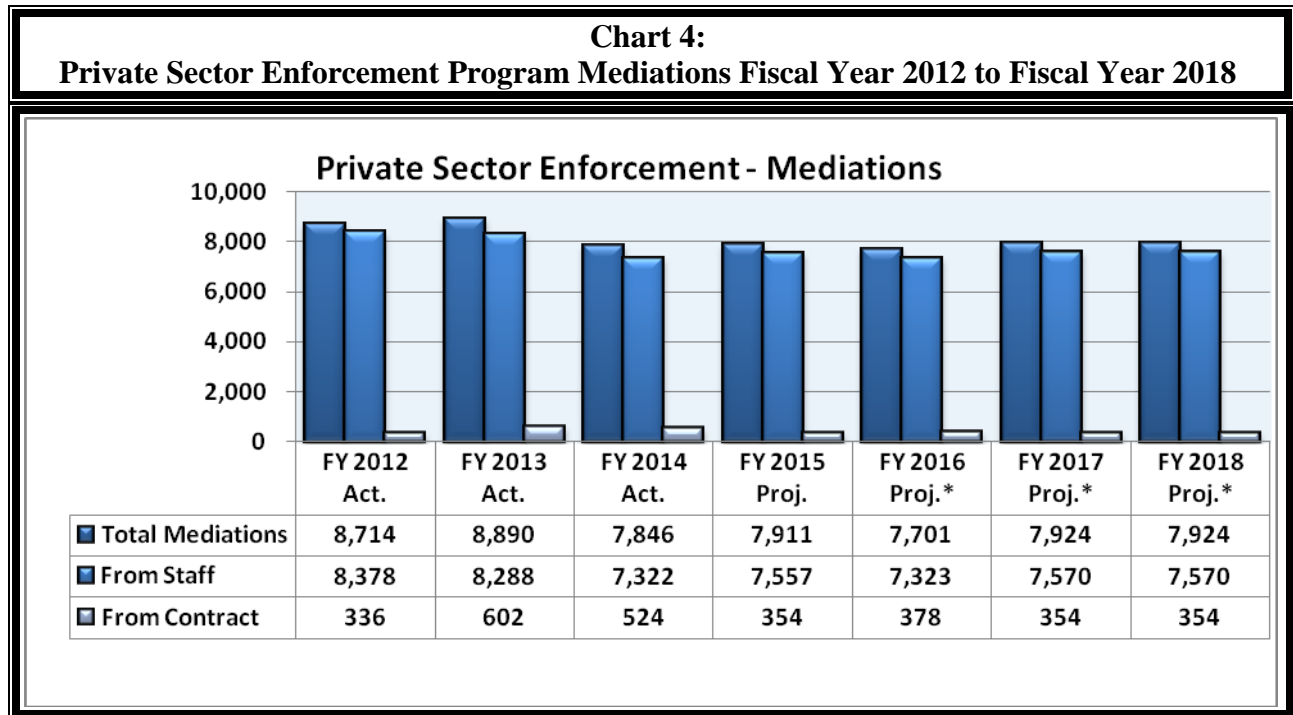
A key component of the Commission's enforcement strategy is the continued emphasis on the use of Alternate Dispute Resolution (ADR) as an effective tool to quickly resolve appropriate charges of discrimination. We continue to pursue efforts to secure greater participation by employers, through the use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

The mediation program continues to enhance the Commission's efforts in providing the timely resolution of discrimination charges. At the conclusion of fiscal year 2014, the program resolution level was 7,846 successful resolutions out of 10,221 conducted and these were completed in an average time of 103 days and with over \$144.6 million in benefits secured. . The Commission hired 6 mediators in fiscal year 2014 and projects hiring 9 mediators in fiscal year 2015 and 5 in fiscal year 2016. As noted above, we will continuously monitor our ability to replace separating mediators throughout the fiscal year in order to increase our mediation resolutions. The EEOC is also projecting \$450,000 in contract mediation funds in fiscal year 2015 and is requesting \$480,000 in fiscal year 2016. This funding will assist EEOC in continuing its efforts in offering a fair, efficient and timely alternative to the traditional investigative process in areas not covered by on staff mediators.

Additionally, the program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, Charging Parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In fiscal year 2014, 96.4 percent of all participants indicated that they would utilize the mediation process in a future charge filed with EEOC. This is a direct measure of the public's confidence in our mediation program. Furthermore, successes in our mediation program result in fewer charges that remain in our inventory for investigation, thus alleviating the growth of the overall charge inventory.

Through our outreach to employer representatives and other related stakeholders, we will continue to emphasize and highlight the value of alternative dispute resolution in appropriate charges of discrimination filed with the Commission. We believe the success of the mediation program helps build a persuasive case to convince employers to participate in our mediation program. By the conclusion of 2014, the agency secured a cumulative total of 2,283 agreements to mediate UAM, a 4 percent increase over the prior year.

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



*May not add due to rounding

a. State and Local

The President’s request for fiscal year 2016 is based on a return to fiscal year 2014 funding for State and Local activities totaling \$29,500,000. The fiscal year 2016 request will continue to fund our relationship with the Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs). Both groups play a major role in the EEOC’s goal of achieving justice, opportunity and inclusive workplaces. The FEPAs help the EEOC to resolve charges of employment discrimination and to prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. They also participate in the development and presentation of outreach and education events, frequently joining with EEOC field staff, to explain the provisions of Federal, state and local laws regarding employment discrimination to various groups and other members of the public.

During fiscal year 2014, we continued efforts to reassess our relationship with the FEPAs and TEROs and to identify areas where we can achieve efficiencies for all parties involved in this relationship. Our primary focus continues to be on information sharing, training and enhanced communication between the EEOC and its FEPA and TERO partners. Offices continued to have available the model Memorandum of Understanding (MOU), approved by the Commission in fiscal year 2013, which can be used as a template by EEOC offices for agreements with individual Indian tribes. Under the MOU, each tribe wishing to enter into an MOU with EEOC would first have to adopt a non-discrimination ordinance covering employment on the tribe’s reservation or land. Prior to the conclusion of fiscal year 2013, the Chair and Commissioners received the final draft of the document that delineated the overall engagement activities for

EEOC offices and their respective FEPAs. We have subsequently engaged in more focused dialogue with our FEPA partners to implement the strategic goal that links the FEPAs accomplishments to EEOC's new Strategic Plan covering fiscal years 2012 through 2016 including developing mechanisms such as model worksharing agreements to encourage FEPA support of SEP priorities. Namely, during fiscal year 2014, EEOC and FEPAs entered into Worksharing Agreements (WSAs) or Extensions, which included agreement to work together to further provisions of the EEOC's 2012-2016 Strategic Plan, and the EEOC and FEPAs have continued to cooperate in compliance and enforcement efforts as well as identify, plan or conduct joint enforcement, outreach, and technical assistance/training activities in support of Strategic Enforcement Plan (SEP) priorities or District level priorities. Moreover, during fiscal year 2014, we provided training and guidance to the staff of our FEPA partners on the new Performance Measure data collection for targeted equitable relief and will continue to utilize the data collected to monitor the targets developed for fiscal year 2015 and the remaining years of the Plan.

During fiscal year 2014, the per charge reimbursement rate remained the same as prior years at \$650 per charge while State and Local Programs was appropriated with \$29.5 million for State and Local activities as part of the agency's overall appropriation. With respect to Performance Measure 7, the EEOC has continued to gather and monitor TER data captured in IMS by the reporting FEPA agencies and by the conclusion of the fiscal year, the proportion of FEPA reported resolutions containing TER increased to 16% which exceeded the fiscal year target. Overall, during this fiscal year, EEOC District Offices have continued to develop and strengthen their relationships with their respective FEPAs in an effort to engage and facilitate their FEPA's support of EEOC's national priorities as well as District level priorities through joint collaborative activities such as joint enforcement, outreach or training.

EEOC field offices will continue to invite FEPAs in their jurisdiction to participate in training offered to the EEOC staff. In addition, EEOC has continued to facilitate communications between the FEPAs and EEOC, and continues to explore new technologies that would even more effectively enhance communication. This will remain a focal point in fiscal year 2015, as we continue to identify opportunities to link technology advances with improved interactions with our partners.

Table 6 below depicts the actual State and Local receipts, total resolutions and pending inventory for fiscal years 2012 - 2014, and projections for fiscal years 2015 - 2018.

Table 6: State and Local Workload Projections Fiscal Year 2012 to Fiscal Year 2018							
Workload	FY 2012 (Actual)	FY 2013* (Actual)	FY 2014* (Actual)	FY 2015 (Estimate)	FY 2016 (Estimate)	FY 2017 (Estimate)	FY 2018 (Estimate)
Charges Beginning	47,696	47,299	44,693	41,815	41,597	41,379	41,161
Receipts	43,467	43,954	40,424	43,212	43,212	43,212	43,212
Total Workload	91,163	91,253	85,117	85,027	84,809	84,591	84,373
Resolutions	42,861	42,476	42,114	42,114	42,114	42,114	42,114
Charges Deferred to EEOC	1,310	1,452	1,188	1,316	1,316	1,316	1,316
Pending Inventory	46,992	47,325	41,815	41,597	41,379	41,161	40,943

*Pending beginning inventory adjusted to reflect charge activity spanning fiscal years.

Systemic Program

In 2006, following the issuance of its Systemic Task Force Report, the Commission resolved that investigating and litigating cases of systemic discrimination would be a top agency priority because systemic cases have the greatest impact on employers engaging in discrimination and people who are harmed by employment discrimination. In the seven plus years since, the Commission has found its systemic work to have indeed been its most impactful and through this request, we plan to continue to strive to achieve the vision set forth in the 2006 report.

In fiscal year 2012, the EEOC adopted a new Strategic Plan that sets the course for the agency over the next five years. On December 17, 2012, the EEOC adopted a Strategic Enforcement Plan. The two plans establish the agency's enforcement priorities, including priorities for systemic work, along with performance measures that are consistent with the newly established priorities. Our systemic efforts in fiscal years 2015 and 2016 will be guided by the focus outlined in these Plans together with the District Complement Plans that supplement the SEP.

A key indicator of success in EEOC's systemic work is reflected by the remedies secured in cases in which discrimination is found to have occurred. The voluntary compliance, or conciliation process, is one of the primary ways in which EEOC obtains remedies for persons subjected to systemic discrimination. The other is through litigation filed against employers who are found to have engaged in discrimination but who are unwilling to resolve the claims voluntarily.

In fiscal year 2014, EEOC field offices completed work on 260 systemic investigations and obtained over \$13 million in remedies in these systemic cases. These resolutions included voluntary conciliation agreements in 44 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. In addition, reasonable cause determinations finding discrimination were issued in 118 systemic investigations.

**Table 7:
Systemic Program Fiscal Year 2012 to Fiscal Year 2014**

	FY 2012	FY 2013	FY 2014
Systemic Resolutions	240 Investigations	300 Investigations	260 investigations
Systemic Cause Findings	94 Investigations	106 Investigations	118 investigations
Systemic Litigation Filed	10	21	17
Pending Systemic Inventory	538 Investigations	526 Investigations	526 investigations

To promote its systemic work, the Commission has assigned nine Lead Systemic Investigators to work exclusively on systemic cases. At the end of fiscal year 2014, the Commission hired an additional nine Lead Systemic Investigators with the intent of staffing each of the Commission's District Offices with at least one Lead who will be assigned to work exclusively on systemic investigations. Additionally, the Commission has hired nine social science research experts to support field systemic investigations. Even with modest staffing investments in an environment where resources are stretched to the limit, the results of the Commission's systemic efforts have been impressive. When the Commission has focused its resources on systemic work, it has had a significant impact on the behavior of employers and workplaces across the country.

b. Litigation

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

One of the Commission's top priorities, as evidenced by its adoption of the agency's Strategic Plan for Fiscal Years 2012-2016, is to continue its focus on cases of systemic discrimination, which typically involve broad-based employment practices affecting large numbers of individuals. As required by the Strategic Plan, the Commission expects to increase the representation of systemic litigation cases on its active docket over the next several budget cycles. Consistent with the Commission's Strategic Enforcement Plan, we expect many of our

systemic cases to challenge discriminatory barriers to employment (chiefly recruitment and hiring practices), and we expect many of our cases generally (both large and small) to focus on emerging and developing legal issues, protecting the rights of immigrants and other vulnerable populations, and discriminatory pay practices.

Systemic cases involve challenges to discriminatory policies or challenges to practices that affect anywhere from 20 to thousands of individuals. These types of cases often continue in active litigation over a multi-year period and last far longer than smaller-sized cases. The Commission's active docket of litigation changes from day to day but as of the beginning of fiscal year 2015 we were actively litigating 57 systemic cases representing 25 percent of our total active litigation docket.

As a greater proportion of our docket is focused on systemic cases, the cost of funding the litigation program will rise. Systemic cases require significant resources in terms of professional staff time and litigation expenses, such as retaining expert witnesses, voluminous motion and discovery practice, extensive travel and high interpreter costs for litigating cases involving immigrant workers. The length and cost of these cases has increased in recent years, and even a modest increase in systemic litigation activity has a major impact on the resources needed. While the cost of litigating all types of cases has been increasing, the increase in the proportion of systemic discrimination cases on our docket has become a major driver of the large increase in litigation costs.

The Commission hired 8 trial attorneys in fiscal year 2015 and plans to hire 7 new trial attorneys in fiscal year 2016, plus needed litigation support personnel and on-staff social scientists. These additional resources will be directed to handling the increasing volume of systemic litigation, as well as litigating cases that present high priority issues as described in the agency's Strategic Enforcement Plan. In addition, consistent with the Strategic Enforcement Plan, Commission attorneys will continue to spend a significant portion of their time working closely with investigators to develop investigation plans, interview witnesses, analyze evidence and assist in charge resolutions.

With the requested appropriation, the Commission will increase the representation of systemic cases on the active docket over the next several years. The Commission will also continue to bring litigation cases that reach communities, population groups and geographic locations where private enforcement of anti-discrimination laws is rare. Absent litigation by the EEOC, victims of discrimination in these areas would have minimal access to the legal system to protect their rights. The Commission projects filing 150 new merits lawsuits in fiscal year 2015 which is a small increase in filings from the previous year.

In all of our litigation, the Commission seeks to secure substantial injunctive and equitable relief as well as appropriate monetary relief for all aggrieved individuals. In fiscal years 2010-2014, the Commission recovered around \$280 million in damages and back pay for 26,408 victims of discrimination through its litigation program.

2. Federal Sector Programs

a. Federal Sector Enforcement Activities

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

To this end, Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 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 EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly three million men and women across the country and around the world who have dedicated their lives to public service. EEOC Management Directive 715 (MD-715) is the key vehicle for agencies to identify and remove barriers to equal employment.

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

b. Federal Sector Improvements – Hearings

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

In fiscal year 2014, the EEOC secured more than \$74.1 million dollars in relief for parties who requested hearings. At the end of fourth quarter 2014, there were a total of 8,086 hearings requests received. Additionally in fiscal year 2014, the Commission's hearings program resolved a total of 6,437 complaints, which is approximately 6 percent below the level in the same period in fiscal year 2013, (6,789). This decline in hearings resolutions is attributable in

part to the three-year hiring freeze. However, six new Administrative Judges were hired at the end of fiscal year 2014, so we anticipate this increase in front line resources will have a positive impact on resolution rates, although the impact of these hires will not be fully realized until fiscal year 2015. As our workload table below projects, with the full productivity of our new hires, the fiscal year 2015 resolutions will climb 25 percent over the fiscal year 2014 level to 7,997 and remain at this level in fiscal years 2016-2018. These workload projections are also based on the positive impact we anticipate with the full implementation of the federal case management system, which was piloted in an initial four of our field offices in fiscal year 2014 and is being expanded field-wide by the end of fiscal year 2015.

In accordance with Performance Measure 3 of the Strategic Plan, the federal sector working group created a Case Management System to provide a mechanism for identifying and categorizing the federal sector hearings and appeals inventory and for tracking Commission priorities. The goal of the system is to expedite case processing and to tailor case processing commensurate with agency resources. In a related effort, in fiscal year 2014, modifications were implemented in IMS in order to allow EEOC Federal sector hearings staff to identify and track those cases that reflect SEP/FCP priorities and training was provided to all staff on this new feature. The extended government shut-down at the start of the fiscal year impacted the roll-out of this project both in terms of the delays in updating IMS with the categorization features and the backlog of hearings activities on existing cases. As a result, the agency measured the actions that were taken on hearings cases received on or after January 20, 2014 to assess the rate of these cases that had an initial scheduling conference as part of the process for assessing the steps in the case that could include categorization of the cases. These results reflect that 70.8 percent of all new hearings received in these pilot offices were handled consistent with the new process.

Consistent with the Strategic Plan, the Commission continued its focus on expanding the use of technology to make the Federal Hearings process faster and more effective through the utilization of the EEO File Exchange (EFX) web-based portal system for hearings units nationwide and the expanded use of Hot Docs technology for AJs.

The EFX system is designed to allow federal agencies and federal complainants the ability to securely submit electronic Reports of Investigation, Complaint Files, and other documents to the EEOC in support of the federal hearings and appellate processes. The system has been implemented in all 24 EEOC field office hearings units, the Office of Federal Operations (OFO), and over 110 agencies or sub-components (44 agencies and 71 sub-agencies) including the US Postal Service; Department of Veterans Affairs; Department of Homeland Security; Treasury Department; Department of the Navy; Department of Air Force; and the Defense Logistics Agency. With the conclusion of this phase of EFX, agencies can now transmit their documents electronically to EEOC. Future expansion of EFX in fiscal year 2015 will enable the system to be available to complainants, and their representatives, providing the vehicle by which they can file motions, submit supporting documentation and obtain information about the status of their case.

Moreover, Administrative Judges will be able to issue Orders and Decisions through EFX. This will allow the federal sector hearings process to become more streamlined, efficient and transparent, thereby improving customer service to all stakeholders.

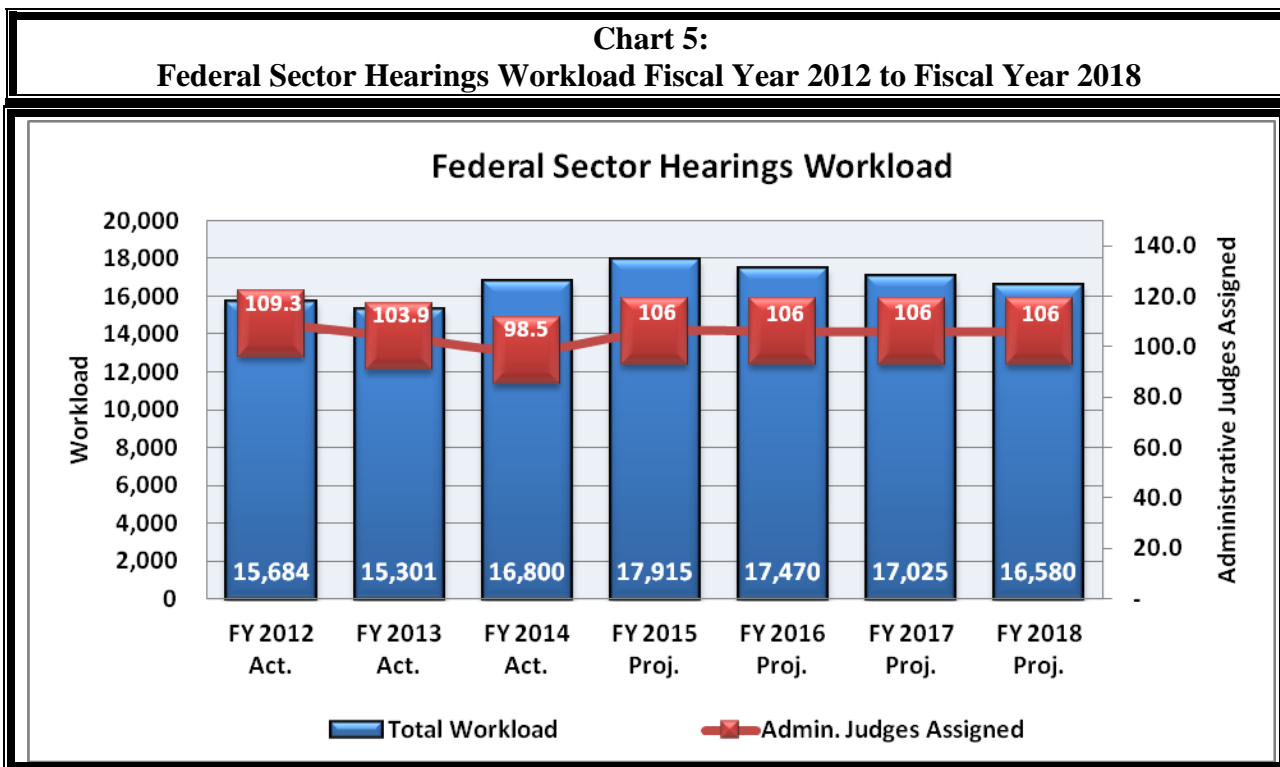
The federal sector hearings program is also exploring other tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its Administrative Judges, thereby helping to manage the growing hearings inventory. With initiatives such as Hot Docs, which involves the creation of standardized Orders and Decisions that Administrative Judges can utilize as templates; as well as expanding efforts to encourage informal resolution of claims at the hearings stage, such techniques will further improve customer service to those individuals having claims adjudicated through the federal sector hearings process.

**Table 8: Hearings Workload Projections
Fiscal Year 2012 to Fiscal Year 2018**

Workload	FY 2012 (Actual)	FY 2013* (Actual)	FY 2014* (Actual)	FY 2015 (Estimate)	FY 2016 (Estimate)	FY 2017 (Estimate)	FY 2018 (Estimate)
Hearings Beginning	8,060	8,313	8,756	10,363	9,918	9,473	9,028
Receipts	7,728	7,077	8,086	7,630	7,630	7,630	7,630
Consolidations	(104)	(89)	(42)	(78)	(78)	(78)	(78)
Net Received	7,624	6,988	8,044	7,552	7,552	7,552	7,552
Total Workload	15,684	15,301	16,800	17,915	17,470	17,025	16,580
Resolutions	7,538	6,789	6,437	7,997	7,997	7,997	7,997
Pending	8,146	8,512	10,363	9,918	9,473	9,028	8,583

*Pending beginning inventory adjusted to reflect charge activity spanning fiscal years.

Chart 5 below demonstrates the actual workload and number of Administrative Judges assigned to handle hearing complaints for fiscal years 2012 through 2014 and projections for fiscal years 2015 through 2018. Based on recent data, hearings receipts are projected to decline in fiscal year 2015 and remain steady in fiscal years 2016 through 2018 and resolutions will increase beginning in fiscal year 2015 due to the hiring that occurred in fiscal year 2014.



c. Federal Sector Appeals Programs

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

In fiscal year 2014, as the result of the Commission’s federal sector enforcement efforts, the EEOC appellate program secured \$8.4 million in monetary benefits and issued 3,767 decisions.

Keenly aware that “justice delayed is justice denied,” the Commission continues to manage its appellate inventory through the use of targeted management techniques and improvements in technology.

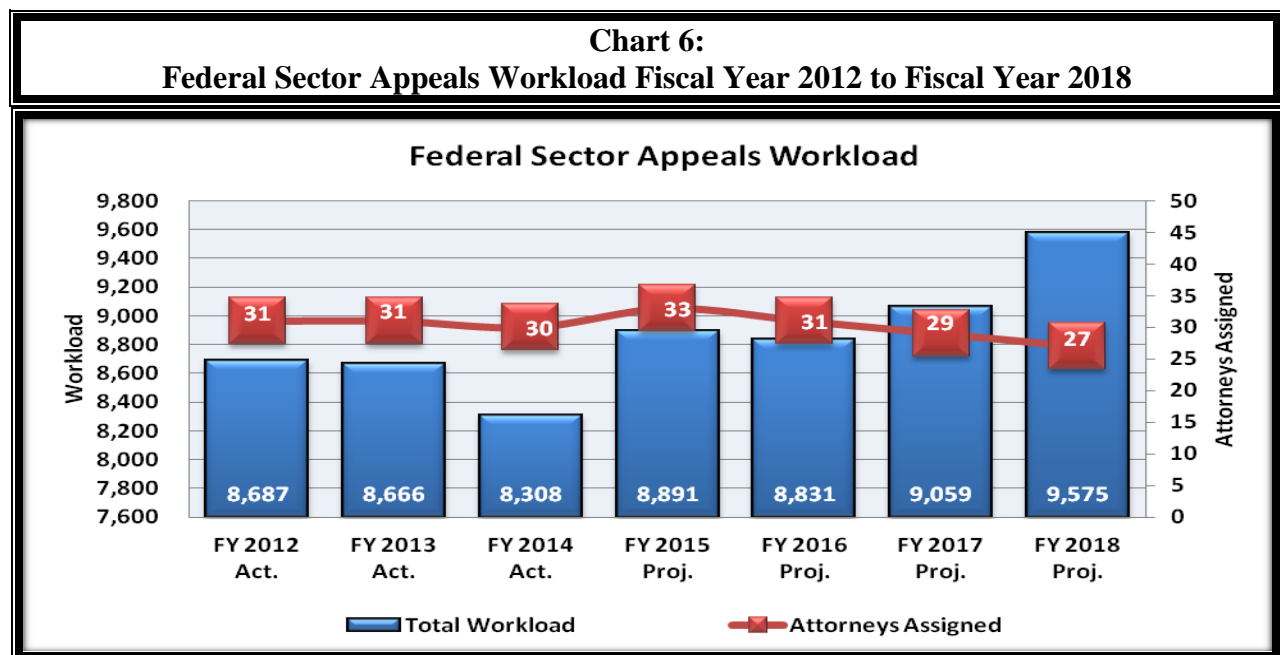
In fiscal year 2012, the Commission issued new regulations requiring agencies to submit appeal-related documentation in digital format. Further, these regulations encouraged complainants and their representatives to submit their appeals and briefs in digital format.

The Commission continues to leverage this digital infrastructure to improve efficiency in the Appellate process. The Commission’s EEO File Exchange (EFX) portal has for two years provided agencies with a seamless method of submitting all complaint-related documents. Additionally, in fiscal year 2014 the Commission designed, developed, and piloted a digital portal through which complainants and their representatives can submit appeal-related documentation to the Commission. Further enhancements to these portals are planned to allow agencies, complainants, and their representatives to not only upload digital files, but to review those that have been submitted. In addition to the gains in efficiency, this will make the appellate process more transparent for all parties and will reduce the Commission’s reliance on appellate support staff to prepare and scan paper documentation received by the parties.

The Case Management System discussed earlier is designed to bring consistency and greater efficiencies to the processing of federal sector complaints through the early categorization of incoming hearings and appeals. For example, in fiscal year 2014 Performance Measure 3 calls for 100% of new federal sector appeals, and 50% of the pending inventory, to be categorized pursuant to the priorities identified by the Commission’s Strategic Enforcement and Federal Complement plans. Staff also identified “broad impact” cases, and those that implicate topics of interest identified by the Commission.

While the implementation of the Case Management System has permitted the Commission to identify priority cases and obtain a better understanding of the types of cases in its inventory, the Commission still needs to effectively manage its appellate inventory by leveraging technology, and employing targeted management techniques. As part of this effort the Commission employs a balanced approach by resolving a target percentage of appeals within 180 days, while simultaneously ensuring that the oldest appeals in the inventory are addressed.

Chart 6 below demonstrates the actual workload inventory and number of attorneys assigned to adjudicate appeals of complaints decided by the EEOC for fiscal years 2012 through 2014 and projections for fiscal years 2015 through 2018.



As demonstrated in the chart above, the appellate inventory is projected to slowly grow over the next few years. The growth of the appellate inventory, however, is influenced by the number of appellate receipts per year and the number of appellate attorneys available to adjudicate the appeals. With the exception of an almost 14% increase in fiscal year 2011, appellate receipts have slightly decreased during each of the last 10 years. In the coming fiscal years the Commission will continue to monitor this situation and make operational modifications as appropriate.

The effective management of the Commission's appellate inventory is just one critical component of an integrated strategy designed to combat employment discrimination through strategic law enforcement. The appellate decisions issued by the Commission serve as a vehicle for the development and promulgation of the Commission's EEO policy in the federal sector. Moreover they provide invaluable insight into the Commission's policy and legal interpretation of EEO law. They address complex issues in areas of the law where EEO policy is less clear or evolving. 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.

d. Oversight of Federal Agencies EEO Programs

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

Performance Measure 5 of the Commission's Strategic Plan mandates the design and implementation of an integrated data system intended to identify pervasive discriminatory practices and policies in federal agencies. The Commission's development of an integrated data system under this Measure will be the culmination of recent efforts to collect, analyze, and respond to information about agencies' efforts to create model EEO programs. The Commission has developed Federal Sector EEO Portal (FedSEP) to capture statistical data contained in agencies' MD-715 reports, and allow for the upload and analysis of EEO complaint data (EEOC Form 462), as well as supporting narrative documentation. Information available to the hearings and appellate units will be combined with agency complaint data, workforce data, and barrier analyses to build a more complete picture of how agencies are progressing in the development of model EEO programs.

One of the Commission's most important oversight mechanisms is the authority to conduct evaluations of federal agency EEO programs. To better implement the Commission's focus on establishing effective relationships with federal employers, and in furtherance of the

Commission's Strategic Plan, Strategic Enforcement Plan and the Federal Complement plan, the Commission initiated several program evaluations for this and future fiscal years. Using targeted evaluations, combined with the new self-assessment tools and checklists in MD-715, the Commission helped federal agencies assess the effectiveness and efficiency of their EEO programs and identify potential barriers to equality of employment opportunity.

In addition to conducting program evaluations, the Commission implemented a series of initiatives under the auspices of the Federal Sector Complement Plan. For example, the Commission began reviewing federal agencies' recruitment and hiring practices for senior executives; initiated analysis of agencies' employment of individuals under Schedule A; and continued review of agencies' anti-harassment policies and reasonable accommodation procedures. As part of this information gathering initiative, the Commission conducted 56 technical assistance visits to obtain information concerning these and other initiatives. The information obtained from these efforts provided additional inputs for the Commission's integrated data system.

In addition to these initiatives, the Commission is exploring methods to develop EEO community web-based forums designed to allow federal sector stakeholders to exchange valuable EEO related information, such as best practices, relevant articles, etc. These efforts will supplement the Commission's delivery of relevant and helpful information, training, and EEO solutions to federal agencies, and will enhance its dissemination of federal sector research materials through placement of Commission decisions and other helpful federal sector information on the EEOC's web site.

Additionally, the EEOC offers an extensive catalog of training courses to help agencies meet their training needs. The courses offered cover all the laws the Commission enforces and meet regulatory training requirements for certain federal EEO staff. The Commission offers both open enrollment and customized courses.

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

A. Introduction

In fiscal year 2014, we continued our proactive outreach program to meet the needs of diverse audiences across the nation. We partnered with the employer community, colleges and universities, advocacy groups, immigrant and farm worker communities, governmental entities, and other stakeholders to foster strategies to recognize and prevent discrimination in the workplace.

Under Strategic Objective II of the Plan, the agency established the following outcome goals: 1) members of the public understand and know how to exercise their right to employment free of discrimination; and 2) employers, unions, and employment agencies (covered entities) better address and resolve EEO issues, thereby creating more inclusive workplaces.

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

- Target outreach to vulnerable workers and underserved communities;

“Vulnerable workers” are those workers whose options may be severely limited due to economic or social barriers and whose ability to understand or exert their rights may be compromised. This includes, but is not limited to, low wage earners, farm workers, refugees, victims of human trafficking, youth, and older workers.

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


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

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

B. Performance Measures and Results

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

Vulnerable and Underserved Communities


Performance Measure 8: By FY 2016, the EEOC is maintaining 108 significant partnerships with organizations that represent vulnerable workers and/or underserved communities.			
	FY 2014	FY 2015	FY 2016
Targets	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities increases by 10%, nationally, or to 108.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.
Results	New guidance was issued to District Offices including approaches to identifying partners and activities, reporting on results, as well as maintaining significant partnerships. The number of significant partnerships increased to 116.		
			Target Exceeded

The baseline established in fiscal year 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. The fiscal year 2014 target for this measure was to increase the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities by 10 percent, nationally, over the 2012 baseline, or to 108 total partnerships. By mid-year 2014, discussions held with District Directors and Program Analysts provided additional guidance on how to maintain significant partnerships, report on results, and maximize outreach efforts and partnership development strategies within the vulnerable worker and/or underserved communities that the EEOC supports.

As a result, the agency increased its partnerships during the year by 14 and exceeded the goal of 108 to reach 116 total partnerships, or an increase of 13.7 percent over the fiscal year 2013 level. Among the new partnerships are agreements with several consulates representing the countries of Mexico, Ecuador, and the Philippines, as well as other local organizations representing vulnerable workers and underserved communities. The EEOC is an active member in all of the White House Initiative on Asian American and Pacific Islanders (WHIAPPI) in regions around the country. In addition, the agency has continuously worked with consulates of various Latin American countries throughout this fiscal year.

Small and New Businesses


Performance Measure 9: By FY 2016, the EEOC is maintaining 86 significant partnerships with organizations that represent small or new business (or with businesses directly).

	FY 2014	FY 2015	FY 2016
Targets	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) increases by 10%, nationally, or to 86.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.
Results	New guidance was issued to District Offices including approaches to identifying partners' activities, reporting on results, as well as maintaining significant partnerships. The number of significant partnerships increased to 92.		
			Target Exceeded

In fiscal year 2012, the agency established a baseline of approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency's objective of preventing employment discrimination through education and outreach to employers. The fiscal year 2014 target for this measure was to increase the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly) by 10 percent, nationally, over the 2012 baseline, or to 86 total partnerships. Concurrent with the new guidance issued in fiscal year 2014 by the agency for Performance Measure 8, District Directors and Program Analysts discussed how to maintain significant partnerships, report on results, and maximize outreach efforts and partnership development strategies within the small and new business communities.

As a result, the agency increased its partnerships during the year by 11, exceeding the goal of 86 to reach a total of 92 partnerships in fiscal year 2014, or a 13.6 percent increase over fiscal year 2013. New partnerships in some jurisdictions include local and ethnic Chambers of Commerce and Society of Human Resource Management (SHRM) chapters. Also included are other federal agencies such as OFCCP, SBA, as well as state entities – the Mississippi Small Business Development Center and the Georgia Department of Labor Employer Committees.

Social Media Plan

Performance Measure 10: By FY 2013, the EEOC implements a social media plan.			
	FY 2014	FY 2015	FY 2016
Targets	Assess the social media plan and update as necessary.	Assess the social media plan and update as necessary.	N/A
Results	Assessments initiated on the agency's fully implemented Social Media Plan.		
			Target Partially Met*

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

Performance Measure 10 ensures that the agency moves into the 21st century by utilizing social media technologies to reach the EEOC's stakeholders. It also helps to ensure that EEOC's social media strategies are consistent with the Strategic Enforcement Plan, the Chair's priorities, and other appropriate directives.

The fiscal year 2014 target for performance under this measure was to assess the effectiveness of the agency's social media plan implemented in fiscal year 2013, and make appropriate adjustments as needed for improvement. During the first half of fiscal year 2014, the agency continued to solidify its social media presence and infrastructure, including fully implementing the agency's social media guidelines. The implementation of the guidelines overall has been successful, although the development of a formal agency-wide communications infrastructure will be the focus in fiscal year 2015. Assessments on the availability and viability of social media content to support the agency's various portals are also scheduled to continue throughout the fiscal year.

Milestones reached in fiscal year 2014 include the expanded use of media tools and resources, building on agency efforts beginning in fiscal year 2010. For example, the EEOC established an agency Facebook page, piloting its implementation in fiscal year 2014. The Facebook page, created in April 2014, grew from 43 to 695 "likes", with its highest reach of 1,755 on a single post in fiscal year 14 – announcing the appointment of Chair Jenny Yang. To date, the EEOC Facebook page has 2,838 "likes."


We continued to institutionalize the agency's existing social media tools, including the Twitter account (@EEOCNews), the Spanish-language Twitter feed (@EEOCespanol), and the YouTube channel (youtube.com/theeoc). To date, we have reached more than 5,000 Twitter followers, up from roughly 2,500 in fiscal year 2013, and have sent more than 5,000 tweets.

The EEOC held a live Twitter chat in commemoration of National Disability Employment Awareness Month (NDEAM), focused on the federal government as a model employer of people with disabilities. EEOC Chair Jenny Yang and Commissioner Chai Feldblum answered questions during the hour-long chat. Members of the public were encouraged to participate by submitting questions using the hashtag #EEOC4NDEAM. The EEOC invited queries regarding the hiring, promotion and retention of people with disabilities in the federal government and suggestions on

what the agencies can do to increase the number of people with disabilities in the federal workforce. The #EEOC4NDEAM Twitter chat brought in approximately 530 tweets from 119 contributors. The agency further augmented its capacity with the addition of a new Public Affairs Specialist to focus on better utilizing social media and to help develop and implement agency-wide social media activities

Once completed, the Communications and Outreach Plan, authorized by the SEP, will incorporate the agency’s social media planning and guidelines. We will continue to review existing social media accounts and work with program offices to assess their effectiveness. The agency began to use social media as a way to advance the EEOC’s legislative work, including monitoring social media accounts of key legislative resources. In fiscal year 2015, the Communications Content Committee (C³) (i.e., the intra-agency workgroup created to help strategically manage and develop content for the EEOC’s web site) will help establish an infrastructure to develop content for social media, as well as better anticipate, plan, and manage the agency’s communication and outreach needs.

Sub-regulatory Guidance Review and Revision

Performance Measure 11: The EEOC reviews, updates, and/or augments with plain language materials its sub-regulatory guidance, as necessary.			
	FY 2014	FY 2015	FY 2016
Targets	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.	Consistent with Commission priorities, submit at least two plain language revisions of substantive policy documents to replace at least two other outdated guidance documents.
Results	Three documents were approved and released to the public.		
			Target Exceeded

Performance Measure 11 ensures that the agency's sub-regulatory guidance and documents are reviewed and that, where necessary, they are updated and accompanied by plain language text. The agency's enforcement work in the private sector, its adjudicatory and oversight work in the federal sector, and its outreach and education work all depend on the availability of up-to-date and accessible materials explaining the laws it enforces and how to comply with those laws. Although the regulations the agency issues set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws.

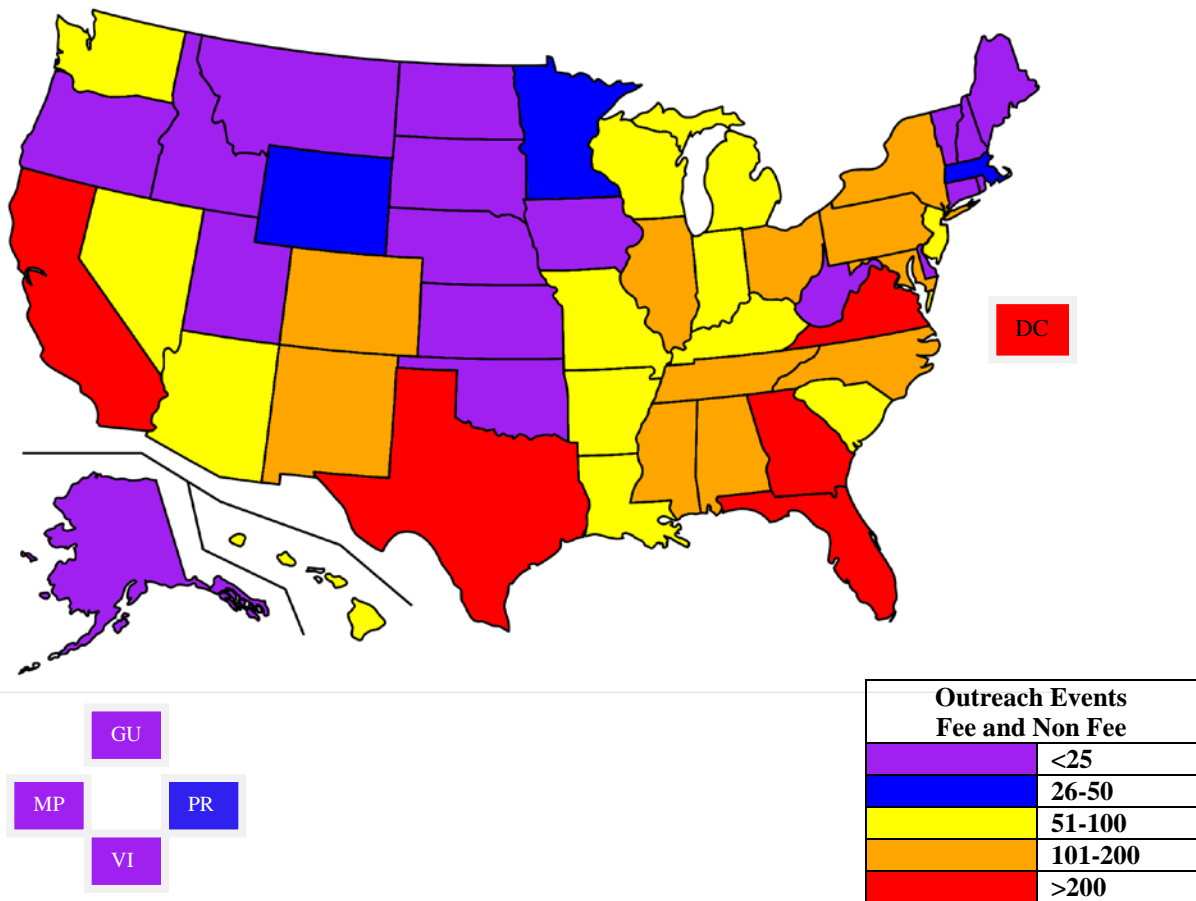
During the fiscal year, the agency exceeded the target for performance under this measure and approved and released three sub-regulatory documents to the public. Included among those documents issued in 2014 was a March 6, 2014 technical assistance document, *Religious Garb and Grooming in the Workplace: Rights and Responsibilities*, on religious discrimination with an accompanying fact sheet. The guidance provided practical advice and examples for stakeholders on disparate treatment, non-selection, segregation, harassment, accommodation, and retaliation issues arising from religious garb and grooming practices of applicants and employees. On March 10, 2014, the EEOC jointly issued with the Federal Trade Commission technical

assistance factsheets about employment background checks, *Background Checks: What Employers Need to Know*, and *Background Checks: What Job Applicants and Employees Should Know*. Both documents summarized the basics of the federal EEO laws and the Fair Credit Reporting Act as they apply to employers requesting and using personal background information to screen applicants and employees. On July 14, 2014, we also issued *Enforcement Guidance on Pregnancy Discrimination and Related Issues*. The first update of policy guidance on pregnancy discrimination in more than 30 years.

C. Outreach

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

OUTREACH EVENTS FY FEE AND NON FEE



As the above map shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the U.S. Possessions of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. This is in line with our efforts in prior years. In fiscal year 2014, we conducted over 3,500 outreach events and reached 236,000 individuals. Additionally, in fiscal year 2014, the fee-based program trained 18,000 individuals at more than 420 events. Additional funding will provide the EEOC with needed resources to expand its presence further to service vulnerable communities and underserved areas and to assist the small or new employer community as well as provide outreach and education on other important topics that arise throughout the year in an overall effort to fulfill the goals and objectives of the agency.

Through public relations, training and education, the EEOC enhances public awareness of emerging issues of employment discrimination in America’s workplaces. Our outreach is meant

to provide knowledge and an understanding of workplace conditions that may give rise to violations of the statutes we enforce. Approximately 52 percent of our outreach is conducted through partnerships with employee advocates, human resource professionals, employer groups, human rights commissions and fair employment practice agencies. Employer knowledge of our laws contributes to their ability to independently identify, prevent and eliminate workplace discrimination. Employees' and job applicants' knowledge of our laws also contributes to their ability to understand their rights and responsibilities in the workplace.

The EEOC has significantly increased its outreach to small and new businesses, especially those lacking the resources to maintain full-time professional human resources staff. Approximately 17 percent of outreach conducted is to small employers. Agency offices conducted 588 no-cost outreach events directed toward small businesses in fiscal year 2014, reaching 32,726 small business representatives. The most popular topics for small business audiences were an overview of the laws enforced by the EEOC, charge processing procedures, sexual harassment, Title VII, and the ADA. Also, working with the Small Business Administration's Office of the National Ombudsman, the EEOC participated in several Round Table discussions at various locations around the country with small businesses and organizations that represent small businesses as well as a Regulatory Fairness Hearing held in Washington, DC. Under the leadership of an EEOC Commissioner, the Small Business Task Force is working diligently to not only continue to reach out to small employers but also to make online access to information from us easier, more comprehensible and more directly responsive to the real life issues that they face in the workplace.

In addition, the EEOC is strongly committed to providing outreach and technical assistance to stakeholders in underserved communities across the nation, including those with limited English proficiency. Approximately 40 percent of the outreach conducted is to these vulnerable communities. Immigrant and farm worker communities are included as a priority for outreach. Consistent with the Strategic Enforcement Plan, the issue of human trafficking of those from vulnerable communities is a focus for the EEOC. We are working diligently and consistently with several organizations, governmental and non-governmental, to help stamp out the trafficking of vulnerable groups as well as pave the way for other groups to have access to employment such as those who are released from incarceration and are trying to re-enter the workforce. Staff members traveled to states and communities where no EEOC office is located or where certain communities are reluctant to come forward to complain of employment discrimination, and partnered with local community organizations, consulates, and other entities to reach these workers. For example, 276 events, reaching 22,883 individuals, were targeted for migrant farm worker communities and their advocates to provide education and information about discrimination. There were 253 events focused on human trafficking issues; working with community-based organizations devoted to trafficking issues, and reaching 11,143 people. There were also 122 events that reached 5,519 people and focused on the topics of limited English proficiency. In addition, 335 events, reaching 23,829 people, focused on the issue of the use of arrest and conviction records in employment; raising awareness about the impact on those who are trying to re-enter the workforce and become productive citizens. Finally, the EEOC also provided 175 off-site intake and counseling services in neighborhoods where persons with limited English proficiency may be less likely to visit agency offices.

In fiscal year 2014, the EEOC also signed a National Memorandum of Understanding (MOU) with Mexico to coincide with the many agreements various field offices have with Mexican

Consulates around the country. The MOU identifies ways in which the EEOC and Mexico will work together to reach and protect the rights of members of the Mexican community as it relates to outreach, education, and enforcement efforts. The agency has also entered into similar local agreements in various areas with Consulates of Ecuador, Guatemala, and El Salvador.

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

1. Non-fee based Outreach

Table 9 below shows funding for Outreach (non-fee based). Our budget request for fiscal year 2015 for Strategic Objective II was \$6.0 million. The proposed request for fiscal year 2016 reflects no increase over the fiscal year 2015 level.

Table 9: Budget Request Summary through Outreach Fiscal Year 2014 to Fiscal Year 2016 (Dollars in thousands)			
	FY 2014 (Actual)	FY 2015 (Enacted)	FY 2016 (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 (the Institute) provides fee-based training and technical assistance to stakeholders from both the private and public sector. The operations of the Institute are funded through EEOC’s Revolving Fund, which is an instrument established by Congress in 1992 to enable EEOC to charge “reasonable fees” for specialized products and services developed and delivered as part of the Commission’s training and technical assistance efforts. The Revolving Fund serves as the mechanism through which EEOC is able to collect payments, thus offsetting some of the costs devoted to training and technical assistance to external entities and allowing the agency to offer more non-fee based outreach events to those populations less able to pay for training. In fiscal year 2014, the Institute trained over 18,000 individuals at more than 420 events, including approximately 100 field Customer Specific Trainings (CSTs), with over 4,600 attendees.

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

Table 10: Summary of Financing for the Revolving Fund Fiscal Year 2012 to Fiscal Year 2018 (Dollars in thousands*)							
	FY 2012 Act.	FY 2013 Act.	FY 2014 Act.	FY 2015 Proj.	FY 2016 Proj.	FY 2017 Proj.	FY 2018 Proj.
Total Obligations	\$4,724	\$3,094	\$3,781	\$3,900	\$3,700	\$4,055	\$3,743
Offsetting collections from:							
Federal Funds	1,293	828	1,286	1,554	1,263	1,301	1,301
Non Federal Sources	2,179	2,282	1,916	2,393	2,393	2,393	2,393
Unobligated balance, start of year	3,025	1,970	1,986	1,407	1,454	1,410	1,049
Unobligated balance, end of year	1,773	1,986	1,407	1,454	1,410	1,049	1,000
Net Budget Authority	\$6,497	\$5,080**	\$5,188**	\$5,354**	\$5,110	\$5,104	\$4,743

*May not add due to rounding

**Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k)(2): Mandatory Sequestration for FY 2013 \$204,000; FY 2014 \$288,000 and FY 2015 \$146,000 (included in the Net Budget Authority line above.)

EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE - FISCAL YEAR 2014

In August 2014, the agency held its 17th annual Examining Conflicts in Employment Laws (EXCEL) Conference. Based on the success of the 2013 EXCEL conference, which combined separate sessions for attendees from the federal sector, the private sector, and Fair Employment Practices Agencies all at a single venue, this same approach was used for the 2014 conference. As a result, this format expanded the event to a larger audience base that was comprised of EEO managers, HR professionals, attorneys, union officials, and other EEO professionals. Overall the event attracted more 1,000 attendees. This consolidated approach to blending various audiences at a single site had at its foundation the goal to promote cost savings in a limited budgetary environment. Under this approach, the Training Institute provides administrative and logistical support for EXCEL as well for the private sector and FEPA training programs. This year's conference included both plenary sessions and more than 100 sessions and workshops. Among the highlights of the 2014 EXCEL conference, which had as its theme the commemoration of the 50th anniversary of the passage of Title VII of the Civil Rights Act of 1964, featured a keynote address by noted civil rights activist, Myrlie Evers-Williams.

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

A. Introduction

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

The goal of this strategic objective is that all interactions with the public are timely, of high quality, and are informative. As noted in Strategic Objective I, it is a significant agency priority to enhance the timeliness and ensure the continued quality of our enforcement activities in the private, state and local government, and federal sectors. However, to meet the evolving needs of the modern workplace and any changes in EEO law interpretation, it is necessary to invest adequately in workforce development and planning. Moreover, given the agency’s mission, it is also important that our workforce be diverse. We must serve not only as an example to other private, state and local government, and federal employers, but also reflect the populations we serve. Finally, to improve the agency’s customer service, the EEOC must ensure the effectiveness of our systems by leveraging technology to streamline, standardize, and expedite critical functions.


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


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



For this objective, we adopted Performance Measures 12 and 13 to support and monitor the agency’s progress toward our fiscal year 2016 targets (along with two previously identified measures, Performance Measures 2 and 3, starting on page 22 and cross-referenced under Strategic Objective I).

B. Performance Measures and Results

Workforce Quality, Diversity, and Skills

Performance Measure 12: The EEOC strengthens the skills and improves the diversity of its workforce.			
Target (a)	FY 2014	FY 2015	FY 2016
Number of employees with disabilities	442	471	501
Results	405		
			Target Partially Met

Target (b)	FY 2014	FY 2015	FY 2016
Number of employees with targeted disabilities	101	113	125
Results	68		
			Target Partially Met

Target (c)	FY 2014	FY 2015	FY 2016
Percentage of hires made within 78 days	75%	80%	85%
Results	26%		
			Target Not Met
			Overall Targets Partially Met

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

The fiscal year 2014 target for Performance Measure 12, Subpart (a) was to increase the number of persons hired with disabilities by 20 percent of the EEOC's workforce over 5 years, or at least 29 disabled employees each year over the fiscal year 2013 target of 413 employees with disabilities, to 442 total. Successful performance under Subpart (b) was to increase the number of employees with targeted disabilities by 5 percent, or at least 11 individuals each year over the fiscal year 2013 target of 90 employees with targeted disabilities, to 101 total. And finally, Subpart (c) required the agency to improve and streamline the hiring process to increase the percentage of all hires made within 78 days to 75 percent in fiscal year 2014.

By the end of fiscal year 2014, the agency had only partially met its targets for Performance Measure 12. Overall, hiring and recruitment in FY 2014 increased. As a result, the agency was able to exceed its administrative target of hiring at least 29 employees with disabilities in FY 2014 under Subpart (a), by employing 73 persons with disabilities. This brings the annual number of hires to 405, which is short of the targeted 442 staff with disabilities projected for hire

in the fiscal year. Similarly, for the number of employees hired with targeted disabilities under Subpart (b); where the agency exceeded its administrative target of at least 11 persons with targeted disabilities hired annually – bringing on board 12 new staff members for a total of 68 persons hired with targeted disabilities – far short of the 101 fiscal year goal. Timely hires under Subpart (c) were also impacted by a number of factors both internal and external to the agency. Of the reported 363 new hires-to-date, approximately 95 were made within 78 days, or 26 percent, which is substantially below the 2014 target for timely hires for the fiscal year. This is widely due to the volume of hiring requests with short deadlines to complete, requests for extensions of certificates and re-announcements of positions. We are in the process of developing a policy with procedures concerning these types of requests. The policy will limit the amount of requests and therefore, improve our timeliness.

The agency implemented significant strategies that helped the EEOC meet its annual human capital goals under Subparts (a) and (b). These strategies included: 1) utilizing Schedule A Hiring Authority as a targeted recruitment tool to increase the number of employees with disabilities; 2) employing targeted recruitment methods to increase the number of employees hired with targeted disabilities; and 3) redesigning the Disability Management Program to enhance the Reasonable Accommodation Services and practices offered to employees and managers. Even with concerted effort, additional contributing factors such as the changes to the area of consideration, and extended reporting impeded the agency's hiring goals. Meeting these aggressive targets will continue to be a priority for the agency in fiscal year 2015.

The Human Capital Goals for fiscal year 2014, as identified in the agency's Human Capital Management Plan are:

1. Workforce planning – enhance our ability to plan further into the future and better integrate FTE's, budget, and workload metrics into the planning process.
2. Performance management – continue to redesign the current non-SES performance management program to foster a high performance culture: encourage clear expectations and continuous feedback; differentiate high, satisfactory, and poor performers in a clear and meaningful way: and align employee performance with the agency's Strategic Plan and other key administrative priorities.
3. Diverse and Inclusive Workforce – enhance our ability to attract, hire, and retain highly skilled and highly motivated staff through employee engagement and the implementation of a communication strategy to familiarize all EEOC managers and employees with Human Capital objectives and outcomes.

In fiscal year 2014, the agency developed a workforce analysis and plan by utilizing workforce data to assist leadership in human resources decision making, closing competency gaps, and projecting the future human capital needs of the agency. In fiscal year 2014, our human capital goals extended beyond the agency's formalized mentoring program to include implementation of a situational mentoring program that enhanced our ability to develop and retain a highly skilled and motivated workforce. In fiscal year 2015, the EEOC will incorporate strategic workforce planning and human capital management into our basic business operations to ensure continual improvement and effectiveness.

Performance management efforts continued in fiscal year 2014, when the agency piloted a talent management tool for supervisors and their employees to use as a platform to implement and operate the agency's new performance management program. Toward that goal, standards for support positions in the agency's mission-critical occupations were identified in fiscal year 2014. As the new system is developed, additional competencies will be established in fiscal year 2015 for the remaining positions within the agency. An automated system for senior executive performance plans is scheduled to be implemented in fiscal year 2015. The long-term goal is to create a performance culture that helps the EEOC become a high performing agency.


By leveraging diversity and promoting inclusion, the EEOC moves closer to achieving our mission to "stop and remedy unlawful employment discrimination" and the vision of "justice and equality in the workplace". In compliance with Executive Order 13583 on Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce, the EEOC developed a Diversity and Inclusion Strategic Plan (the "D&I Strategic Plan") and a policy statement, which were issued agency-wide in the second quarter of fiscal year 2013. To help implement the action items in the D&I Strategic Plan, the EEOC convened a Diversity and Inclusion Council.

The Diversity and Inclusion Council developed several strategic objectives and plans targeting the development of a more inclusive workforce that will be implemented in fiscal year 2015. Several Headquarters' offices worked jointly on the Diversity & Inclusion Work plan that, along with the Diversity Council Charter, will guide the work of the Council. These efforts will continue through fiscal year 2015. The Diversity and Inclusion Council also partnered with the Office of Equal Opportunity to educate managers and supervisors on the EEOC's workforce demographics and provided them with information tools to use during the recruiting and hiring cycle in fiscal year 2014. These efforts will increase in fiscal years 2015 and 2016 to include barrier analysis training.

During third quarter fiscal year 2014, the agency trained approximately 200 managers, supervisors and program analyst at the Headquarters and Field level on diversity on inclusion. This was in addition to the training already provided to the National Diversity and Inclusion Council in June 2013, the Diversity and Inclusion Sub-Councils in July 2013, Headquarter SES staff in August 2013, and to District Directors in December 2013. In addition, the EEOC has committed funds to provide diversity and inclusion training for all non-supervisory employees beginning in the second quarter of fiscal year 2015. Employees will continue to receive diversity and inclusion training through fiscal year 2016.

We will continue to work with OPM and the Office of Management and Budget in implementing Executive Order 13583, including working to reconcile the Presidential Administration's diversity and inclusion efforts with the EEOC's Management Directive 715 requirements. (See Management Directive 715, Equal Employment Opportunity Commission (Oct, 2003) <http://www.eeoc.gov/federal/directives/md715.cfm>).

Charge Process Responsiveness

Performance Measure 13: The EEOC improves the private sector charge process to streamline services and increase responsiveness to customers throughout the process.			
	FY 2014	FY 2015	FY 2016
Targets	Meet targets determined in FY 2012.	Meet targets determined in FY 2012.	Meet targets determined in FY 2012.
Results	The portal software, scheduling tool, and professional services contracts were awarded in 4th QTR FY 2014; work groups were engaged in the 3 rd and 4 th QTRs, and project plans were in the process of finalization		
			Target Partially Met*

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


Performance Measure 13 requires the agency to leverage technology to improve the private and State and local government sectors charge process, including streamlining services and increasing responsiveness to customers throughout the process. This measure includes three primary projects: 1) Online Charge Status (also referred to as Milestones Status); 2) Online Intake, and 3) the Digital Charge File. The Online Charge Status will provide charging parties and respondents with open charges the ability to access information regarding the status of their charge(s) online. This will improve customer service by giving customers immediate access to their charge status, including contact information for the EEOC staff assigned to the charge, along with information about the charge process. The Online Intake System utilizes technology to provide the public the option to perform self-screening, submit a pre-charge inquiry, schedule an appointment for an intake interview, receive pre-charge counseling (via web cams and/or teleconference), and submit information all online. The move towards the electronic submission of documents, via a secure portal for electronic transmittal and the receipt of charge-related documents, information, and communication, and the creation of Digital Charge Files will increase efficiencies, improve collaboration and knowledge sharing, enhance data integrity, reduce paper file storage and manual archiving/destruction requirements, and enable a more mobile workforce.

For fiscal year 2014, the target for the first two projects was to develop, pilot, and implement the new online intake and milestone systems, including guidance, documentation and staff training. The portal software, scheduling tools, and professional service contracts were awarded in the fourth quarter of fiscal year 2014 and work groups were simultaneously reactivated. Both projects are now targeted for implementation during fiscal year 2015.

For the third project, relating to the establishment of a secure portal for electronic transmittal and receipt of charge related documents, there were some additional developments. A vision statement for the digital charge file system was approved, an Action Council for Transformation (ACT) Digital Executive Steering Group and Workgroup began work on identifying information

and communications to be digitized. Beginning in fiscal year 2015, the ACT Digital Work group will develop a prototype to digitize the charge and notice to the employer, which will save considerable time, effort, paper, and postage. In addition, the enhancement to IMS was completed to allow entry and retention of the Charge Form narrative description of the charge allegations that facilitates information sharing across the agency. This feature was implemented in second quarter fiscal year 2014, with training provided to all field staff on its use.

Budgetary Resource Alignment

Performance Measure 14: The EEOC's budgetary resources for FY 2014-2017 align with the Strategic Plan.			
	FY 2014	FY 2015	FY 2016
Targets	Prepare EEOC's FY 2016 Performance (OMB) Budget that aligns resources with the Strategic Plan. Prepare EEOC's FY 2015 Congressional Budget. Develop a final FY 2014 Operating Plan based on approved FY 2014 appropriations	Prepare EEOC's FY 2017 Performance (OMB) Budget that aligns resources with the Strategic Plan. Prepare EEOC's FY 2016 Congressional Budget. Develop a final FY 2015 Operating Plan based on approved FY 2015 appropriations	Prepare EEOC's FY 2018 Performance (OMB) Budget that aligns resources with the Strategic Plan. Prepare EEOC's FY 2017 Congressional Budget. Develop a final FY 2016 Operating Plan based on approved FY 2016 appropriations.
Results	The FY 2015 CBJ was timely submitted to Congress on March 10, 2014. The agency developed a final FY 2014 Operating Plan, approved by the Chair on January 28, 2014. The EEOC's FY 2016 Performance Budget was submitted to OMB on September 8, 2014.		
			Target Met

As a fundamental objective, budgets should adequately fund priority programs, grow such programs to reflect the agency's priorities, and protect against diminution when budgets are reduced. Under the Chair's direction, annual budget submissions from each program office were scrutinized to ensure that agency resources would implement the strategies and goals of the EEOC.

The fiscal year target for Performance Measure 14 was to prepare the EEOC's Fiscal Year 2015 Congressional Budget Justification (CBJ) and the EEOC's Fiscal Year 2016 Performance (OMB) Budget that aligns with the agency's Strategic Plan for Fiscal Years 2012-2016. As part of the annual budget formulation cycle, the agency's final fiscal year 2014 Operating Plan was approved and signed by the Chair on January 28, 2014 and EEOC's Fiscal Year 2015 CBJ was timely submitted to Congress on March 10, 2014. The Fiscal Year 2016 Performance Budget was completed and submitted to OMB on September 8, 2014.

C. Program Areas

1. Highlighted Resource Area

Table 11 shows our highlighted budgetary resources for Information Technology 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. The additional \$690K in FY 2016 is required to meet increased recurring costs associated with EEOC's transition to the Department of Interior's shared services financial system and the expansion of bandwidth across the agency's distributed telecommunications infrastructure

Table 11: Highlighted Resource Area Excellent & Consistent Services Through a Skilled and Diverse Workforce and Effective Systems				
	FY 2014 (Actual)	FY 2015 (Enacted)	FY 2016 (Request)	Change From FY 2015
Information Technology	\$25,625*	\$14,363	\$15,053	\$690
Total	\$25,625*	\$14,363	\$15,053	\$690

*Include onetime cost for Financial System.

2. Human Resources Function

a. Workforce Planning

EEOC has improved its ability to provide timely and in-depth analysis of workforce data. This includes timeliness in hiring, reducing turnover rates, and tighter integration with the budget process. These analyses are an important source of input for workforce planning.

In fiscal year 2015, the EEOC will continue to implement workforce planning that: includes an annual review of positions to ensure the proper mix of positions is achieved; develop a process to identify organizational trends and conduct annual refresh of workforce data to identify new or emerging trends; identify and track key types of information that impact allocation of resources; leverage hiring selection and training processes, tools and flexibilities for better recruitment and retention; and ensures that decisions made in a given fiscal year are analyzed for their impact and consequences in future years. We are using our Workforce Plan to ensure a systematic approach to workforce planning. EEOC will take to institutionalizing strategic workforce planning and human capital management into its basic business operations to ensure continual improvement. The agency will continue to review staffing needs and workforce deployments. As part of our effort to change our recruitment and hiring culture, we continue to include the overall fundamentals of workforce planning in our training for new managers and mid-level managers. As reports and projections regarding workforce planning become available, we post them on the EEOC's intranet for the benefit of all our employees.

Performance management will be a key part of our preparations for workforce and succession planning. We made significant progress in this arena and will continue those efforts during fiscal

year 2015. In addition to the standards established for mission critical positions, during fiscal year 2014 we finalized standards for seven positions which support our mission critical occupations. During fiscal year 2015 we expect to have identified standards and proficiency levels for all positions and to have developed a methodology to assess competency gaps. The results of the competency assessment will be used in our new performance management program, and to evaluate and modify training and development needs to ensure employees receive competency gap training and developmental opportunities. Moreover, this work will guide future human capital management initiatives that impact performance management, employee engagement, recruitment and retention at the EEOC.

b. Training

Agency employees are provided a comprehensive training program through three primary approaches: 1) training activities responsive to their individual development plans (IDPs), 2) national training programs addressing position-related competency gaps, and, 3) online courses available through the EEOC Employee Development Center (EDC) Skillssoft training portal.

Each employee is expected to collaborate with their supervisor to prepare an IDP addressing identified competency gaps as well as their short and long term career goals-- approximately \$391,000 was committed during fiscal year 2014 to help close these gaps. This process will continue during fiscal years 2015 and 2016 as a means of addressing individual training needs.

The EEOC delivers mandatory training such as: leadership development for supervisors, managers and executives to meet OPM and federal requirements; retirement planning education in compliance with the Federal Financial Literacy initiative; online training courses addressing compliance with the No FEAR Act; certification training for Contracting Officer Representatives (CORs); ethics training; knowledge management through mentoring; and training in Cultural Competency and Diversity Awareness. Online courses are offered through the agency's Employee Development Center (EDC) to provide business skills curricula to help address requirements in the Presidential Memorandum on Job-Driven Training for Workers.

In addition to IDP funding to close individual employee competency gaps and mandatory training, funding is also used to address agency-wide initiatives or priorities. During fiscal year 2015, we deliver technical training to field enforcement and legal staff on our front lines including: New Investigator Training, Intermediate Skills Training for Investigators, New Trial Attorney Orientation, Appellate Advocacy Training, Freedom of Information Act (FOIA) Training, and Training for Systemic Analysts and Investigators.

During fiscal year 2015, EEOC will research requirements for a Learning Management System (LMS) to strategically plan and administer the learning activities of its staff with the expectation of purchasing an LMS in fiscal year 2016. It is imperative that we increase the use of technology as a way to effectively leverage our learning resources.

Implementation of our Training program during fiscal years 2015 and 2016 will enable us to support EEOC's Strategic Plan for Fiscal Years 2012 to 2016 and its Strategic Objective III: "Deliver excellent and consistent service through a skilled and diverse workforce and effective systems." Our three training approaches work together to assure that our employees and agency leaders are prepared to meet today's challenges and tomorrow's opportunities.

c. Telework Program

EEOC, through its telework program, supports improved air quality through reduced traffic congestion; reduced real-estate cost for office space and, where appropriate, provides telework as a temporary reasonable accommodation. According to the most recent Employees View Point survey, 76 percent of the agency's employees indicated their satisfaction with the program. In fiscal year 2014, EEOC reported that 46 percent of its employees teleworked in the previous year, exceeding the government wide percentage of 14 out of the 30 percent eligible to telework. OPM has not published government wide statistics for fiscal year 2014.

The focus in fiscal year 2014 was to update the agency's telework guidance to all managers, supervisors, and employees advising them of their respective responsibilities to have a successful program. Additionally, the agency updated its guidance on "Unscheduled Telework" to comply with recent OPM guidance. . In fiscal year 2015, the focus will be to document and implement a Telework access and security policy. As in previous years, we continue to boost employee's participation in telework by encouraging those who normally do not telework to participate in National Telework Week. This initiative is sponsored by the National Telework Exchange (Exchange) and held in early spring. Employees who normally do not telework are encouraged to register on the Exchange's website and promise to telework at least one day during that week. Prior to doing so, employees new to telework sign a telework agreement and take Telework training on either the agency's inSite or OPM's website.

d. Mentoring Program

The Mentoring Program continues to provide a formal mentoring experience to facilitate knowledge transfer, increase retention of valuable employees, increase representation of women and underrepresented groups in management positions, and develop and broaden the core competencies and leadership skills of participants. In fiscal year 2015 the agency partnered 40 EEOC employees (mentors) who understand the agency and its culture with 40 junior employees (mentees) to provide opportunities for mentees to learn more about the organization and strengthen core competencies and leadership skills to enhance their professional growth and development. The mentoring program is part of the agency's commitment to develop and sustain a high performance, diverse workforce that is continually learning and expanding its capacity to support the mission of the agency. Mentors and mentees were matched based on mutual interest, career goals and compatibility and included a cross section of employees from the field and headquarters. During the 12-month program, the agency provides formal training, opportunities for self and program assessment, and developmental activities. The EEOC has committed funds to extend this program through fiscal year 2016 and will continue to make this an ongoing opportunity for career development and an important element in succession planning. The program has grown in visibility and credibility amongst agency employees as a means of employee development and knowledge transference, resulting in demand that exceeds present capacity. Accordingly, we explored mechanisms to expand mentoring in the agency to reach a wider number of our employees through efforts such as situational mentoring. EEOC launched its Situational Mentoring program in the fourth quarter of fiscal year 2014 for the purpose of providing GS-13-15 grade level employees, entry and mid level supervisory employees with resources and guidance to improve their managerial skills and enhance the level of support that they in turn provide to their staff. These efforts will continue through fiscal year 2016.

e. Labor Management Forums

During fiscal year 2015, we continued to abide by the requirement of Executive Order 13522, Creating Labor Management Forums to Improve the Delivery of Government Services. This Executive Order is implemented by the National Joint Labor Management Council (JLMC) composed of eight agency management representatives and eight local presidents of the National Council of EEOC Locals No. 216, AFGE-AFL-CIO. During fiscal year 2014, the EEOC Union Council President and the Agency's Chair signed a national agreement that rededicated the Agency to the principles of the Executive Order: improving labor management relations, improving and evaluating customer service and establishing cost savings programs. The JLMC also focused on improving "pre-decisional involvement" inside the agency where the union is brought into decision making process on those matters typically decided by management such as determining the numbers, types and grades of employees assigned to a particular division or department as well as the types of technology that could be used to accomplish the agency's work. This year the National Council will continue to offer grants to local JLMC Councils that could be used for joint training or to fund a project that addresses a mandate of the Executive Order such as improving customer service or establishing a cost saving initiative. The National JLMC's Cost Savings Workgroup continues to promote agency-wide policies to save the agency money and the National JLMC's Morale Workgroup has partnered with MSPB to analyze the morale of the workforce in order to develop a strategy to improve employee engagement and productivity.

f. Implementing the Collective Bargaining Agreement

During fiscal year 2014, Headquarters, Districts and Union Locals actively worked to activate in their respective areas, various initiatives that were provided the National Collective Bargaining Agreement (CBA) effective November 4, 2013. At least eighty percent of offices and districts in the agency have completed local negotiations on telework and hours of work. At the national level, the Space Allocation Guidelines were finalized to include using telework to reduce future obtained real estate square footage by 20 percent. This is viewed by both parties as a cost saving measure. Labor and Management are now discussing the guidelines to pilot a new Maxiflex Program. Almost all locally or nationally negotiated Memoranda of Understanding that were noncompliant and negotiated before the current CBA and government-wide regulations have been abolished and brought into compliance.

g. Performance Management

EEOC has developed a Human Capital strategy linked with the agency strategic plan. The Plan recognizes that human resource management is a key strategy for realizing organizational success and understanding emerging strategies, trends, and changes that will drive EEOC as an organization. In as much as the agency's initiatives rely heavily on the contributions of its human resources, all employees are held accountable for achieving results that support the agency's strategic plan goals and objectives. Accordingly, appropriate and consistent assessment of personnel are essential to maintaining a results-oriented, high-performing workforce, thereby ensuring excellent customer service and high quality performance in every aspect of the agency's work.

For these reasons, the agency continues to work to improve the performance management program. The agency has been laying the ground work for the new program by identifying standards and competencies required of its employees and testing an automated tool capable of measuring gaps between expectations and actual levels of performance in these competencies. An experienced consultant was hired to facilitate the development of mission critical performance plans/standards during fiscal year 2014 and the agency worked with the Office of Personnel Management to train employees in writing performance standards that were objective, measurable, realistic, and stated clearly in writing. The standards were written in terms of specific measures that will be used to appraise performance in fiscal year 2015. The agency plans to continue testing a talent management tool for supervisors and their employees to use as a platform to implement and operate the performance management system in fiscal year 2015. We expect to implement the program during the third quarter of fiscal year 2015 and begin the pilot of an automated system in fiscal year 2016.

h. Communication

We are constantly looking to improve the ways in which we provide information to employees on topics vital to the agency's mission and of concern to employees. For example, we have redesigned inSite, our intranet, to make it more user friendly.

In addition, we implemented the agency's communications plan for the Office of Personnel Management's (OPM) annual employee satisfaction survey. We participated in OPM's 2014 Federal Employee Viewpoint Survey which was administered from April 28, 2014 to June 13, 2014. The Government wide response rate was 47 percent. In contrast, a total of 1,129 EEOC employees completed the survey for a response rate of 55 percent, a rate that exceeded the Government wide average by 8 percentage points. Through the use of the survey data EEOC will continue to address employee issues and seek employee feedback in fiscal year 2015.

Another way we provide information to field office personnel, is through on-site visits to conduct Human Capital Accountability reviews. While on site we determine to what extent staff understand and comply with OPM and EEOC regulations and Human Resources program requirements. We then provide technical assistance for improving the quality of human resources programs within the agency and communicate results to appropriate officials.

3. Addressing Internal Workplace Issues

RESOLVE is 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 Commission's staff in 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 fairly and effectively helps foster amicable working relationships, enhances employee morale and productivity, and reduces the financial and other resources associated with workplace conflict. This very active program will continue outreach to all of the Commission's staff, will serve as a resource for individual employees and groups of employees, and will continue to conduct seminars to help employees develop conflict resolution skills.

To fulfill the Commission's vision for "Justice and Equality in the Workplace," and as a key component of EEOC's model workplace initiative, the Commission hopes to expand its internal workplace dispute resolution program by creating an office of Organizational ombudsman. Through confidential employee engagement, the Ombudsman will promote better communication, foster constructive dialogue, increase collaboration, identify systemic issues, facilitate equitable outcomes, and improve transparency of the organization.

4. Customer Service

As an agency in the past five years, we have averaged over 96,000 charge receipts from the public. We recognize that many factors may influence the number of charges filed annually by the public. We believe that the high charge receipt level in recent years may be due to our efforts to become more accessible to the public, making charge filing easier and providing better, more responsive, customer service. The increases may also be attributable to expanded statutory authorities enacted in fiscal year 2008 and fiscal year 2009, along with regulations implemented during fiscal year 2011.

Through our Intake Information Group (IIG), the EEOC expanded the agency's public accessibility by phone and e-mail. The IIG consists of in-house staff that serves as the first line of contact for many members of the public and is accessible via toll-free phone lines, and e-mail. The IIG received over 640,000 calls in fiscal year 2014. An average of 50 percent of callers utilized the Interactive Voice Response system and needed no further assistance. Centralizing this first point of access to the public through the IIG has a significant impact on our field offices. By having calls directed to this single entity, our field offices are freed from handling these calls, many of which are seeking general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service. Each month our Information Intake Representatives (IIRs), co-located in various field office sites, answered more than 9,000 calls and more than 2,000 emails from individuals wanting more information or who wish to discuss their situation with an IIR. We continue to strive for greater efficiency in our handling of these calls and in fiscal year 2014 approximately 80 percent of calls and emails answered by the IIRs were fully resolved by the IIR without being referred to other staff in EEOC field offices. To this end, we have dedicated significant attention to enhancing the services provided by the IIG and thus benefitting the service the EEOC provides to the public.

Additionally, in the last five years, the EEOC has concentrated on revamping its charge intake services, expanding walk-in hours, and issuing a plain language brochure to assist potential charging parties in understanding their rights and the EEOC's intake, investigation and resolution of charges. Individuals may now contact the agency by phone, by mail, by e-mail, by going to the EEOC website, or by visiting EEOC field offices. We are continuing to explore additional avenues to ensure that our access to the public utilizes evolving technologies and other streamlined approaches to enhance customer service. By fiscal year 2015, we are projecting the full implementation of an electronic intake project that is currently under development. This system will allow potential charging parties to submit a pre-charge inquiry for review and provide on-line scheduling of appointments for intake interviews.

We have also maintained a focus on providing our staff with on-going training and sharing of case management techniques that prepare them to investigate and resolve the charges that come through our doors. This has included a nationwide training program on Compensation

Discrimination, which was developed in partnership with the U.S. Department of Justice and U.S. Department of Labor (OFCCP and Wage and Hour Division) to promote more effective enforcement of the Equal Pay Act, the Lily Ledbetter Fair Pay Act and Title VII. We trained more than 2,000 staff from EEOC, OFCCP, Wage and Hour Division and our FEPA partners at 81 training sessions held nationwide. In fiscal year 2012, we launched a variety of other training projects, including one focused on AAPI and Limited English Proficiency issues. While the fiscal year 2013 sequestration impacted the availability of training funds, additional resources provided in fiscal year 2014 allowed us to provide staff with on-going training to ensure that they are prepared to effectively meet the public demand for our services. During fiscal year 2014, i-Class training was provided on updated procedures for entering and maintaining accurate information regarding the agency's efforts to ensure accurate tracking and reporting on SEP issues, Topics of interest to the Commission, and topics identified as particularly relevant at the district office jurisdictional level. This training was completed with the presentation of 17 i-classes, developed for delivery to each of the Commissions district jurisdictions. In addition, available funds were used to continue the Intermediate Skills training project for delivery to investigators with a minimum of 12 years experience. The workshop format was delivered in small group sessions to several districts, with overwhelming good evaluation by participants. During 2014, the agency was able to hire new investigators. These investigators were provided with training in a two-week session focusing on primary skills necessary for conducting interviews, drafting charges, analyzing data and making recommendations for findings on the merit. Participants were also given an overview of the Commission, its SEP Priorities, training on LGBT basics, and legal/enforcement interaction.

5. Information Technology

The EEOC strategic vision provides a roadmap for leveraging the power of technology to transform agency operations and improve the customer experience. This vision, created through working sessions with EEOC program staff, has direct alignment to EEOC's strategic goals and OMB directives on customer service and electronic records. EEOC will use innovative cloud technologies, telecommunications modernization, desktop virtualization, agile methods to streamline and automate business processes, and standardization in applying best practices across EEOC field offices.

In support of Private Sector Charge Processing and the Agency's Strategic Plan, during fiscal year 2015, EEOC will deploy two public facing applications to improve customer service and responsiveness: (1) an on-line intake system to allow members of the public to use the EEOC website to self-screen potential claims of employment discrimination, submit a pre-charge inquiry to EEOC and schedule an appointment ; and (2) a system to allow individuals who have filed charges of discrimination to check the status of their charges on-line. In addition, the Action Council for Transformation to a Digital Charge System (ACT-Digital) was chartered in fiscal year 2014 to provide leadership and oversight in the development of standards, policies, and the prioritization of activities related to the successful migration to a Digital Charge System. In fiscal year 2015, EEOC will initiate design and development of a secure portal for electronic transmittal and receipt of charge-related documents. We plan to pilot a phased implementation of the Digital Charge System starting in fiscal year 2015.

Building on this work, EEOC is requesting fiscal year 2016 investment funds to support continued development and expansion of the Private Sector Digital Charge System (aka IMS Next Gen). IMS Next Gen will make electronic documents available to EEOC employees within

the electronic charge record. Role-based access will enforce appropriate security and confidentiality. Electronic submission of documents and creation of digital charge files will reduce administrative burden on EEOC employees, improve knowledge sharing, enhance data integrity, reduce paper consumption and result in customer self- service capabilities that have never before been possible.

This digital strategy will enable a more mobile workforce and protect charge files from accidental destruction caused by catastrophic events, such as the 9/11 World Trade Center Bombing and the flooding from Hurricanes Katrina and Sandy. Development work on EEOC's Digital Charge System will begin in fiscal year 2015. Continued investment is required in fiscal year 2016 to implement this major EEOC Strategic Plan Priority and transition to digital format.

In support of the Federal Sector Program, the Federal Sector EEO Portal (FedSEP), implemented in 2013, consolidates federal sector complaint, hearing, and statistical employee data into an integrated data system. This allows EEOC to better identify discriminatory policies or practices within Federal Agencies and helps set priorities for the prevention of discrimination in the Federal government. In fiscal year 2014, EEOC fully integrated MD-715, Form 462, and Census Data into FedSEP, standardizing data with the master agency list maintained by OPM. In fiscal year 2015, EEOC will integrate the Hearings and Appeals data maintained in our Integrated Mission System into FedSEP for consolidated reporting and analysis. Additionally in fiscal year 2015, EEOC plans to add functionality for Complainants to request a Hearing or Appeal on-line, check the status of their Hearing/Appeal, and submit/ receive related files through the secure on-line portal.

In addition to the above referenced Strategic Plan priorities, EEOC focused fiscal year 2014 resources on expanding our telecommunications infrastructure to provide adequate network performance for our geographically dispersed infrastructure (Headquarters and 53 field offices). This expansion, which will be completed in fiscal year 2015, will quadruple our current wide-area-network (WAN) bandwidth capacity and thereby improve throughput when accessing centralized data systems and video teleconferencing/streaming services. In addition, during fiscal year 2015, EEOC will increase the capacity of our primary and redundant Internet connections to meet the increased demands of accessing cloud-based tools, more fully utilize internet-based video conferencing/streaming services, and improve performance when accessing externally hosted information systems. With the completion of the WAN and Internet expansions during fiscal year 2015, EEOC is requesting investment funds in fiscal year 2016 to migrate to cloud-based office automation, email and collaboration tools. EEOC is currently running Microsoft Office 2007, so the migration to software-as-a-service will provide a much needed upgrade while moving us toward a more mobile workforce and virtual desktop environment. Additionally, in fiscal year 2016, EEOC must invest in replacing our workstations enterprise-wide as they will be over six years old. Lifecycle replacement of video conferencing equipment in our field offices, which will be between six to nine years old, will also be required. Unless replaced, this obsolete equipment will impact efficiency and decrease the agency's ability to collaborate across our dispersed workforce.

VIII. VERIFICATION AND VALIDATION OF DATA

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

The agency continually reviews the information we collect in our databases for accuracy by using software editing programs and program reviews of a sample of records during field office technical assistance visits. In addition, headquarters offices regularly conduct analyses to review the information collected in order to identify any anomalies that indicate erroneous entries requiring correction to collection procedures. In fiscal year 2014, we enhanced the system for submitting data files for the EEO-1, using a file transfer protocol site so that e-mail would not be necessary. We also improved the access that employers will have to uploaded data files. This will help increase the accuracy of the data provided as manual data entry in the online system will be reduced and correcting errors in uploaded files should be easier. In addition, we took steps to reduce the number of paper filing by encouraging firms that file paper to voluntarily switch to online filing.

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

The EEOC's Office of Inspector General (OIG) continues to review aspects of the status of the agency's data validity and verification procedures, information systems, and databases and offer recommendations for improvements in our reports. We use the OIG's information and recommendations to continually improve our systems and data.

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IX. PROGRAM EVALUATIONS

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

Independent program evaluations continue to play an important role in formulating the strategic objectives and performance goals detailed in the EEOC's Fiscal Years 2012-2016 Strategic Plan and helped shape some of the program issues and key focus areas for improvement. We believe they are an invaluable management tool to guide the agency's strategic efforts in attaining overall productivity and program efficiency, effectiveness, and accountability. To that end, the EEOC has undertaken the following program evaluations to advance its performance-based management initiatives under the Government Performance and Results Modernization Act of 2010 (GPRAMA), and to improve the effectiveness of key agency programs:

Equal Employment Opportunity Commission: Evaluating the Status and Placement of adjudicators in the Federal Sector Hearing Program. The Administrative Conference of the United States, March 31, 2014.

In fiscal year 2014, the agency initiated a pilot pay study for how compensation data could be collected from employers on its Survey Collection Systems and develop EEOC processing costs and estimate respondent burden hour costs for analyzing and transferring compensation data from respondents to EEOC for the agency's EEO-1, EEO-4, and EEO-5 surveys. The pilot was one of three recommendations resulting from the EEOC-commissioned study conducted by the National Academy of Sciences (NAS) on *Collecting Compensation Data from Employers*. NAS released the final study on August 15, 2012.

Consistent with the Administration's focus on improving the effectiveness of Government through rigorous evaluation and evidence-based policy initiatives, we intend to identify appropriate program areas for future evaluation. This will ensure that the agency's efforts align with the EEOC's budget and other programmatic priorities.

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X. INTERIM ADJUSTMENTS TO THE STRATEGIC PLAN

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

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

Established Final Goals for Predetermined Performance Measures

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

Performance Measure 4: By the end of fiscal year 2016, 22-24% of the cases in the agency's litigation docket are systemic cases.

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

Performance Measure 6: By fiscal year 2016, 65-70% of the EEOC's administrative and legal resolutions contain targeted, equitable relief.

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

Performance Measure 7: By fiscal year 2016, 15-17% of resolutions by FEPAs contain targeted, equitable relief.

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

Performance Measure 8: By fiscal year 2016, the EEOC is maintaining 108 significant partnerships with organizations that represent vulnerable workers and/or underserved communities.

The baseline established in fiscal year 2012 identified approximately 90 significant partnerships within the vulnerable worker and underserved communities for Performance Measure 8. Annual target performance requires the EEOC to increase the number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities by 10 percent, nationally, over the baseline through fiscal year 2016.

Performance Measure 9: By fiscal year 2016, the EEOC is maintaining 86 significant partnerships with organizations that represent small or new businesses (or with businesses directly).

In fiscal year 2012, the agency established a baseline of approximately 71 significant partnerships with organizations that represent small and new businesses (or with businesses directly), which contributes to the agency's objective of preventing employment discrimination through education and outreach to employers. Annual target performance requires the EEOC to increase the number of significant partnerships with organizations that represent small or new business communities (or with businesses directly) by 10 percent nationally, nationally, over the baseline through fiscal year 2016.

Established Extended Performance Targets for Fiscal Years 2017-2018

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

Performance Measure 1: By FY 2016, the EEOC develops, issues, implements, evaluates, and revises, as necessary, a Strategic Enforcement Plan.		
	FY 2017	FY 2018
TARGETS	<p>The agency distributes implementation guidance for the new Strategic Enforcement Plan.</p> <p>The agency begins to implement the Strategic Enforcement Plan.</p> <p>If required in the Strategic Enforcement Plan, District Offices and the Office of Federal Operations develop local and federal sector enforcement plans by March 31, 2017.</p>	<p>The agency fully implements the new Strategic Enforcement Plan.</p>

Performance Measure 2: By FY 2016, TBD % of investigations and conciliations meet the criteria established in the new Quality Control Plan.		
	FY 2017	FY 2018
TARGETS	TBD% of investigations and conciliations meet targets for quality.	TBD% of investigations and conciliations meet targets for quality.

Performance Measure 3: By FY 2016, 100 % of federal sector case inventory are categorized according to a new case management system and TBD % of hearings and appeals meet the criteria established in the new federal sector Quality Control Plan.		
	FY 2017	FY 2018
TARGETS	<p>100% of incoming and old case inventory are categorized</p> <p>TBD% of hearings and appeals meet targets for quality.</p>	<p>100% of incoming and old case inventory are categorized</p> <p>TBD% of hearings and appeals meet targets for quality.</p>

Performance Measure 4: By the end of FY 2016, 22-24 % of the cases in the agency's litigation docket are systemic cases.		
	FY 2017	FY 2018
TARGETS	Maintain targets at 22-24%.	Maintain targets at 22-24%.

Performance Measure 5: By FY 2016, the EEOC uses an integrated data system to identify potentially discriminatory policies or practices in federal agencies and has issued and evaluated TBD number of compliance plans to address areas of concern.		
	FY 2017	FY 2018
TARGETS	Conduct TBD number of on-site program evaluations focused on identified priorities and issue compliance plan.	Review compliance plans to determine if they have been implemented, and if not, determine what corrective action should be taken.

Performance Measure 6: By FY 2016, 65-70 % of the EEOC's administrative and legal resolutions contain targeted, equitable relief.		
	FY 2017	FY 2018
TARGETS	Maintain targets at 65-70%.	Maintain targets at 65-70%.

Performance Measure 7: By FY 2016, 15-17 % of resolutions by FEPAs contain targeted, equitable relief.		
	FY 2017	FY 2018
TARGETS	Maintain targets at 15-17%.	Maintain targets at 15-17%.

Performance Measure 8: By FY 2016, the EEOC is maintaining 108 significant partnerships with organizations that represent vulnerable workers and/or underserved communities.		
	FY 2017	FY 2018
TARGETS	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.	The number of significant partnerships with organizations that represent vulnerable workers and/or underserved communities is maintained, nationally.

Performance Measure 9: By FY 2016, the EEOC is maintaining 86 significant partnerships with organizations that represent small or new businesses (or with businesses directly).		
	FY 2017	FY 2018
TARGETS	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.	The number of significant partnerships with organizations that represent small or new businesses (or with businesses directly) is maintained, nationally.

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

*** Not applicable for FYs 2017 and 2018; Established targets met in 2015.

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

Performance Measure 12: The EEOC strengthens the skills and improves the diversity of its workforce.		
TARGETS	FY 2017	FY 2018
a) Number of employees with disabilities	501	501
b) Number of employees with targeted disabilities	125	125
c) Percentage of hires made within 78 days	85%	85%

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

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

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

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XI. ADMINISTRATION AND SUPPORT

A. Introduction

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

B. File Disclosure Workload

The data indicates that the number of requests received under the Freedom of Information Act (FOIA) and Section 83 of the EEOC Compliance Manual (Section 83) will stabilize in the low 22,000s through fiscal year 2018.

Table 12 below depicts the actual FOIA workload for fiscal years 2013 and 2014 and projections for fiscal years 2015 through 2018 for requests received, processed and pending. Based on fiscal year 2014 actual workload, we project that the number of FOIA requests both received and processed each year from fiscal year 2015-2018 will exceed 17,000.

Table 12: Freedom of Information Act (FOIA) Fiscal Year 2013 to Fiscal Year 2018						
	FY 2013 (Actual)	FY 2014 (Actual)	FY 2015 (Estimate)	FY 2016 (Estimate)	FY 2017 (Estimate)	FY 2018 (Estimate)
Carryover Previous Year	1,212	1,103	1,002	901	800	699
Receipts	18,946	17,213	17,213	17,213	17,213	17,213
Total Workload	20,158	18,316	18,215	18,114	18,013	17,912
Processed	19,055	17,314	17,314	17,314	17,314	17,314
Pending FOIA	1,103	1,002	901	800	699	598

*May not add due to rounding

As of fiscal year 2014, the data indicates that the number of Section 83 charge file disclosure requests received will stabilize at slightly fewer than 5,000 annually. The data also suggests that the number of requests processed annually will be greater than 4,300.

Table 13 depicts the Section 83 actual workload for fiscal years 2013 and 2014, and projections from fiscal years 2015 through 2018 for requests received, processed, and pending at the end of the fiscal year.

Table 13: Section 83 Disclosures Fiscal Year 2013 to Fiscal Year 2018						
	FY 2013 (Actual)	FY 2014 (Actual)	FY 2015 (Estimate)	FY 2016 (Estimate)	FY 2017 (Estimate)	FY 2018 (Estimate)
Carryover Previous Year	7,285	8,134	8,651	9,168	9,685	10,202
Receipts	5,692	4,877	4,877	4,877	4,877	4,877
Total Workload	12,977	13,011	13,528	14,045	14,562	15,079
Processed	4,843	4,360	4,360	4,360	4,360	4,360
Pending Section 83	8,134	8,651	9,168	9,685	10,202	10,719

*May not add due to rounding

C. Finance and Administration

Office Expansions, Rehabilitations, and Relocations

Since 2005, we have collaborated with the General Services Administration to right-size space to achieve optimum assigned staff and space capacity ratio of a 70 percent or more capacity utilization rate of EEOC-occupied space. Since undergoing postponed or cancelled space actions due to a constrained budget, we continue to work toward funding deferred lease expiration, relocation, and other space actions as well as timely plan and fund current and upcoming lease expiration, relocation and other needed space actions.

EEOC continues since fiscal year 2013 to incorporate space reduction or sustainment measures to comply with Office of Management and Budget (OMB) memorandum “Promoting Efficient Spending to Support Agency Operations”, Executive Orders (EO) 13514 and EO 13589 requirements to reduce operating costs and “Freeze the Fiscal Year 2012 Footprint.” Measures we employ include, but are not limited to the following:

- We will not increase our total square footage from the fiscal year 2012 “footprint,” by returning to GSA or lessor unneeded or underutilized space (rightsizing); and identifying “off-setting” office space to reduce when we must exceed the 2012 “footprint” for one or more of EEOC’s offices.
- Adherence to Agency Space Allocation Guidelines, with updated guidance as needed, for universal application to incorporate shared work spaces in lieu of individual work spaces, reduce the size of and quantity of mission support areas, such conference, intake, caucus, rooms, etc.
- Continued negotiations with Union for trade-offs and compromises of individual work space standards, such as those included in the newly ratified collective bargaining agreement (CBA) that allows increased telework options while also

endorsing a 20 percent reduction to space for future office relocations and reconfigurations through shared work spaces in lieu of individual office space. The CBA promotes creative space designs including shared space, workstations and cubicles.

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

Based on the above, the following is a summary of 2014 completed space actions and 2015-2017 planned space actions:

2014: Milwaukee expiring lease office relocation; San Francisco expiring lease office relocation; Seattle office space reduction; St. Louis deferred actual space reduction at the request of GSA (currently receiving credit for space).

2015: Atlanta, GA; Buffalo, NY; Chicago, IL; Detroit, MI; Oklahoma City, OK; Phoenix, AZ; and San Juan, PR expiring leases, forced moves, or environmental/safety alterations as well as deferred 2014 actions for El Paso, TX; Fresno, CA; Houston, TX; Las Vegas, NV; New Orleans, LA; and Newark, NJ.

2016: Baltimore, MD; Indianapolis, IN; Los Angeles, CA; Memphis, TN; Mobile, AL; New York, NY; and St. Louis, MO as well as deferred 2014 action for Philadelphia, PA.

2017: Expiring Leases Boston, MA; Jackson, MS; and Kansas City, KS

D. GINA Study Commission

Section 8 of Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 requires that a commission 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. This commission, to be known as the Genetic Nondiscrimination Study Commission, is to 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. In order to abide by our statutory responsibilities, we anticipate that we will need to cover the following costs for the 8 member Commission: shared rent and security; IT services; per diem, including air fare; postal services; and other miscellaneous expenses. We are requesting funding in the amount of \$209,000.

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APPENDIX A: GENERAL STATEMENT OF LAWS

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

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

Statutes Enforced

Title VII prohibits employment 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, and by the federal government. The EEOC's Title VII enforcement authority includes an amendment from the Pregnancy Discrimination Act of 1978, which prohibits employment discrimination based on pregnancy, the capacity to become pregnant or medical conditions related to pregnancy.

The EEOC's enforcement authority has expanded over time. In addition to Title VII, the EEOC enforces the Age Discrimination in Employment Act of 1967 (ADEA), the Equal Pay Act of 1963 (EPA), section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), Title I of the Americans with Disabilities Act of 1990 (ADA), and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). Most recently, President Obama signed the Lilly Ledbetter Fair Pay Act of 2009, to supersede the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007) and restore the EEOC's longstanding position that each paycheck delivering discriminatory compensation is a wrong actionable under the federal EEO statutes, regardless of when the discrimination began. The Lilly Ledbetter Act amends Title VII, the ADEA, and the ADA.

The ADEA protects individuals 40 and older from age-based employment discrimination, including in fringe benefits. The ADEA covers private employers having at least 20 employees, state and local governments, employment agencies, labor organizations with 25 or more members, and the federal government. The EEOC obtained enforcement authority for the ADEA and the EPA in a 1978 government reorganization. The EPA prohibits gender-based discrimination in the payment of wages to men and women performing substantially equal work in the same establishment. The EPA applies to most employers.

The ADA, which the EEOC has enforced since its 1992 effective date, prohibits employment discrimination against qualified individuals on the basis of disability by employers -- both private sector and state or local government -- with 15 or more employees, employment agencies, and labor organizations with 15 or more members. Similarly, Section 501 of the Rehabilitation Act protects qualified individuals from employment discrimination on the basis of disability by the federal government. Both laws require employers to make reasonable accommodations for individuals with disabilities absent undue hardship. They 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, which became effective on January 1, 2009, made several changes to the definition of the term “disability” in the ADA and the Rehabilitation Act, specifically overturning a number of Supreme Court decisions that Congress found to have construed the term “disability” too narrowly.

Title II of GINA, which became effective on November 21, 2009, prohibits entities that meet Title VII’s definition of an employer, employment agency, or labor organization, from using genetic information (including information from an individual’s genetic tests and an individual’s family medical history) in making employment decisions or decisions related to union membership. GINA also strictly limits access to genetic information and requires that covered entities maintain the confidentiality of any genetic information that they obtain. GINA requires that within six years of enactment, a Genetic Nondiscrimination Study Commission be established to review the developing science of genetics. The Study Commission will make recommendations to Congress regarding whether to provide a disparate impact cause of action under GINA.

Enforcement Methods

Members of the public may file charges alleging employment discrimination in violation of EEOC- enforced laws with an EEOC field office. Charges also may be initiated by EEOC Commissioners or, alternatively, by an individual or organization, such as a union or civil rights group, “on behalf of” another person. After charges are filed, EEOC staff members investigate and the EEOC may issue a determination of “reasonable cause” or dismiss the charge for a variety of reasons. If the agency finds cause, it attempts to resolve the charge through conciliation. The EEOC also attempts to settle charges through mediation, in lieu of an investigation. Under Title VII, the ADEA, ADA, and GINA, filing a charge generally is a prerequisite to filing a lawsuit.

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

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 antidiscrimination requirements through Section 717 of Title VII, Section 15 of the Age Discrimination in Employment Act, Section 501 of the Rehabilitation Act of 1973, the Equal Pay

Act, and Section 201 of GINA. These laws provide the EEOC with oversight responsibility, including the authority to maintain procedures used by federal departments and agencies in processing internal complaints of employment discrimination. In addition, the EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints. The EEOC may award relief to remedy harm suffered by violations of these laws and monitor federal agencies' compliance. It also is responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity, including by posting equal employment opportunity data pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the "No FEAR Act") to help Congress, federal agencies, and the public assess whether and the extent to which agencies are meeting their EEO responsibilities.

Data Reporting and Recordkeeping

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

Leadership and Coordination of Federal EEO Efforts

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

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

131 M STREET, N.E.,
WASHINGTON, D.C. 20507-0001
WWW.EEOC.GOV