

FISCAL YEAR 2025

CONGRESSIONAL BUDGET JUSTIFICATION

SUBMITTED TO THE CONGRESS OF THE UNITED STATES MARCH 2024



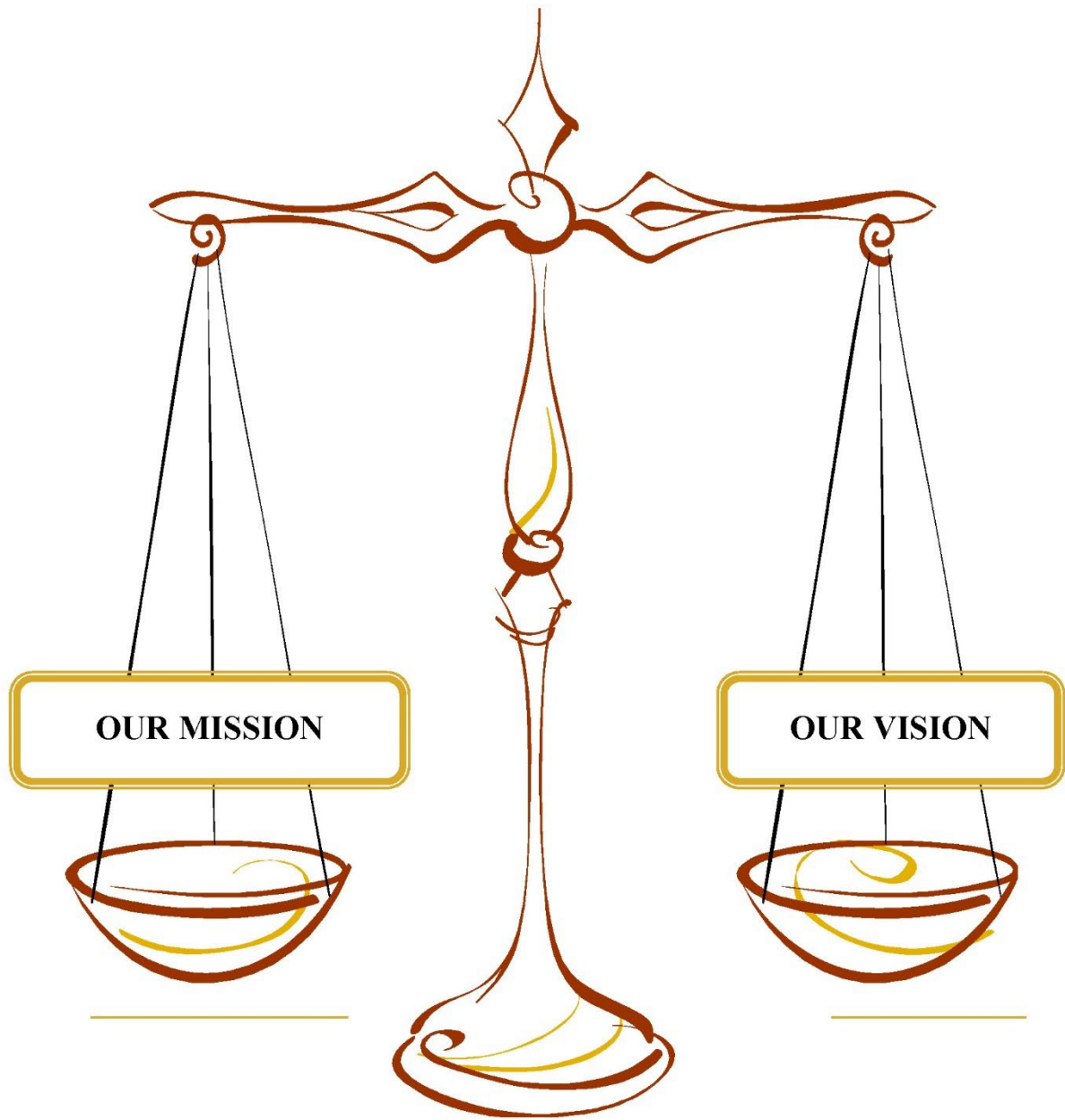
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

***Fiscal Year 2025
Congressional Budget Justification***

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

March 11, 2024

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



OUR MISSION

Prevent and Remedy Unlawful Employment Discrimination and Advance Equal Employment Opportunity for All.

OUR VISION

Fair and Inclusive Workplaces with Equal Opportunity for All.

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I. CHAIR'S REPORT

A. Fiscal Year (FY) 2025 Budget Highlights

The U.S. Equal Employment Opportunity Commission (EEOC or Commission) is the leading federal law enforcement agency dedicated to preventing and addressing employment discrimination on the basis of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, and genetic information. The FY 2025 Budget requests \$488,221,000 for the EEOC, which includes up to \$32,500,000 for State, Local, and Tribal programs. This request reflects an increase of \$33,221,000 from the enacted FY 2023 President's budget level of \$455,000,000.

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

- **Title VII of the Civil Rights Act of 1964 (Title VII)**, as amended, which prohibits employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), and national origin.
- **The Age Discrimination in Employment Act of 1967 (ADEA)**, as amended, which prohibits employment discrimination against workers who are 40 years of age and older.
- **The Pregnancy Discrimination Act of 1978 (PDA)**, which amended Title VII to clarify that discrimination based on pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat workers affected by pregnancy, childbirth, or related medical conditions the same as any other employees with temporary disabilities with respect to terms and conditions of employment, including health benefits.
- **The Equal Pay Act of 1963 (included in the Fair Labor Standards Act) (EPA)**, as amended, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Titles I and V of the Americans with Disabilities Act of 1990 (ADA)**, as amended, which prohibit employment discrimination based on disability by private, state, and local government employers, and requires those employers to reasonably accommodate the known physical or mental limitations of an applicant or employee who is an otherwise qualified individual with a disability, unless doing so would impose an undue hardship on the operation of the employer's business. Section 501 and 505 of the Rehabilitation Act of 1973 provide the same protections for federal employees and applicants for federal employment.

- **Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)**, which prohibits employment discrimination based on an applicant’s or employee’s genetic information (including family medical history).
- **The Pregnant Workers Fairness Act of 2022 (PWFA)**, which requires employers to reasonably accommodate qualified workers’ known limitations related to pregnancy, childbirth, or related medical conditions, absent undue hardship.

Together, these laws protect individuals from employment discrimination (including unlawful harassment) based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age, disability, and genetic information. They also make it illegal to retaliate against a person for opposing employment discrimination, filing a charge of discrimination, or participating in an investigation or lawsuit regarding employment discrimination. Finally, provisions in the ADA, the Rehabilitation Act, and GINA strictly limit covered entities from obtaining health-related information from applicants and employees and require that any genetic or medical information a covered entity has about an applicant or employee be kept confidential. The PWFA Requires that a covered entity provide a reasonable accommodation to a qualified worker’s know limitation related to pregnancy, childbirth, or related medical conditions, absent undue hardship.

B. Chair’s Message

I am pleased to present the FY 2025 Congressional Budget Justification for the work of the U.S. Equal Employment Opportunity Commission (EEOC or the Commission) to advance equal employment opportunity. The FY 2025 Budget request of \$488,221,000 includes \$32,500,000 to support state and local fair employment practice agencies (FEPAs) and tribal employment rights offices (TEROs).

The EEOC was created in direct response to the historic 1963 March on Washington for Jobs and Freedom and first opened its doors in 1965 with a simple mission — to prevent and remedy discrimination in our nation’s workplaces. Since then, America has made substantial progress toward that goal, but much work remains, and history shows that we cannot take that progress for granted. Today, the EEOC’s role in promoting equal employment opportunity and enforcing the nation’s federal workplace anti-discrimination laws is as necessary as ever.

Demand for the EEOC’s services continues to increase. The number of new charges filed with the agency, which had declined during the initial years of the COVID-19 pandemic, increased from just over 61,000 in FY 2021 to more than 73,000 in FY 2022. an almost 20 percent increase. In FY 2023, EEOC received 233,704 inquiries, an almost 7 percent increase from FY 2022, and 81,055 new charges, an increase of over 10 percent compared to FY 2022. In response to this demand from America’s workers, as well as expectations from the Administration and Congress, the EEOC has worked diligently over recent fiscal years to invest the increased resources requested by the Administration and provided by Congress into hiring additional staff. As a result, after having a historic low of fewer than 2,000 full-time employees at the beginning of FY 2021, the agency ended FY 2023 with more than 2,300 staff on board. As a result, the agency has been able to significantly increase the number of charges it resolved in each of the two most recent fiscal years.

Beyond increased demand from the public, Congress and the Administration have tasked the EEOC with additional responsibilities. For instance, the agency has done substantive and meaningful work to implement the newly enacted Pregnant Workers Fairness Act, examine and address employment discrimination resulting from the use of artificial intelligence and other automated systems, and help lead the Administration's initiative to advance Diversity, Equity, Inclusion, and Accessibility (DEIA) in the federal workforce. The EEOC must be able to continue to address these and other important issues without having to redirect resources from other essential priorities.

As we celebrate the 60th anniversary of the passage of the Civil Rights Act of 1964 and prepare for the 60th anniversary of the EEOC in FY 2025, we continue to work toward an America where all people have a fair chance to obtain employment, provide for their families, and contribute to our economy. With the demonstrated demand for our services, the ongoing need to advance equal opportunity, and the agency's expanded responsibilities, we believe that now is the time to protect the vital progress made over the past four years. This budget would accomplish that goal. The Commission is firmly committed to advancing equal employment opportunity for America's workers and looks forward to building on its long legacy of civil rights law enforcement to help achieve it.

FY 2025 Priorities

The Biden-Harris Administration has called for a whole-of-government approach to addressing systemic discrimination and advancing equal opportunity, and the EEOC has a critical role in achieving that agenda. As Chair, I am focused on strengthening the capacity and responsiveness of the agency and using our resources strategically to ensure the EEOC can vigorously enforce the law. With the President's mark, the EEOC would focus, in particular, on the following areas – advancing racial justice and combatting systemic discrimination on all protected bases, particularly with respect to vulnerable workers; advancing pay equity; addressing the use of artificial intelligence in employment decisions; providing information to assist employers that wish to undertake lawful approaches to fostering diversity, equity, inclusion, and accessibility (DEIA) in their workplaces, and preventing unlawful retaliation and harassment.

Advancing Racial Justice and Combatting Systemic Discrimination

As the primary federal agency that enforces laws against employment discrimination, the EEOC must continue to play a large role in promoting racial justice and combatting the persistent problem of systemic discrimination in employment. Accordingly, with this proposed budget, the Commission would provide renewed attention to tackling systemic employment discrimination in all forms and on all bases – including but not limited to systemic discrimination based on race. Eliminating systemic barriers to equal opportunity in the workplace will allow the EEOC to leverage its work to achieve the greatest impact. To this end, the EEOC will employ numerous tools, including outreach and education, technical assistance, and enforcement, and will use all of them to achieve change on a broad scale. The EEOC also will invest in advanced training for dedicated systemic enforcement staff and expand the number of positions dedicated to systemic investigations and litigation. Robust, strategic systemic enforcement is an important part of the agency's efforts to leverage its limited resources to maximum effect, because it allows the EEOC to address unlawful practices

on a national, regional or industry level while helping substantial numbers of employees at once. In addition, the public attention that systemic cases receive often has a deterrent effect on other businesses, extending the impact of a systemic case far beyond a single employer.

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

The EEOC will also continue to play an important role in working with employers who seek guidance on how to appropriately eliminate barriers and how to respond to questions about fairness in their own practices through technical assistance, outreach and education, and guidance. With the Commission's partners across the federal government, we can help employers eliminate systemic discrimination and proactively foster diverse, equitable, inclusive, and accessible workplaces that benefit all employees.

Advancing Pay Equity

It has been 60 years since passage of the Equal Pay Act and nearly 60 years since passage of Title VII of the Civil Rights Act of 1964, which together outlawed pay discrimination in employment based on sex, race, color, national origin, or religion. Nevertheless, significant and unjustified pay disparities persist. Today, women working full-time make only 82 cents to the dollar when compared to white non-Hispanic males, and the gap is even wider for women of color, Native American and indigenous women, immigrants, and workers with disabilities.

Although not all pay disparities result from discrimination, unlawful discrimination in pay and promotions, race and gender segregation in jobs and assignments, and harassment that may cause workers to leave certain positions or otherwise stall career advancement, contribute to the problem. The EEOC will continue to use all the tools at its disposal, including outreach and education, enforcement and, where necessary, litigation to address pay discrimination and unjustified wage gaps. The Commission also will explore ways to maximize the effectiveness of its efforts to combat pay discrimination. In FY 2022, the National Academies of Sciences, Engineering, and Medicine issued a report that strongly supported the use of pay data collection as a tool to combat pay discrimination and provided recommendations for potential future collections. The agency is considering the report's recommendations as it determines how to best focus its resources to address discriminatory compensation practices.

Diversity, Equity, Inclusion, and Accessibility (DEIA)

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

Since the publication of the Executive Order, the EEOC has embarked on additional key initiatives to advance DEIA in its own workplace and across the federal government. The

EEOC, alongside the Office of Personnel Management (OPM) and Office of Management and Budget (OMB), has helped support and coordinate DEIA activities across the federal government to assist agencies in effectively implementing the DEIA Executive Order. The agency is also helping to identify and adopt best practices and strategies to promote DEIA in the federal workplace and to identify and remove barriers to equal employment opportunity consistent with merit system principles and applicable law. For example, in April 2023, the EEOC published “[Promising Practices for Preventing Harassment in the Federal Sector](#)” in furtherance of the Executive Order objectives.

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

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

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

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

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

The creation, in FY 2022, of the EEOC’s Office for Civil Rights, Diversity, and Inclusion (OCRDI) lays the foundation for the agency’s efforts to achieve these goals. The EEOC is committed to becoming an organization that attracts, employs, and retains people with differing points of view, backgrounds, experiences, perspectives, and ideas and strives to prevent and eliminate discrimination internally. The OCRDI demonstrates our commitment to being a model equal employment opportunity (EEO) employer as well as a learning organization that values the importance of diverse perspectives in driving innovation to advance our mission.

Addressing Artificial Intelligence and Algorithmic Fairness

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

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

- Issued technical assistance to provide guidance on algorithmic fairness and the use of AI in employment decisions as it affects persons with disabilities, [The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to](#)

[Assess Job Applicants and Employees](#), including [tips for workers](#) and an accompanying [video](#) in American Sign Language;

- Issued technical assistance on certain issues that the use of AI in employment can raise under Title VII of the Civil Rights Act of 1964, [Selected Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII](#);
- Held a public Commission meeting to hear expert testimony on the role of AI in employment decision-making.
- Held [listening sessions](#) with key stakeholders about algorithmic tools and their employment ramifications; and,
- Gathered information about the adoption, design, and impact of hiring and other employment-related technologies.

Moving forward, the agency will continue our efforts to prevent, identify, and remedy algorithmic discrimination by providing internal training for enforcement and litigation staff as well as awareness and guidance to employers, employees, job applicants, and vendors to ensure that these technologies are used fairly and consistently with federal equal employment opportunity laws.

Retaliation

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

Strengthening the Agency

Finally, I have made it a priority to rebuild and strengthen the agency. The Commission has a critical role to play in addressing many urgent civil rights issues – including racial justice unlawful harassment; the longer-term employment-related impact of the COVID-19 pandemic, such as discrimination and accommodations for employees with long COVID; pay equity, and the continued implementation of the Supreme Court’s historic decision in *Bostock v. Clayton County*, which affirmed protections against discrimination based on sexual orientation and gender identity - to name just a few. It is crucial that the Commission have the resources and tools it needs to continue to protect and advance civil rights, both now and far in the future.

First and foremost, that requires ensuring that the Commission has sufficient staff necessary to address its expanding workload.

By fiscal year 2020, the EEOC's full-time staffing had dropped to its lowest level in four decades, from more than 3,390 employees in 1980 to fewer than 2,000 employees. During that same period, even as the agency's resources declined, its workload expanded due to the increase in the U.S. population and passage of important new legislation that created additional civil rights protections, such as the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and the Genetic Information Nondiscrimination Act of 2008. Fortunately, Congress' support in the EEOC's FY 2021 budget made it possible to fill more than 450 positions throughout the agency - predominantly front-line staff to help restore our ability to fulfill the agency's vital role in helping prevent and remedy employment discrimination. This has been especially important because the EEOC typically loses approximately 12 percent of our workforce on an annual basis, and a substantial proportion of the EEOC's workforce is retirement eligible. In FY 2023, the EEOC continued to focus on robust workforce planning and hiring to continue to strategically grow our enforcement capacity, as we also begin enforcing new civil rights protections in the Pregnant Worker's Fairness Act. The addition of new employees in mission-critical positions over the past three fiscal years is a much needed down payment on what I believe should be a long-term investment to ensure that the EEOC has resources commensurate with its task. With the President's mark and continued workforce planning, I plan to continue to invest in hiring, training, and retention to empower our staff to advance the agency's mission and vigorously enforce the laws entrusted to the EEOC.

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

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

Sincerely,



Charlotte A. Burrows
Chair
U.S. Equal Employment Opportunity Commission

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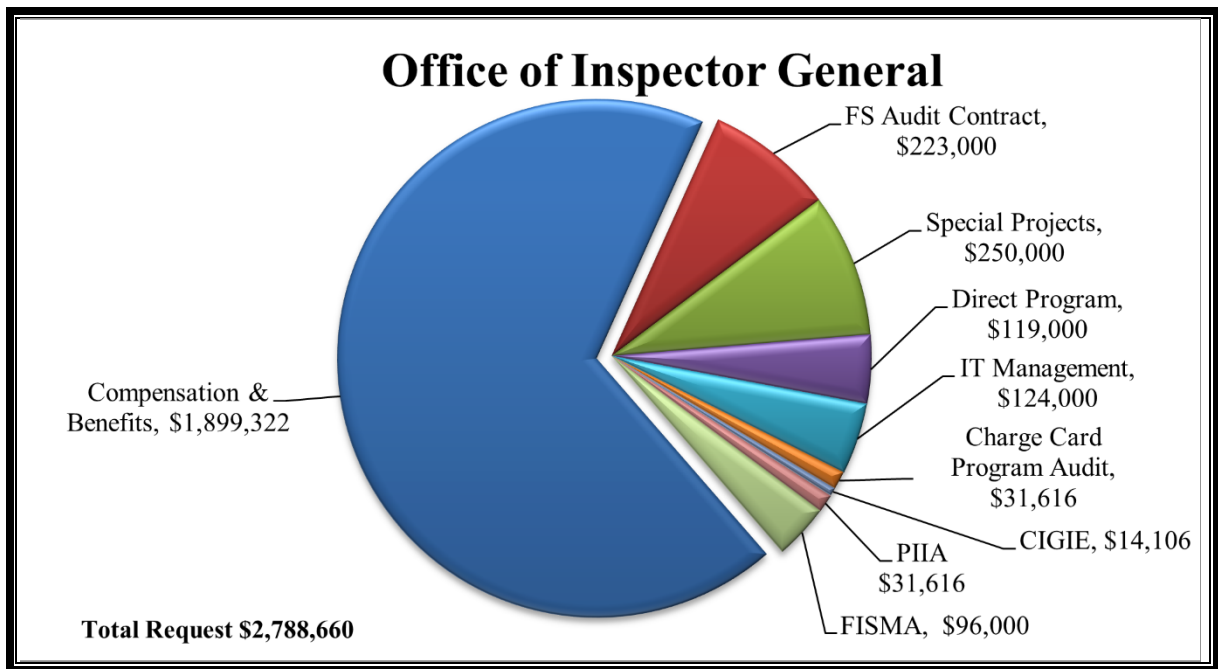
II. OFFICE OF INSPECTOR GENERAL FUNDING INFORMATION

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

Category	Amount
Office of Inspector General Initial Request	\$2,788,660
Aggregate amount of funds	\$2,788,660 ¹
Amount requested in OIG budget for training	\$62,000 ²
Amount requested to support CIGIE	\$14,106 ³

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

Chart 1: Office of Inspector General



¹ This is the total aggregate request for the OIG.

² The Inspector General certifies that this amount would satisfy all OIG training requirements for FY 2025.

³ .0036 percent of \$2,788,660 or \$14,106 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 (Public Law 102-166), the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), and the Pregnant Workers Fairness Act (Public Law 117-328), 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 \$32,500,000 for payments to State, Local, and Tribal enforcement agencies for authorized services to the Commission, \$488,221,000, of which \$2,788,660 shall be for the Office of the Inspector General: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

B. Staffing and Funding Profile

Table 1 below depicts the EEOC’s total agency staffing and funding profile by Strategic Goals and Programs for FYs 2023 through 2025.

Table 1: Total Agency Staffing and Funding Profile

FY 2023 to FY 2025 (Dollars in thousands*)				
Strategic Goal I: Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities				
Category	FY 2023 (Actual)	FY 2024 (Request)	FY 2025 (Request)	Change From FY 2024
1. Private Sector Enforcement	\$348,109	\$348,484	\$373,286	\$24,802
State, Local, and Tribal	\$31,500	\$31,500	\$32,500	\$1,000
2. Federal Sector Enforcement	\$69,391	\$69,016	\$76,435	\$7,419
Total Strategic Goal I	\$449,000	\$449,000	\$482,221	\$33,221
Strategic Goal II: Prevent employment discrimination and advance equal employment opportunity through education and outreach				
Category	FY 2023 (Actual)	FY 2024 (Request)	FY 2025 (Request)	Change From FY 2024
Outreach (Non-Fee Based)	\$6,000	\$6,000	\$6,000	\$0
Total Strategic Goal II	\$6,000	\$6,000	\$6,000	\$0
Agency Total <i>(includes Strategic Goal III Resources listed below)</i>	\$455,000	\$455,000	\$488,221	\$33,221
Total Full-Time Equivalents**	2,173	2,162	2,162	(0)
Strategic Goal III: Strive for organizational excellence through our people, practices, and technology				
Category	FY 2023 (Actual)	FY 2024 (Request)	FY 2025 (Request)	Change From FY 2024
Highlighted Resource Areas: Information Technology	\$25,773	28,706	\$28,706	\$0

*May not add due to rounding.

**Includes 14 FTE Reimbursable from Revolving Fund.

C. Analysis of Change

The Analysis of Change, Table 2, below indicates the material changes between the EEOC’s request for FY 2024 and request for FY 2025.

Table 2: Analysis of Change

FY 2025 (Dollars in thousands)			
Category	FY 2024 (Request)	FY 2025 (Request)	Net Change (+/-)
Spending Authority (Includes State, Local, and Tribal)	\$455,000	\$488,221	\$33,221
Explanation of Changes:			Amount
Compensation and Benefits	335,529	357,750	22,221
Total Compensation and Benefits*	335,529	357,750	22,221
Subtotal Compensation Changes			\$22,221
Program Support Changes			
1. EEO Data Collection		7,432	7,432
2. Addressing Artificial Intelligence and Algorithmic Fairness		1,170	1,170
3. Pregnant Workers Fairness Act		1,398	1,398
4. Office Rehabilitation and Relocations		1,000	1,000
Program Support Changes			\$11,000
Total Net Change			\$33,221

* FY 2025 Compensation and Benefits (C&B) reflects agency estimates as of December 2023. The estimate includes a 2.0 percent pay increase - \$3,865; employee performance awards – \$6.719M.

D. Object Class – Agency Summary

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

Table 3: Object Class Schedule – Agency Summary

Agency Summary Requirements by Object Class FY 2023 to FY 2025 (Dollars in thousands*)			
OBLIGATIONS BY OBJECT CLASS	FY 2023 (Actual)	FY 2024 (Request)	FY 2025 (Request)
Personnel Compensation			
11.1 Full-time permanent (FTP)	\$228,721	\$235,736	251,958
11.3 Other than FTP	1,046	2,200	2,200
11.5 Other personnel compensation	8,661	7,000	7,000
Total Personnel Compensation	238,428	244,936	261,158
12.1 Civilian personnel benefits	87,192	90,593	96,592
Total Compensation and Benefits	325,620	335,529	357,750
21.1 Travel of persons	2,222	2,000	2,000
22.0 Transportation of things	25	25	25
23.1 Rental payment to GSA	33,824	34,652	35,067
23.2 Other rent/communications	4,460	4,500	4,500
24.0 Printing and reproduction	100	100	100
25.1 State, local, and tribal contracts	31,500	31,500	32,500
25.2 Security services (including DHS)	4,480	4,400	4,400
25.2 Other services from non-federal sources	34,086	28,594	38,179
25.2 Litigation support	2,840	3,500	3,500
25.3 Other goods & services from federal sources	7,705	6,000	6,000
26.0 Supplies and materials	7,138	3,000	3,000
31.0 Equipment	1,000	1,200	1,200
Total Other Object Classes	129,380	119,471	130,471
Agency Total	\$455,000	\$455,000	\$488,221

*May not add due to rounding

IV. ENTERPRISE RISK MANAGEMENT PLAN

During FY 2023, the EEOC continued to improve the agency's enterprise risk management (ERM) framework, which identifies, prioritizes, and manages institutional risk at all levels of the agency. In FY 2020, the ERM Handbook was updated to reflect the importance of information security, cybersecurity, and physical security in developing the agency's risk registers and profiles. The agency will continue to incorporate ERM into decision-making and focus on the integration of risk management and internal controls. As the EEOC's ERM program matures, the Handbook will continue to keep pace with industry standards.

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

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

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

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V. STRATEGIC PLAN AND PERFORMANCE MEASURES

A. The Strategic Plan for Fiscal Years 2022 - 2026

1. Introduction

The U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2022-2026 (“Strategic Plan” or “Plan”) establishes a framework for achieving the EEOC’s mission to “Prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all,” so that the nation may realize the Commission’s vision of “Fair and inclusive workplaces with equal opportunity for all.”

Through enactment of the Government Performance and Results Act (GPRA) Modernization Act of 2010 (GPRAMA), Congress has directed executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular No. A-11 from the Office of Management and Budget (OMB) instructs agencies on the necessary elements required in an agency’s plan and the requirements to publish a new plan with the beginning of each new term of an administration. The Strategic Plan is located online at <https://www.eeoc.gov/eeoc-strategic-plan-2022-2026>. To accomplish our mission and achieve the proposed vision, the EEOC is committed to pursuing the following three Strategic Goals:

Strategic Goal I – Combat and prevent employment discrimination through the strategic application of the EEOC’s law enforcement authorities. The corresponding Strategic Objectives are:

I.A. The agency has a broad impact on preventing and remedying employment discrimination while providing meaningful relief for victims of discrimination; and

I.B. The agency exercises its enforcement authority fairly, efficiently, and based on the circumstances of each charge or complaint.

The seven performance measures and results for both FY 2022 and FY 2023 are more fully described in Section VI.B., starting on Page 21.

Strategic Goal II – Prevent employment discrimination and advance equal employment opportunity through education and outreach. The corresponding Strategic Objectives are:

II.A. Members of the public are aware of employment discrimination laws and EEOC enforcement actions and know their rights and responsibilities under these laws; and

II.B. Employers, federal agencies, unions, and staffing agencies have the information and guidance necessary to advance equal employment opportunity, prevent discrimination, and effectively resolve EEO (equal employment opportunity) issues.

The four performance measures and results for both FY 2022 and FY 2023 are more fully described in Section VII.B., starting on Page 55.

Strategic Goal III – Strive for organizational excellence through our people, practices, and technology. The corresponding Strategic Objectives are:

III.A. The EEOC achieves a culture of accountability, inclusivity, and accessibility; and

III.B. Resources align with priorities to strengthen intake, outreach, education, enforcement, and service to the public to protect and advance civil rights in the workplace.

The four performance measures and results for both FY 2022 and FY 2023 are more fully described in Section VIII.B., starting on Page 62.

The Plan presents clear and realistic strategies for achieving each Strategic Goal and identifies 15 performance measures with annual targets to track the EEOC's progress during FY 2024 as it addresses increasing public demands for the agency's services. The agency's strategic goals, objectives, and related performance measures are depicted in the following Strategic Plan Diagram.

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

A. Introduction

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

There are two Strategic Objectives for Strategic Goal I:

Strategic Objective I.A: The agency has a broad impact on preventing and remedying employment discrimination while providing meaningful relief to victims of discrimination; and

Strategic Objective I.B: The agency exercises its enforcement authority fairly, efficiently, and based on the circumstances of each charge or complaint.

In the past three years, the EEOC has received an annual average of approximately 71,900 private sector charges of discrimination, more than 7,000 requests for federal sector hearings, and 4,200 requests for federal sector appeals. The large number of individual charges of discrimination and federal sector requests for hearings and appeals that the EEOC receives requires the agency to think strategically about how to allocate its resources to ensure the most effective impact possible in its efforts to stop unlawful employment discrimination.

Since at least 1995, the Commission has categorized charges for priority handling based on the likelihood of an investigation resulting in a finding of reasonable cause to believe that discrimination has occurred. Charge prioritization is a continuous process that occurs throughout the life of a charge; in each case, the investigation should be appropriate to the charge, considering the EEOC’s resources. In 1996, the Commission adopted a National Enforcement Plan (“NEP”) and required District Offices to develop Local Enforcement Plans. The NEP worked in tandem with Priority Charge Handling Procedures (PCHP) so that the agency investigators and litigators could focus their resources strategically.

Building on the NEP, in 2000, the Commission developed a Comprehensive Enforcement Program that created best practices for internal administrative processing. In December 2012, the NEP was replaced by the Commission’s Strategic Enforcement Plan for Fiscal Years 2013-2016, which established the Commission’s substantive area priorities and strategies and integrated the priorities into PCHP.

The Commission's Systemic Program

In 2006, the Commission adopted its Systemic Initiative, now known as its Systemic Program. This initiative made the identification, investigation, and litigation of systemic discrimination cases (pattern or practice, policy, and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic area) a top priority. The Systemic Initiative also ensured that the EEOC had a coordinated, strategic, and effective approach to such cases. The Initiative required the agency to effectively use its administrative and litigation tools – including Commissioner Charges, directed investigations, and the strategic use of empirical data – to identify and stop discriminatory policies and other instances of systemic discrimination. After conducting a review of the EEOC's systemic work over a ten-year period, on July 7, 2016, the Commission issued a report on its assessment of that work, "Advancing Opportunity: A Review of the Systemic Program of the U.S. Equal Employment Opportunity Commission." The report reviewed the highlights and lessons learned from the agency's successes and challenges following the 2006 Systemic Task Report.

Establishing Substantive Area Priorities Using the Strategic Enforcement Plan

In December 2012, the Commission issued a Strategic Enforcement Plan (SEP) for Fiscal Years 2013-2016 as a successor to the 1996 NEP. The SEP established substantive area priorities and set forth strategies to integrate the EEOC's private, public, and federal sector activities to have a sustained impact in advancing equal employment opportunity. The Commission reaffirmed its substantive area priorities with some modifications in the Fiscal Years 2017-2021 SEP. On September 18, 2023, the Commission approved the SEP for Fiscal Years 2024-2028.

Table 4, shown on the next page, outlines our budget information for the agency's enforcement programs under Strategic Objective I, reflecting the continued, significant increases in the number of inquiries and charges of discrimination the agency receives from the public.

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

FY 2023 to FY 2025 (Dollars in thousands*)			
Category	FY 2023 (Actual)	FY 2024 (Request)	FY 2025 (Request)
Private Sector Enforcement	\$348,109	\$348,484	\$373,286
Administrative Charge Resolution	236,516	236,771	254,412
Mediation	27,054	27,083	29,136
Litigation	84,539	84,630	89,738
State, Local, and Tribal	31,500	31,500	32,500
Federal Sector Enforcement	\$69,391	\$69,016	\$76,435
Hearings	37,472	37,269	41,383
Appeals	22,666	22,544	25,033
Mediation	1,323	1,316	1,461
Oversight	7,930	7,887	8,558
Total	\$449,000	\$449,000	\$482,221

*May not add due to rounding.

B. Performance Measures and Results

The EEOC developed seven performance measures, four of which have corresponding sub-measures, to track its process in achieving its strategic objectives for Strategic Goal I.

Performance Measure 1 for Strategic Objective I.A.: By FY 2025, 90 percent of EEOC conciliations and litigation resolutions contain targeted, equitable relief and that level is maintained through FY 2026.

Year	FY 2022	FY 2023
Target	86-88%	87-89%
Results	91.4%	98.1%
Target Results	Target Exceeded	Target Exceeded

The EEOC negotiates resolutions of charges after an investigation has determined that there is reasonable cause to believe that unlawful employment discrimination has occurred. Because every investigation is dependent on the specific facts of each case, it is neither appropriate nor feasible to set a target for the number of reasonable cause determinations the agency makes. However, it is appropriate to set a goal for the type of relief that should be sought in resolutions of cases once reasonable cause has been found.

Performance Measure 1 encourages the EEOC to seek relief that goes beyond monetary damages for individual victims of discrimination. While it is vital that the EEOC seeks meaningful relief for individuals, the Commission’s ultimate goal must be to protect all employees and jobseekers from unlawful discrimination.

The FY 2023 target for Performance Measure 1 was for at least 87 percent - 89 percent of the EEOC’s conciliations and litigation resolutions to contain targeted, equitable relief. Targeted, equitable relief includes any non-monetary and non-generic relief that explicitly address the discriminatory employment practices at issue in the case, and which provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include, for example, customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate.

In FY 2023, the agency had far exceeded the targeted range, reporting 927 administrative and legal resolutions with targeted, equitable relief out of 945 resolutions, or 98.1 percent.

Performance Measure 2 for Strategic Objective I.A. In each year through FY 2026, the EEOC continues to favorably resolve at least 90% of enforcement lawsuits.

Year	FY 2022	FY 2023
Target	90%	90%
Results	94.8%	90.8%
Target Results	Target Exceeded	Target Exceeded

Performance Measure 2 encourages the EEOC’s litigation program to continue to strive for excellence by maintaining its record of successful resolutions. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement. Achieving success for this measure will ensure that the EEOC continues to exercise its prosecutorial discretion responsibly, while allowing the agency to take on challenging issues and litigate complex cases, including cases of systemic discrimination. This measure is significant because achieving success in cases raising priority issues under the Strategic Enforcement Plan (SEP) is often challenging and resource-intensive, especially in cases involving emerging or developing issues and systemic cases.

The FY 2023 target for Performance Measure 2 was for the agency to favorably resolve 90 percent of its enforcement lawsuits. As of fiscal year-end 2023, the agency had exceeded the target by favorably resolving 89 out of 98, or 90.8 percent, of its enforcement lawsuits.

Performance Measure 3 for Strategic Objective I.A. In each year through FY 2026, the EEOC increases its capacity to conduct investigations of systemic discrimination through training and other resources.

Sub-Measure 3a.: In each year through FY 2026, the EEOC will provide training to all field staff on identifying and investigating systemic discrimination, and at least 90% of investigators and trial attorneys will participate in systemic training each year.

Year	FY 2022	FY 2023
Target	Training provided, at least 90% participation.	Training provided, at least 90% participation.
Results	The agency provided training to all Lead Systemic Investigators, Systemic Coordinators, and many attorneys in the field at its annual systemic training conference in August 2022. Six Districts presented training on identifying systemic discrimination in FY 2022 to all their enforcement staff. It is expected that a total of at least 90% of investigators and attorneys participated in the systemic-related trainings.	Systemic training was provided to all enforcement and litigation staff in February, April, and May 2023. The agency provided training to all field staff on identifying and investigating systemic AI-related discrimination in May 2023, with an estimated 90% (at least) of investigators and trial attorneys attending. Additional training for systemic staff was conducted in December 2022, February 2023, March 2023, May 2023, July 2023, and during the fourth quarter of FY 2023.
Target Result	Target Met	Target Exceeded

Sub-Measure 3b.: By FY 2026, 90% of systemic cause investigations reviewed meet or exceed criteria established in the Quality Enforcement Practices Plan (QEP).

Year	FY 2022	FY 2023
Target	88%	88.5%
Results	92.7%	92.5%
Target Result	Target Exceeded	Target Exceeded

Sub-Measure 3c.: By 2026, every District will have at least two dedicated Enforcement Unit systemic staff members.

Year	FY 2022	FY 2023
Target	At least two dedicated Enforcement Unit staff Members by FY 2026.	At least two dedicated Enforcement Unit staff members by FY 2026.
Results	In FY 2022, the agency worked toward the target goal of at least two dedicated Enforcement Unit systemic staff members by FY 2026.	In FY 2023, the agency continued to work toward the FY 2026 goal of at least two dedicated Enforcement Unit systemic staff members.
Target Result	Target Partially Met*	Target Partially Met*

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

Performance Measure 3 emphasizes expanding the EEOC's capacity to conduct systemic investigations, resulting in a coordinated, strategic, and effective approach to systemic enforcement. Refocusing efforts on cases that have a broad impact on an industry, profession, company, or geographic region will allow the EEOC to increase its impact on dismantling discriminatory patterns, practices, or policies. The Commission is committed to tackling systemic employment discrimination in all forms and on all bases. Eliminating systemic barriers to equal opportunity in the workplace will allow the EEOC to leverage its work to achieve the greatest impact. Providing training to the EEOC staff on identification and investigation of systemic cases is critical to the success of these efforts.

The EEOC has numerous tools to combat systemic discrimination and harassment, including outreach and education, technical assistance, and enforcement, and uses all of them to achieve change on a broad scale. A robust systemic program is an important part of these efforts and allows the EEOC to advance equal employment opportunity on a national, regional or industry level while helping substantial numbers of employees at the same time.

The FY 2023 targets for Performance Measure 3 through 3c were for at least 90 percent participation rate in provided trainings, for 90 percent of systemic investigations to meet or exceed the criteria established in the QEP, and for each District to have at least two dedicated systemic staff members.

Throughout the fiscal year, the agency held many systemic trainings, including an in-person systemic training conference. Systemic training was provided to all Office of Field Programs and Office of General Counsel staff in February (two sessions), April, and May 2023. The agency provided training to all field staff on identifying and investigating systemic AI-related discrimination in May 2023, with an estimated attendance rate of at least 90 percent by investigators and attorneys. Additional training was conducted in December 2022, February, March, May, and July 2023 and during the fourth quarter of FY 2023. The annual systemic training conference is invaluable to provide specialized skills training, exchange ideas, and strengthen the working relationships among agency offices,

which is essential for this vital program to succeed. In addition, the EEOC held an in-person specialized training for recently promoted lead systemic investigators. By the end of the fiscal year, there were five districts with two dedicated Enforcement Unit systemic staff members and ten Districts with one dedicated Enforcement Unit systemic staff member. Currently, ten Districts, plus the Washington Field Office, each have one dedicated Enforcement Unit systemic staff member.

Performance Measure 4 for Strategic Objective I.A. By FY 2026, the EEOC will make significant progress toward enhanced monitoring of conciliation agreements, leading to a more robust compliance program.

Performance Sub-Measure 4a: Each year, the EEOC will report on enhancements to its compliance monitoring program for conciliation agreements.

Year	FY 2022	FY 2023
Target	Report Issued.	Report Issued.
Results	In FY 2022, Systemic conciliation agreements were monitored through annual submissions of Measures of Effectiveness reports	In FY 2023, the EEOC continued to review existing compliance monitoring procedures and explore potential future enhancements.
Target Result	Target Partially Met*	Target Partially Met*

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

Performance Measure 4 recognizes that compliance reviews are critical to ensuring full satisfaction of the EEOC's conciliation agreements. When the EEOC finds reasonable cause to believe discrimination has occurred, the agency issues a determination and invites the parties to engage in informal efforts to resolve the charge, known as conciliation. Successful conciliation agreements routinely include relief for the aggrieved individuals, as well as targeted, equitable relief that explicitly addresses the discriminatory employment practices at issue in the case and is designed to prevent similar violations in the future. Effective compliance monitoring is critical to the EEOC's ability to ensure workplaces are free from discrimination after the EEOC makes a finding of discrimination.

With an emphasis on progress, Performance Measure 4 will lead to enhanced compliance monitoring, including streamlined and standardized procedures, improved tracking and internal reporting mechanisms, and related training for EEOC field staff. Collaboration, evaluation, and system improvements are critical to this performance measure, and reporting on enhancements will ensure meaningful progress.

During FY 2023, the EEOC examined existing technological compliance monitoring capabilities and evaluated systemic conciliation monitoring and measures of effectiveness for future enhancements to compliance monitoring for all conciliation agreements. These feedback measures assist the EEOC in determining whether the relief implemented was successful in achieving the desired change in the workplace and bringing employers into compliance with the statutes enforced by the Commission.

The agency’s evaluation and plan for an enhanced compliance program will be completed in FY 2024, and a report will be issued by the end of the fiscal year.

Performance Measure 5 for Strategic Objective I.B.: By FY 2026, 74% of federal agencies subject to oversight activities or compliance reviews change their employment practices based on EEOC recommendations.

Year	FY 2022	FY 2023
Target	70%	71%
Results	78%	80.3%
Target Result	Target Exceeded	Target Exceeded

Performance Measure 5 recognizes that because the federal government is the largest employer in the United States, reducing unlawful employment discrimination in the federal sector is an integral part of combatting employment discrimination in the nation’s workplaces. Moreover, the federal government has tremendous influence over the employment practices of private and public employers across the nation and around the world. Thus, the promotion of equal employment opportunity in the federal government can positively impact all employees and jobseekers.

Each year, the EEOC conducts program evaluations of a sample of federal agencies, focused on an array of issues relevant to the agency. The evaluations are summarized, with the EEOC recommending changes in the agency’s employment practices, if needed. These recommendations include steps federal agencies can take to correct any discriminatory practice identified by the evaluation. Agencies provide the EEOC with their Compliance Plans in response to the reports. For the baseline year of FY 2022, the EEOC reviewed the Compliance Plans issued in FY 2020 and determined whether they were implemented successfully and, if not, what corrective action was appropriate. Based on the EEOC's assessment of compliance, a baseline for the number or percent of agencies successfully changing practices was established for subsequent years.

The FY 2023 target for Performance Measure 5 was for 71 percent of the federal agencies subject to oversight and compliance reviews to change their employment practices based on the EEOC’s recommendations. The percent of agencies substantially implementing the EEOC’s recommendations was 80.3 percent.

Performance Measure 6 for Strategic Objectives II.A. and II.B.: For each year through FY 2026, a significant proportion of completed investigations, conciliations, hearings, and federal appeals meet or exceed established quality criteria.

Sub-Measure 6a.: By FY 2026, at least 90% of the EEOC’s charge investigations and conciliations meet or exceed criteria established in the Quality Enforcement Practices Plan.

Year	FY 2022	FY 2023
Target	88%	88.5%
Results	92.7%	93.1%
Target Result	Target Exceeded	Target Exceeded

Sub-Measure 6b.: Each year through FY 2026, at least 90% of the EEOC’s federal sector hearings and appeals meet criteria established in the Federal Sector Quality Practices Plan.

Year	FY 2022	FY 2023
Target	88%	88.5%
Results	94.6%	94.6%
Target Result	Target Exceeded	Target Exceeded

Performance Measure 6 builds on the EEOC’s previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. In September 2015, the Commission approved a plan for [Quality Enforcement Practices for Effective Investigations and Conciliations, known as the QEP](#). The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In FY 2016, the EEOC applied the criteria established under the QEP to a sample of investigations and conciliations to establish benchmarks for offices to use in FY 2017. In FY 2018, the EEOC used those benchmarks to begin projecting future targets. The EEOC continues to use the FY 2018 baseline for its target projections through FY 2026. The increased goals for quality reviews in this plan will strengthen opportunities to constructively resolve cases for workers and employers through investigation and conciliation.

Performance Measure 6 also provides targets for quality work in the federal sector. The Federal Sector Quality Practices Plan (FSQP) was approved by the Commission in January 2017 and includes quality components for hearings and appeals. The FSQP also includes quality criteria for the Commission's oversight of federal agencies when reviewing affirmative employment and barrier analysis plans, evaluating federal agency complaint processes, and offering technical assistance to federal agencies. During FY 2018, the agency collected baseline data on the quality criteria set forth in the FSQP, in a manner similar to what was done to implement the QEP. Following the collection of baseline data based on hearings and appeals file reviews and federal agency compliance reviews, the agency established benchmarks for FY 2019 and subsequent years, continuing through FY 2026.

The FY 2023 targets for Performance Measure 6 through 6b were for at least 88.5 percent of the EEOC’s charge investigations and conciliations and federal sector hearings and appeals to meet or exceed criteria established in the QEP and FSQP.

By the end of FY 2023, the agency had conducted thorough reviews of closed charges to assess the quality of investigations and charge processing resolutions. Specifically, over 600 completed investigations (approximately 1 percent of the EEOC’s FY 2022 resolutions) were reviewed, as part of the agency’s qualified file reviews, sampling closed charges from each of the EEOC’s 53 offices. The quality file reviews resulted in an overall quality rating of 93.1 percent, exceeding the FY 2023 goal of 88.5 percent, for Sub-Measure 6a.

Also, during FY 2023, the agency’s hearings program evaluated the quality of Administrative Judge (AJ) decisions and orders, with a focus on legal analysis, accuracy, and writing ability/clarity. Based on these evaluations, the EEOC determined that the goal for Sub-Measure 6b was achieved with an average of 96.6 percent of appeals successfully meeting the criteria established in the FSQP. When the achievements of these two programs were calculated, the combined average goal for both federal sector programs exceeded the FSQP requirement of 88.5 percent, resulting in 94.6 percent compliance for FY 2023.

Performance Measure 7 for Strategic Objectives II.A. and II.B.: By FY 2026, EEOC will enhance its intake services to potential Charging Parties, Respondents, and Representatives.

Sub-Measure 7a.: By FY 2023, the EEOC will evaluate its intake services, determine baseline levels of service, and identify technological solutions and other resources to improve those services.

Year	FY 2022	FY 2023
Target	Evaluation completed.	Evaluation completed.
Results	Completed evaluation involved evaluating the agency’s Intake Unit functions and staff duties.	The evaluation of intake functions was completed in FY 2023, with emphasis on enhancing intake services and removing potential barriers to submitting inquires, filing charges, and the agency’s processing of charges.
Target Result	Target Met	Target Met

Sub-Measure 7b.: From FY 2024-2026, the EEOC will make yearly progress in improving availability of intake interview appointments.

Year	FY 2022	FY 2023
Target	Yearly progress made.	Yearly progress made.
Results	Progress was made.	In FY 2023, progress was made in the areas of evaluation, analysis, and identification of improvement areas.
Target Results	Target Met	Target Met

Performance Measure 7 recognizes the importance of intake to the EEOC charge filing process. Intake is the first step in the investigative process. Sub-Measures 7a and 7b also are in line with the Government Accountability Office’s October 2022 report on the EEOC’s enforcement and outreach efforts, which recommended that the agency track intake timeframes to help assess service to the public.

In FY 2023, the targets for Performance Measures 7 through 7b were for the evaluation of intake services to be completed with goals set for the following fiscal year. During the fiscal year, the EEOC evaluated intake services with regard to Sub-Measure 7a, determined baseline levels of service, and identified technological solutions and other resources to improve those services. Specifically, the EEOC worked to review and enhance its current intake process to more effectively and efficiently fulfill the agency’s mission. This involved evaluating improvements related to achieving greater consistency in the agency’s intake-related work; soliciting input from internal and external stakeholders; and obtaining valuable information that will allow the agency to develop a process that increases technological solutions to the overall intake process flow. The EEOC envisions that a new and innovative intake process will reduce the length of time for service delivery, remove language barriers, and streamline the interview process.

In addition, several technological solutions were either launched or development was started during FY 2023, including the capability to track the length of the intake process in the fourth quarter of 2023 and the attorney E-File system. With regard to sub-measure 7b, the agency focused on evaluation, analysis, and identification of improvement areas during the fiscal year.

C. Program Areas

1. Private Sector Enforcement

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

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

In FY 2023, the agency continued to prioritize ensuring that it had sufficient staff to address its expanding workload. During FY 2023, the agency continued rebuilding its

staff, which, as noted above, in FY 2020 had reached its lowest level in four decades. The EEOC filled 493 positions and ended the year with 2,331 employees. Notably, the majority of positions were filled by individuals who were new to the agency and predominately front-line staff (investigators, mediators, and attorneys, among other positions). As a result of this hiring effort, the EEOC was able to continue to address critical service and morale issues by restoring staffing losses in key areas. These hires also better positioned the agency to provide quality services to the public and ensure timely and appropriate resolution of discrimination charges.

The number of field staff at the beginning of FY 2023 was 1,376, with 454 available investigators. Additional hiring authorizations during FY 2023 resulted in the hiring of a total of 380 field staff. With a focus on maintaining staffing levels, the EEOC was able to realize significant program accomplishments. For example, in FY 2023, despite an over 10 percent increase in charge receipts compared with FY 2022, the EEOC ended the fiscal year with 51,100 pending charges, a slight decrease from the 51,399 pending charges in FY 2022. While changes in charge receipts from year-to-year is unpredictable, adequate staffing levels allow us to continue to effectively manage the workload.

Having additional staff to focus on inventory management enhances service to the public and allows staff additional time and resources to devote to developing and resolving meritorious charges of discrimination. In FY 2023, the overall private sector merit factor rate was 18 percent. In addition, the EEOC secured over \$440.5 million in monetary relief for individuals during the administrative process, including the successful resolution of 46.7 percent of conciliations, which represented an over 2-percentage point increase from the 44.4 percent rate in FY 2022. The EEOC recovered \$45 million for victims of discrimination through conciliation and pre-determination settlements in FY 2023, and obtained targeted, equitable relief in 98.48 percent of all conciliation agreements.

In addition to significant hiring, we also continued to focus on additional approaches to utilize a multi-pronged effort to ensure that we are managing our inventory efficiently and providing quality service to charging parties and respondents, while focusing agency resources on charges where the government can have the greatest impact on workplace discrimination. We will continue to focus on innovative approaches and to invest in systems to better serve the public and advance the agency's mission of preventing and remedying unlawful employment discrimination. Chart 2 on the next page shows actual pending inventory at fiscal year end from FY 2021 through FY 2023 and anticipated workloads from FYs 2024 through FY 2027.

Chart 2: Private Sector Charges Pending – Ending Inventory

**Private Sector Charges Pending at Year End for
FY 2021 to FY 2027**

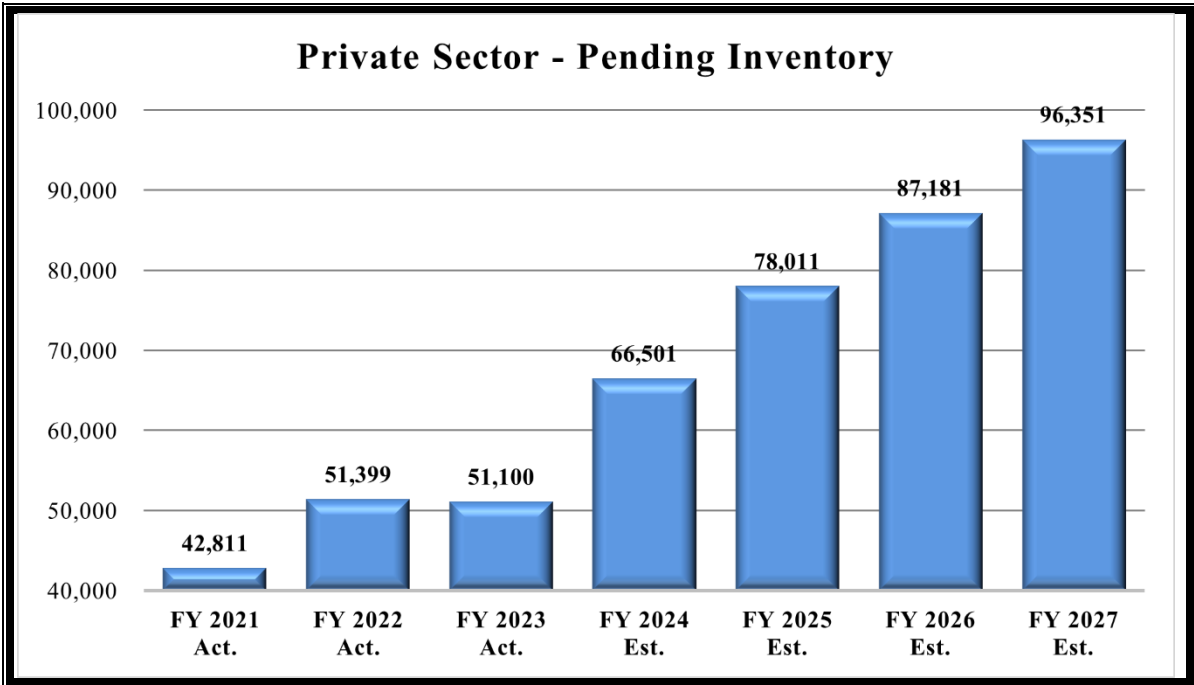
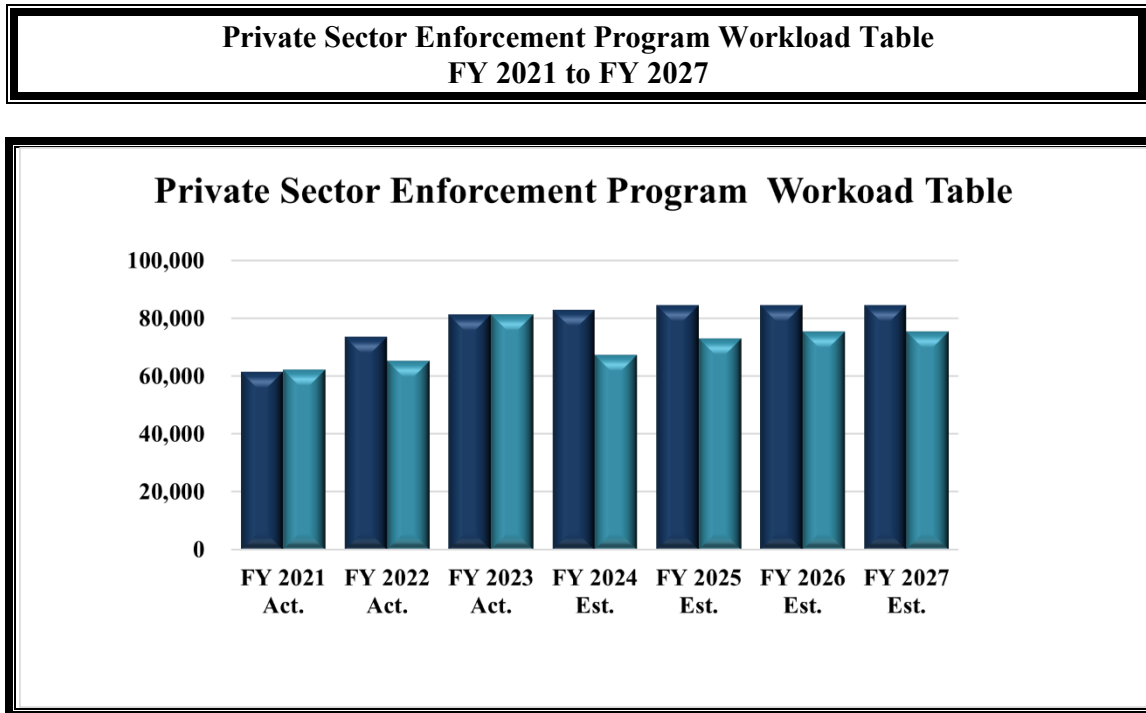


Chart 3 below depicts the actual workload for private sector enforcement for FYs 2021 through 2023 and projected workload through FY 2027.

Chart 3: Private Sector Enforcement Program Workload Table



Category	FY 2021 Act.	FY 2022 Act.	FY 2023 Act.	FY 2024 Est.	FY 2025 Est.	FY 2026 Est.	FY 2027 Est.
■ Receipts	61,331	73,485	81,055	82,676	84,330	84,330	84,330
■ Resolutions	62,187	65,087	81,180	67,275	72,819	75,160	75,160

Table 5 on the next page details private sector charges received by statute for FYs 2021 through 2023 and the projected charges through FY 2027, organized by statute.

Table 5: Charges Filed by Statute

Charges Filed by Statute FY 2021 to FY 2027							
Category	FY 2021 (Act.)	FY 2022 (Act.)	FY 2023 (Act.)	FY 2024 (Est.)	FY 2025 (Est.)	FY 2026 (Est.)	FY 2027 (Est.)
Title VII Only Charges filed	28,525	39,482	40,313	42,770	43,625	43,625	43,625
Title VII Only Charges resolved	29,471	32,428	42,206	34,248	37,070	38,261	38,261
Title VII with Concurrents* Charges filed	41,764	53,713	56,650	59,107	60,289	60,289	60,289
Title VII with Concurrents* Charges resolved	42,683	45,862	58,325	47,869	51,814	53,480	53,480
Age Discrimination in Employment Act Only Charges filed	4,386	3,414	4,519	4,225	4,310	4,310	4,310
Age Discrimination in Employment Act Only Charges resolved	4,351	3,927	4,399	3,852	4,170	4,304	4,304
Age Discrimination in Employment Act w/Concurrents Charges filed	12,965	11,566	14,144	13,720	13,994	13,994	13,994
Age Discrimination in Employment Act w/Concurrents Charges resolved	13,060	12,133	13,832	12,002	12,991	13,408	13,408
Equal Pay Act Only Charges filed	21	18	50	36	36	36	36
Equal Pay Act Only Charges resolved	26	22	35	26	28	29	29
Equal Pay Act with Concurrents Charges filed	885	815	1,012	975	994	994	994
Equal Pay Act with Concurrents Charges resolved	933	926	1,106	937	1,014	1,047	1,047
Americans with Disabilities Act Only Charges filed	13,030	14,126	17,246	16,742	17,077	17,077	17,077
Americans with Disabilities Act Only Charges resolved	12,868	13,034	15,849	13,303	14,400	14,862	14,862
Americans with Disabilities Act w/Concurrents Charges filed	22,843	25,056	29,160	28,967	29,546	29,546	29,546
Americans with Disabilities Act w/Concurrents Charges resolved	22,783	23,029	27,769	23,408	25,337	26,151	26,151
Genetic Information Nondiscrimination Act Only Charges filed	19	14	50	33	34	34	34
Genetic Information Nondiscrimination Act Only Charges resolved	11	13	52	28	31	32	32
Genetic Information Nondiscrimination Act w/Concurrents Charges filed	242	361	361	387	395	395	395
Genetic Information Nondiscrimination Act w/Concurrents Charges resolved	237	358	416	357	387	399	399
Total* Charges filed	61,331	73,485	81,055	82,676	84,330	84,330	84,330
Total* Charges resolved	62,187	65,087	81,180	67,275	72,819	75,160	75,160

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

**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 resolve charges of discrimination early when appropriate. We continue to pursue efforts to secure greater participation by employers, using informational materials, and outreach events that highlight the benefits of mediation for employers.

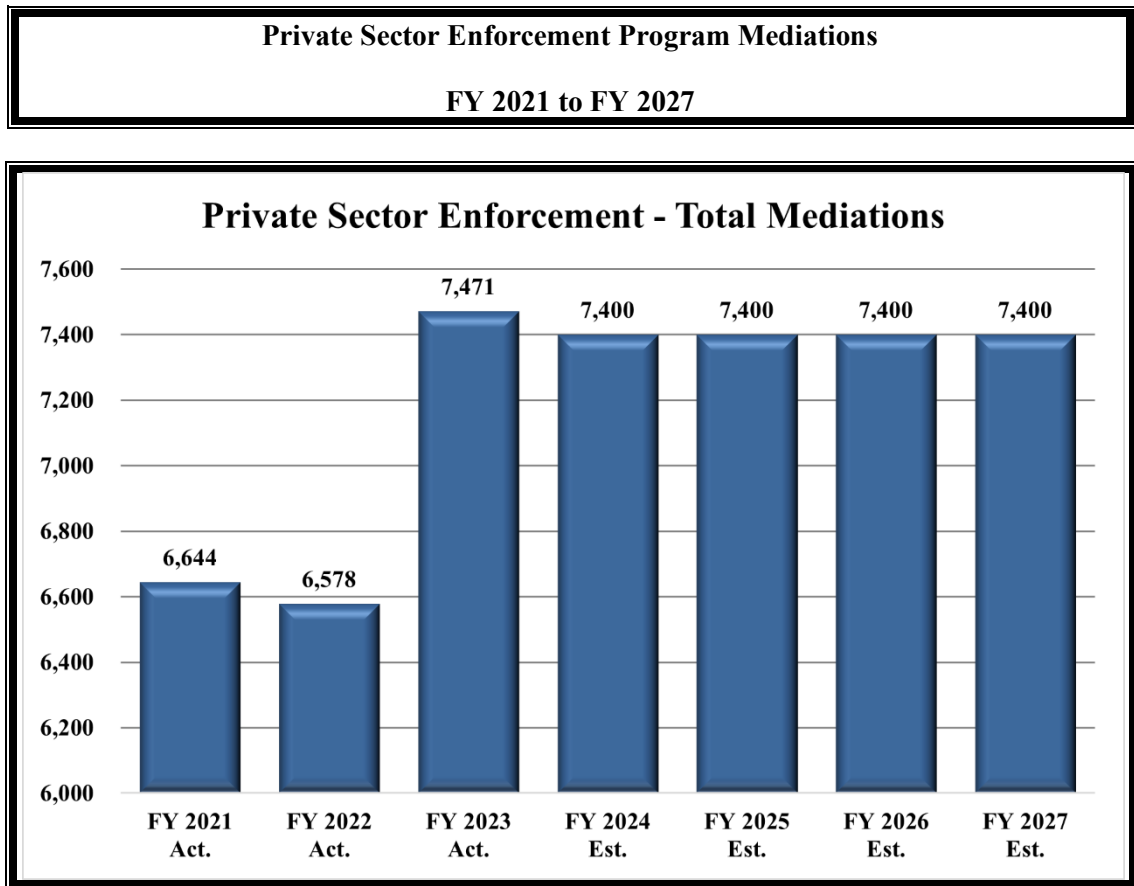
The program continues to receive positive feedback from participants. Based on the responses to an annual survey of participants in our mediation program, charging parties (employees, job applicants, and retirees) and respondents continue to express their confidence in the level of service provided under this process. In FY 2020, the survey was placed on hold because of the use of remote mediations. Pursuant to a contract issued in FY 2021, independent researchers developed an updated electronic survey that mirrored the EEOC's adaptation to on-line video mediations from previously in-person sessions. The survey results were issued and made available to the public in June 2022 on the EEOC's external website through a report entitled "[EEOC Mediation Participants' Experience in Online Mediation and Comparison to In-Person Mediation](#)." In FY 2023, building upon the technology enhancements implemented in FY 2022, the EEOC was able to timely collect electronic survey responses from its mediators and mediation participants concerning their experiences mediating charges via video platforms. The survey results indicated overwhelming satisfaction with the EEOC's mediation program during FY 2023. Participants continued to view the EEOC's voluntary mediation program as highly effective, fair, and neutral, and expressed strong satisfaction with the process. The surveys continued to show near unanimity regarding participants' willingness to participate in the mediation program in the future. Specifically, 96 percent of participants (98.6 percent of employers and 92 percent of charging parties) indicated they would be willing to participate in the EEOC's mediation program again if they were a party to an EEOC charge.

The mediation program continues to enhance the Commission's efforts to timely resolve discrimination charges. In FY 2023, the agency achieved 7,471 successful resolutions out of 10,404 charges that were mediated. During FY 2023, mediations were completed in an average of 143 days with over \$201.2 million in benefits secured. In addition, the EEOC staff mediators conducted 193 federal sector mediations in FY 2023. These mediated resolutions not only assisted the Commission in reducing the federal sector workload, but it also permitted administrative judges to further concentrate their efforts on conducting hearings and rendering decisions in the federal complaint process.

Outreach to employer representatives and other stakeholders highlights the value of ADR to resolve charges of discrimination filed with the Commission. The success of the mediation program encourages other employers to participate in our mediation program. The EEOC field offices conducted a total of 338 ADR employer events.

Chart 4 below reflects the level of mediations projected for FYs 2024 through 2027. These will return to FY 2018 levels in successive years, due largely to the end of the mediation pilot program and additional hiring.

Chart 4: Private Sector Enforcement Program Mediations



*May not add due to rounding

State, Local, and Tribal Programs

The FY 2023 appropriation for State, Local, and Tribal Programs (SLTP) activities was \$31,500,000, the same as the prior fiscal year. The EEOC is requesting an additional one million dollars for FY 2025, bringing the total amount to \$32,500,000 to maintain the EEOC’s relationship with the fair employment practices agencies (FEPAs) and Tribal Employment Rights Offices (TEROs). Each year, the agency reimburses our partners for the work they perform under the authority of Title VII and the Procedural Regulations (29 C.F.R. §1601 et seq). Historically, every three (3) years, the EEOC slightly increases the reimbursement amounts to help maintain good partnerships, maintain the quality of the work, and address inflation concerns. In FY 2025, the 90 FEPA contracts will have remained the same for three years and will be due for an increase. The 62 TERO contracts will not be due for an increase in FY 2025. SLTP’s requested funding in FY 2025 will address the FEPA reimbursement increase, as well as SLTP costs in the areas of training, conferences, outreach and engagements, licensing or services, and program support costs.

The FEPAs help the EEOC resolve charges of employment discrimination and prevent duplication of effort, resulting in a more efficient use of resources for both the EEOC and the FEPAs. With the requested level of support for FY 2025, we expect FEPAs to resolve

at least 35,000 intake matters and charges. These resolutions would be in addition to the charges the EEOC resolves directly.

Our outreach and training efforts include enhancements to encourage full utilization of technology and support for the SLTP staff in the EEOC field offices with updated and relevant tools and resources. For FY 2025, the SLTP training program will include the ability to conduct in-person FEPA and TERO training conferences as well as other hands-on, in-person, and virtual training sessions to ensure the work is performed by our partners at a quality level consistent with the EEOC's expectations. The in-person sessions will allow us to provide more interactive education to less senior FEPA and TERO trainees in need of investigative skills development than can be successfully accomplished virtually. In addition, our ability to reach Native American/Alaska Native communities pursuant to White House priorities and Executive Orders requires significant efforts. In FY 2025, such efforts will include traveling to remote areas to educate tribal communities; using several media outlets such as tribal radio and social media; conducting outreach to tribal youth around the country by working with Tribal Colleges and Universities and other federal partners such as the Department of Labor and Department of Education; and a campaign to educate non-tribal employers operating on tribal lands.

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

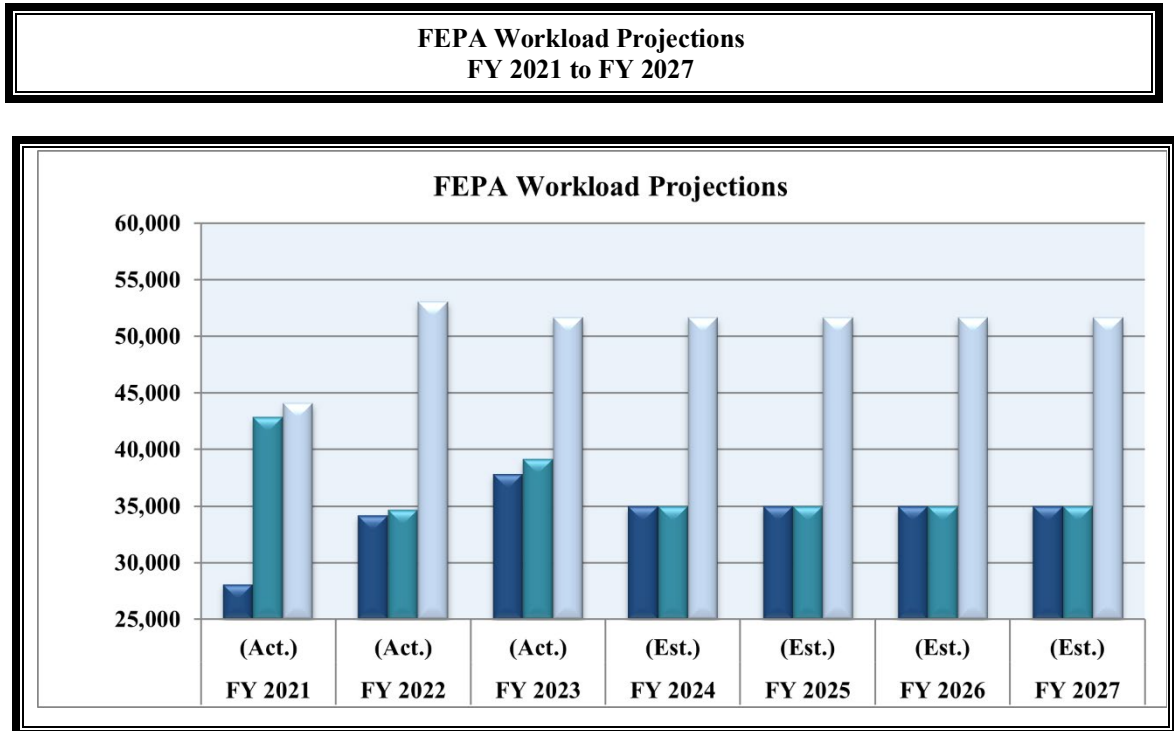
Further, the Administration has made a key priority of requiring all federal agencies to abide by our nation-to-nation federal government trust relationship with Native American tribes. To this end, in FY 2022 the EEOC, pursuant to Executive Order 13175, reported to the White House and kept updated in FY 2023, the agency's consultation policy and action plan that were created as a result of our consultation with Tribal Leaders. This engagement goes beyond previous agency efforts and enhances the EEOC's ability to reach tribal communities to ensure they know their rights under the laws enforced by the EEOC. This new EEOC endeavor involves outreach to Tribal Nations, well beyond the 62 TEROs with whom the agency has customarily contracted. This will likely increase the actual number of TEROs with whom the EEOC contracts in the future.

We have also continued to engage with our FEPA partners to implement the strategic goal that links the FEPAs' accomplishments to the EEOC's Strategic Plan. This includes mechanisms such as work-sharing agreements to encourage FEPA support of Strategic Enforcement Plan (SEP) priorities. During FY 2018 through FY 2023, we continued to provide training and guidance to the staff of our FEPA partners on a range of topics including charge processing and technical discussions. Additionally, in FY 2023, the EEOC increased the number of joint activities conducted with FEPAs. For the first time, the EEOC held a joint in-person FEPA and TERO conference at the beginning of the fourth quarter of FY 2023. Some sessions included both the FEPAs and TEROs while

other segments of the conference program were delivered on separate tracks to maximize our effort to provide training content best suited for the respective needs of our external partners.

Chart 5 below shows the actual FEPA receipts, total resolutions and pending inventory for FY 2021 – FY 2023, and projections for FY 2024 - FY 2027.

Chart 5: FEPA Workload Projections



Category	(Act.) FY 2021	(Act.) FY 2022	(Act.) FY 2023	(Est.) FY 2024	(Est.) FY 2025	(Est.) FY 2026	(Est.) FY 2027
Receipts	28,111	34,173	37,837	35,000	35,000	35,000	35,000
Resolutions	42,906	34,682	39,196	35,000	35,000	35,000	35,000
Pending Inventory	44,125	53,057	51,698	51,698	51,698	51,698	51,698

Systemic Program

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

The EEOC has worked to remove discriminatory obstacles to equal opportunity and to institute promising practices in thousands of workplaces. As a direct result of the EEOC’s systemic investigations and lawsuits, several thousands of workers have received jobs,

wages, and benefits and many more have benefited from positive changes in workplace practices. The EEOC's success rate for conciliation of systemic matters was 46 percent in FY 2023. In those cases that the EEOC was not able to resolve in the conciliation process in FY 2023, the EEOC achieved a 100 percent success rate in the systemic lawsuits resolved.

In FY 2023, the EEOC field offices resolved over 377 systemic investigations and obtained over \$29.7 million in remedies during the administrative process as well as targeted equitable relief designed to change employment practices, prevent future discrimination, and bring employers into compliance with the law. These resolutions included voluntary conciliation agreements in 82 systemic investigations in which the Commission had found reasonable cause to believe that discrimination occurred. At the litigation phase, the EEOC resolved 14 systemic suits in FY 2023, obtaining just over \$11.7 million for 806 victims of systemic discrimination and significant equitable relief.

To continue to reinvigorate and expand the agency's systemic program, the agency plans to fill positions for additional lead systemic investigators across the country in FY 2025 to augment the existing pool. These investigators are specially trained to identify and investigate systemic discrimination, obtain appropriate monetary relief for many aggrieved victims of discrimination, and targeted non-monetary relief to effectively change workplaces and prevent future discrimination. The skills needed to perform these tasks are specialized and distinct from the skills needed to investigate an individual or small class case. More systemic lead investigators will contribute to improving the number and quality of our systemic cases. Trial attorney hires will ensure that lead systemic investigators receive appropriate guidance and legal advice while investigating potential systemic violations. Additional labor economists and other experts will be hired to provide analytical support for systemic investigations, as well as consulting and testifying services for systemic litigation. Increased resources will be directed to key positions that will provide national systemic coordination.

In FY 2023, the agency held its first in-person systemic training conference in four years. This conference brought together lead systemic investigators, systemic coordinators, and a select number of attorneys from around the country with our staff of analytic experts in the Office of Enterprise Data and Analytics (OEDA) and the Office of General Counsel's (OGC) Research and Analytical Services (RAS). In addition, the EEOC held an in-person specialized training for the recently promoted lead systemic investigators. In FY 2024, the agency plans to have at least one in-person systemic training conference and one specialized systemic training for new lead investigators. The annual systemic training conference is invaluable to provide specialized skills training, exchange ideas, and strengthen the working relationships among agency offices, which is essential for this vital program to succeed. The specialized training will be especially beneficial as the agency promotes more investigators to lead systemic positions in FY 2024.

Litigation

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

In FY 2023, the EEOC resolved 98 merit lawsuits in the federal district courts for a total monetary recovery of just over \$22.6 million for 968 individuals, achieving a favorable result in 91 percent of all district court resolutions. From FY 2019 – FY 2022, the number of suit resolutions outpaced the number of new suit filings, resulting in a declining active docket in each of those years. The agency has begun to reverse this course with a significant infusion of new investigative and trial attorney staff as it rebuilds capacity after reaching a 40-year low point in staffing at the end of FY 2020. Many of the new attorney hires were placed in offices where staffing had been depleted by attrition or that historically have been understaffed despite significant need, notably in the southern region of the United States. In addition, at the end of FY 2022, the agency established a new Assistant Regional Attorney (ARA) position in each of its legal units to help facilitate the development and conduct of complex litigation, with particular attention on systemic discrimination.

As a result of these recent staffing enhancements and realignments, the agency filed 143 cases in FY 2023, representing a more than 50 percent increase over FY 2022 filings, and the second largest number of merits lawsuit filings by the EEOC in the past twelve years. Moreover, the FY 2023 lawsuits filed included 25 systemic cases, which are generally the most complex, large-scale, and resource-intensive of the agency's litigation. These filings were almost double the number of systemic filings in each of the past three fiscal years and the largest number of systemic filings since FY 2018. With additional resources, the agency expects that it will be able to maintain its significant level of enforcement as well as to file an even greater number of actions on behalf of America's workers, in all regions of the nation in FY 2025.

The resources requested will permit us not only to establish an upward trend in suit filings to remedy discrimination, but also to better support high-impact cases. This is important because a credible likelihood that the Commission will pursue systemic cases in court is a strong incentive for compliance and, if leveraged effectively, can help reduce the need for employees to file individual charges. The EEOC's cases will focus on challenges to systemic discrimination, including discriminatory barriers to employment, unlawful qualification standards, systemic racism, and patterns of sexual, religious, and other forms of harassment. In addition, cases will focus on other high priority issues, such as protecting the rights of LGBTQI+ individuals, protecting the rights of immigrants and

other vulnerable populations, addressing the continuing civil rights impact of the COVID-19 pandemic, and pay/compensation discrimination cases. We also expect to bring cases involving artificial intelligence and the use of automated systems in employment, particularly in the hiring process.

With the Commission's receipt of charges under the newly enacted Pregnant Workers' Fairness Act, the agency anticipates an uptick in its litigation filings involving claims of unlawful denial of reasonable accommodation for pregnancy, childbirth, or related medical conditions, as well as unlawful retaliation and interference. While the Commission has engaged in extensive outreach and training to covered entities to ensure compliance with these new PWFA obligations and will continue to pursue voluntary compliance, it is expected that litigation will be necessary to achieve compliance in many instances given the large number of employees across industries and types of employment who may request and be entitled to accommodations.

Further, the agency expects potential increased litigation and amicus curiae participation as lower courts apply new Supreme Court jurisprudence involving the federal EEO statutes. For instance, both the Supreme Court's recent decision in *Groff v. DeJoy* clarifying the undue hardship defense for Title VII religious accommodation and the Court's anticipated decision during the 2023-2024 term in *Muldrow v. St. Louis* addressing types of employment actions subject to Title VII protections, may result in selected Commission litigation applying and interpreting Title VII as clarified under the new precedents. Moreover, the agency anticipates it will file lawsuits relating to claims of workplace discrimination based on national origin or religion in the wake of violence in Israel and Gaza.

At the end of FY 2023, the Office of General Counsel had 160 trial attorneys employed nationwide. With this proposed budget, in FY 2025, the agency plans to strategically hire much-needed additional trial attorneys in field offices and a limited number of new attorneys and in-house analytic experts in headquarters, and to continue backfilling attorney vacancies when they occur so that the agency can preserve and increase the demonstrated results in its litigation program. These hires will help ensure that each district is appropriately staffed and supported, will equip the agency to continue rebuilding its docket and litigate high-impact cases, across the nation, and provide increased legal support and guidance to the agency's investigative staff. In addition, as its docket expands, the agency expects increases in litigation expenses. Much of the agency's litigation requires depositions, expert witness contracts, and litigation support expenses. As the effects of the pandemic recede further and more courts return to in-person proceedings, the agency expects an increase in travel expenses. The agency also plans to continue its investments in training and litigation technology. Investments in infrastructure will better position the agency to advance its civil rights mission.

2. Federal Sector Programs

Section 717 of the Civil Rights Act of 1964, as amended; Section 501 of the Rehabilitation Act of 1973, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963; the Genetic Information Nondiscrimination Act of 2008; Pregnant Workers Fairness Act of 2022 (PWFA), the Government Employee Rights Act (GERA) of 1991; and Executive Order (EO) 11478, as amended by EOs 12106,

13087, and 13152; and EOs 13145, 13164, 13548, 13985, and 14035 provide the Commission with its mandate that all federal personnel decisions be made free of discrimination, and requires 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 and the President gave the EEOC oversight responsibility over EEO programs in the federal government to ensure that equality of opportunity is provided to the nearly 2.1 million people across the country and around the world who have dedicated their careers to public service. EEOC Management Directive 715 (MD-715) is the roadmap that guides federal agencies in identifying and removing barriers to equal employment opportunity so that the American people have a model federal work force that fully reflects the contributions, skills, and talents of all its employees. Additionally, the EEOC Management Directive 110 provides federal agencies with Commission policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Commission's regulations in 29 C.F.R. Part 1614

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 federal agency accused of discrimination is responsible for informal counseling, and, if a complaint is filed and that complaint is accepted, the federal 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 federal agency's final decision, or final action after a hearing, may be appealed to the Commission.

On January 1, 2021, Congress enacted the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 or the Cummings Act. The Cummings Act amended the No FEAR Act that requires that federal agencies post findings of discrimination (including retaliation) from any final action of the agency, the EEOC, or a court of jurisdiction, after all appeals are exhausted. Agencies must publish each notice for one year.

Federal Sector Enforcement Activities

The EEOC enforces statutes that require all federal agencies to establish equal employment opportunity programs for all federal employees and job applicants. The EEOC has adjudicatory responsibilities in the federal EEO complaints process as well as oversight responsibilities to ensure that agencies are compliant with all of the Commission's regulations, decisions, policies, and directives.

The EEOC strives to make sure that the federal government is the leader in establishing a workplace that is inclusive and free from barriers. This environment empowers employees to attain outstanding outcomes in their service to the nation. Concurrent with these efforts, federal agencies must position themselves to attract, develop and retain a highly qualified workforce that can deliver results. Equal opportunity in the federal workplace is key to accomplishing this goal.

Federal Sector Improvements – Hearings

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

In FY 2023, through the federal sector hearings program, the EEOC secured more than \$181.6 million in benefits for federal workers (a 45 percent increase from FY 2022). Notably, this relief included over \$85 million in settlements of significant federal sector class action cases.

During FY 2023, the Commission received a total of 6,641 hearings requests, which reflects a decrease of 2.1percent compared with the number received in FY 2022 (6,785). Additionally, in FY 2023, the Commission’s hearings program resolved a total of 8,669 complaints, with a focus on resolving older cases and utilizing case management strategies to balance field inventories through the resolution of older cases and the closure of incoming cases. During FY 2023, resolutions resulted in a 96.8 percent reduction of pending cases that were between 600 and 999 days old, and a 95.1 percent reduction of pending cases that were over 1,000 days old. The focus on aged cases also resulted in a 25 percent reduction in the average age of the overall pending federal hearings inventory.

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

We project, as shown in Table 6 on the next page, a focus on processing enhancements implemented and level staffing, ensuring pending inventory levels do not significantly increase.

Table 6: Hearings Workload Projections

Hearings Workload Projections FY 2021 to FY 2027							
Workload	FY 2021* (Actual)	FY 2022* (Actual)	FY 2023 (Actual)	FY 2024 (Estimate)	FY 2025 (Estimate)	FY 2026 (Estimate)	FY 2027 (Estimate)
Hearings Beginning	11,666	10,227	7,657	5,642	5,972	6,802	7,882
Receipts	7,664	6,785	6,641	7,000	7,500	7,750	8,000
Consolidations	(23)	(18)	(8)	(20)	(20)	(20)	(20)
Total Workload	19,307	16,994	14,290	12,622	13,452	14,532	15,862
Resolutions	9,082	9,336	8,669	6,650	6,650	6,650	6,650
Pending	10,225	7,657	5,642	5,972	6,802	7,882	9,212

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

These workload projections include the positive impact we anticipate with the full implementation of the Federal Case Management System.

The key feature of the hearings Case Management Plan is the requirement that the EEOC’s AJs hold an initial conference at the start of the hearings process. The underlying principle is that early proactive intervention by the AJ, especially prior to the start of discovery by the parties, will lead to more efficient adjudication of cases and an overall reduction in the time and resources spent on a case. The results from the hearings Case Management System are positive. The initial conferences facilitate settlement and set the parties’ expectations and provide an opportunity to discuss how much discovery is needed. Identified benefits include: 1) early education; 2) early mediation; 3) early identification of issues/partial dismissals/amendments; 4) fewer motions; and 5) greater time to dedicate to the more substantial and complicated cases, and to conduct research on novel issues. We will continue to evaluate and quantify the efficiencies gained through this Case Management System while also working to identify the most effective practices to increase efficiencies across the agency.

The agency continued its focus on expanding the use of technology to make the federal hearings and appeals process faster and more effective. For more than eight years, the EEOC has provided agencies with a digital method for submitting complaint-related documents. During FY 2015, this digital process was enhanced and integrated into our Federal Sector EEO Portal (FedSEP). The EEOC Public Portal also provides complainants with the capability of accessing hearings and appeals cases, uploading, and transmitting hearings and appeals-related documents, and receiving hearings-related documents issued by the agency and the AJ, as well as the appellate decisions issued by the Commission.

The system also allows complainants to request a hearing or appeal online; and to review the status of the hearing or appeal case. In addition to the gains in efficiency and cost savings, these technological innovations will make the hearings and appeals process more transparent for all parties and help reduce the agency's reliance on support staff to prepare and scan paper documents received by the parties.

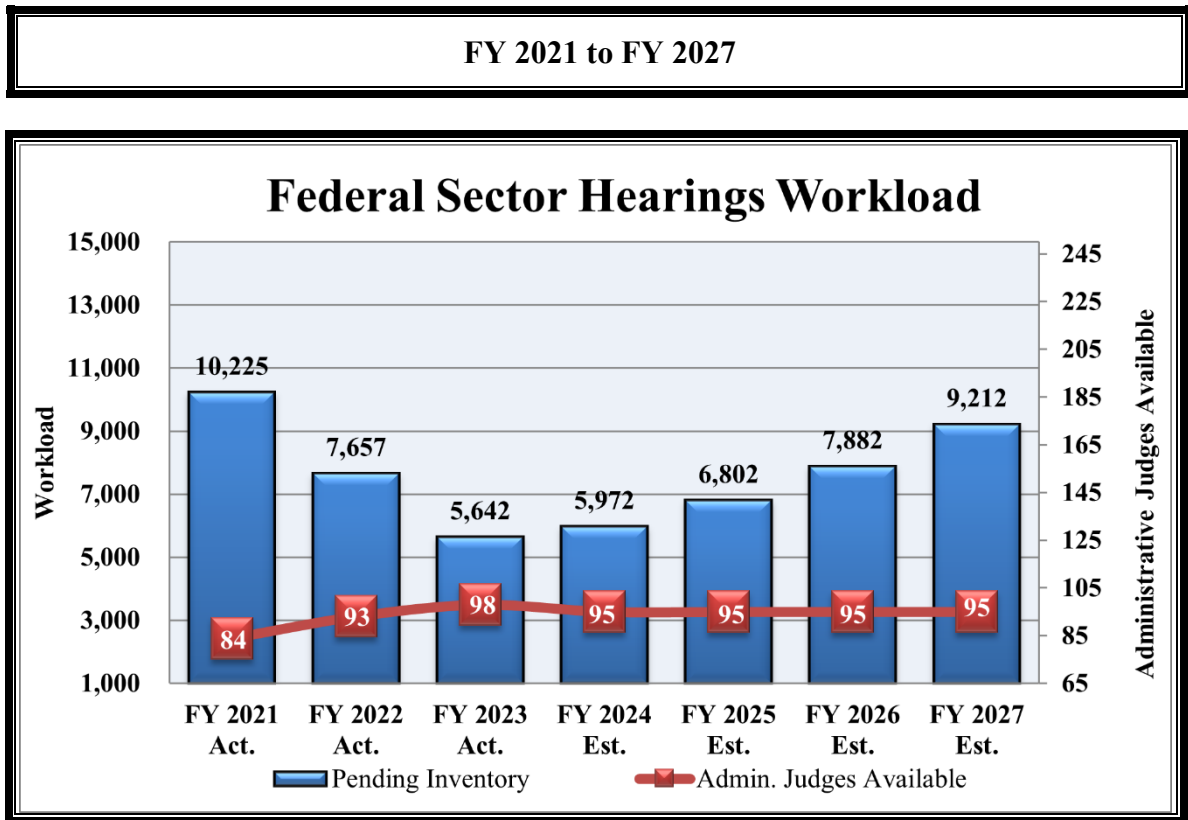
Priorities for the federal sector hearings program included exploring additional tools to leverage technology in order to increase both the quality and efficiency of decisions issued by its AJs, thereby helping to manage the growing hearings inventory. The EEOC has made similar case management efforts with respect to class actions filed against the federal government and adjudicated by the hearings program. During FY 2023, approximately 40,000 federal individual employees were included in several class actions. Such investments will further improve service and increase efficiencies for federal employees and federal agencies utilizing the federal sector hearings process.

In FY 2023, the EEOC continued the "AJ Academy," the first national training program for AJs, which was launched in FY 2022. The AJ Academy provides effective and consistent legal education, case updates, and case management best practices on a yearly basis.

Further, through coordinated collaboration between the EEOC's Office of Field Programs and Office of Federal Operations, the EEOC continued the Federal LINKUP initiative, which launched during FY 2022. LINKUP facilitates consistency and communication within the EEOC's federal sector community.

Chart 6 on the next page demonstrates the workload and number of AJs assigned to handle hearings complaints for FYs 2021 through 2023 and projections for FYs 2024 through 2027. The increases in resolutions in FYs 2021 and 2022 reflect the continued use of the case management procedures highlighted above. The decline in inventory levels has allowed for more timely processing of both newly filed and older cases using the enhanced procedures. We anticipate this prompting a decline in the pending inventory through FY 2024, then a modest but manageable increase thereafter.

Chart 6: Federal Sector Hearings Workload



Federal Sector Appeals Programs

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

The appellate decisions issued by the Commission develop and promulgate the Commission's policy and legal interpretation on emerging and evolving civil rights law that impacts not only the federal sector, but also workers and employers throughout the nation. Finally, the EEOC's federal sector appellate decisions serve to educate federal sector complainants, federal agencies, and the public sector about the law; guide federal agencies in their efforts to become model workplaces; and advance the public interest in eradicating discrimination in federal employment. To this end, the EEOC's appellate decisions are disseminated to several commercial publishing services as well as posted on the Commission's website. In addition, the EEOC's website identifies noteworthy decisions on current legal topics.

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

Table 7: Appeals Workload Projections

FY 2021 to FY 2027							
Workload	FY 2021 (Act.)	FY 2022 (Act.)	FY 2023 (Act.)	FY 2024 (Est.)	FY 2025 (Est.)	FY 2026 (Est.)	FY 2027 (Est.)
Appeals Beginning	3,381	3,416	3,503	4,116	8,628	3,983	4,688
Receipts	4,207	4,212	4,343	8,618	4,838	4,418	4,418
Total Workload	7,588	7,628	7,846	12,734	13,466	8,401	9,106
Resolutions	4,172	4,125	3,730	4,106	9,483	3,713	3,780
Pending	3,416	3,503	4,116	8,628	3,983	4,688	5,326

Table 7 above identifies the actual workload for FYs 2021, through 2023, and projected workload for FY 2024 through FY 2027. The workload reflects a steady increase in appellate inventory resulting from a projected increase in appeals received in FY 2023 due to a surge in AJ resolutions and other pilot projects, while attorney staffing remains level, with a significant projected increase in appeals received in FY 2024 in connection with the adjudication of a nation-wide class action with over 25,000 class members.

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

The EEOC's federal sector appellate program has been engaged in ongoing efforts to improve quality by addressing circumstances and interactions essential to creating a high-functioning, dynamic environment, and seeking broader collaboration with the EEOC's other federal sector components. In this effort, the EEOC's federal sector appellate program identified several areas on which to focus improvement, including handling large caseloads with limited resources; improving communication between the EEOC's federal

sector hearings, appellate adjudication, and agency oversight components; streamlining process enforcement and accountability outside of the EEOC's federal sector appellate program to complete cases in a timely manner; and acknowledging and recognizing the efforts and accomplishments of EEOC staff.

The EEOC has been successful in managing its appellate inventory in part through improvements in technology. The EEOC has reaped the benefits in efficiency and cost savings resulting from FedSEP and the Public Portal, the digital infrastructure established for the exchange of hearings and appeals related documentation. Further, the EEOC has continued to provide technical assistance to agencies and made numerous refinements to the Portal used by federal agency EEO professionals and attorneys based on their feedback. For complainants, the EEOC continues to encourage and educate complainants on the use of the EEOC Public Portal. The EEOC promotes complainants' use of the Public Portal by requiring federal agencies to proffer the Portal as one means of filing requests for hearings and appeals; notifying complainants of the existence and efficiency of using the Portal in acknowledgment letters; and including the Portal as an optional filing tool in recent revisions to its regulations.

In addition to leveraging technology to improve the processing of appeals, the EEOC is using its Case Management System to bring consistency and greater efficiencies to the processing of federal sector matters through the early categorization of appeals.

Promptly identifying emerging and priority issues is vital in advancing Commission goals. Cases involving issues of racial justice, intersectionality, systemic discrimination, pay equity and unlawful retaliation can be identified and prioritized.

The EEOC's federal sector appeals program has begun implementing a plan to establish a Case Assessment Group to ensure that we are effectively managing caseloads and identifying cases with broader impact. As envisioned, this group would be comprised of paralegals working in concert with EEOC federal sector attorneys to engage in a robust system of case assessment and categorization soon after appeals are filed.

In addition, at this initial assessment, cases involving Commission priorities are identified and directed to the appropriate groups/teams for processing. Once fully created, the group would be able to conduct more extensive assessments soon after appeals are filed by identifying cases where the appellate decision could result in a broader and more systemic impact, establish precedent-setting legal analysis, and/or further the EEOC's federal sector proactive prevention efforts.

The EEOC will continue to enhance its security requirements for its key staff and offices. Security enhancements consist of the security clearances for certain program officials (AJ's, appellate attorneys, senior staff). These measures will help to ensure full, fair, and impartial adjudication of EEO complaints of certain hearings and appeals in which the intelligence community (IC) and Department of Defense (DoD) agencies are impacted.

The EEOC's appellate program also implemented a process for reviewing and streamlining the processing of high priority resolutions, thus providing the federal sector appellate program more opportunity to focus on appellate resolutions. Through this process, issues

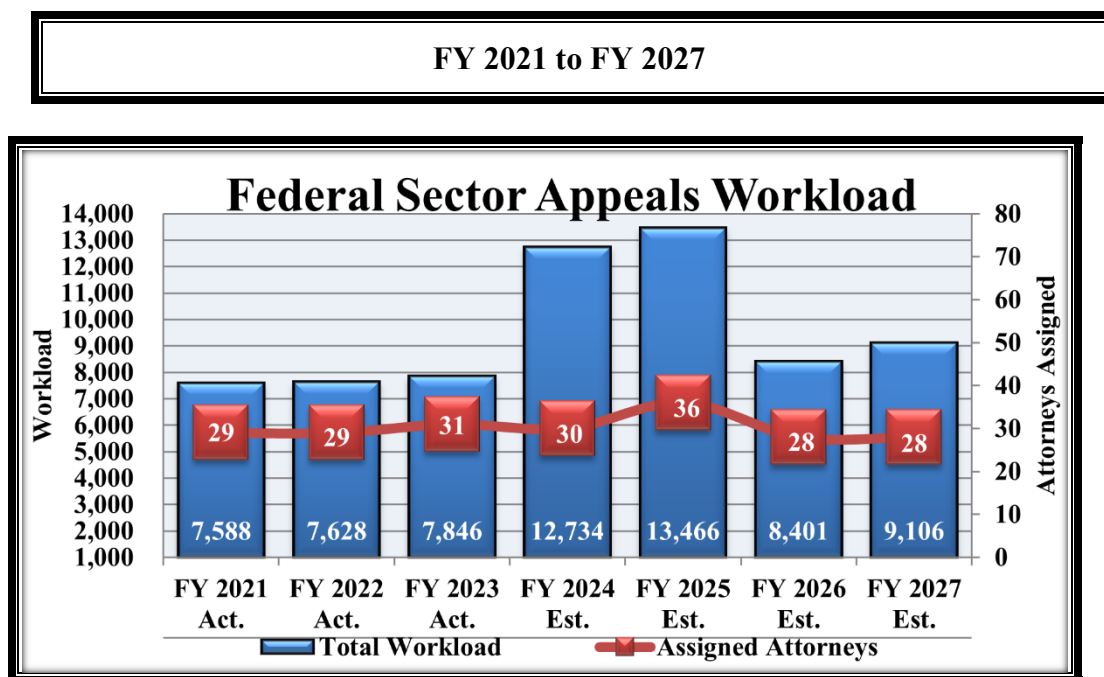
are vetted, discussed, and resolved, thus expeditiously streamlining the path for the resolution of the case.

The Federal Sector Quality Practices Plan continues to ensure the delivery of excellent and consistent service in the EEOC’s adjudication of federal sector hearings and appeals and fulfill the Commission’s oversight responsibilities for ensuring federal agencies’ compliance with EEO laws. To manage the federal sector appellate inventory while providing excellent customer service to our stakeholders, we have implemented a more robust targeted case management plan. Goals are focused on resolving aged inventory while concurrently resolving a significant number of new appeals within 180 days. In addition, the cases involving Commission priorities have been expeditiously processed to establish precedent in new and emerging areas of employment law. For example, cases involving priorities set forth in the Strategic Enforcement Plan have been issued involving sexual orientation discrimination issues, Equal Pay Act matters, Pregnancy Discrimination Act cases, Genetic Information Nondiscrimination Act, and class actions.

As a result of these efforts, at the end of FY 2023, the EEOC had issued 3,730 appellate decisions and made 78 findings of discrimination. During this same period, the EEOC's appellate program secured \$21.1 million in monetary relief for victims of discrimination in the federal sector. In addition, the EEOC's federal appellate program issued 64 decisions that addressed one or more of the priority issues identified in the EEOC's Strategic Enforcement Plan (SEP).

Chart 7 below identifies the actual workload inventory and number of attorneys assigned to adjudicate appeals of EEO complaints for FYs 2021, 2022 and 2023, and projections for FYs 2024 through 2027.

Chart 7: Federal Sector Appeals Workload



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

Oversight of Federal Agencies' EEO Programs

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

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

For FY 2023, the EEOC established several technical assistance goals. The first was to ensure that 90 percent of agencies have compliant reasonable accommodation procedures by the end of FY 2023. To meet this goal, our staff discussed the status of the procedures with the agencies during technical assistance meetings and provided written feedback to agencies, upon request. During FY 2023, 182 out of 198 agencies, or 91.9 percent of federal agencies that received EEOC feedback had compliant reasonable accommodation procedures. The EEOC also established a goal ensuring that 75 percent of federal agencies had a compliant anti-harassment policy by the end of FY 2023. By the end of FY 2023, the FY 2023 goal was met, as 80.3 percent, or 163 out of 203 federal agencies that received

FSP feedback had compliant anti-harassment policies. Moreover, the EEOC established a goal to conduct 55 technical assistance visits with agencies in FY 2023 and issue a feedback letter within 180 days of each visit. Throughout FY 2023, the EEOC staff have conducted 68 technical assistance visits with agencies and timely issued 97 percent of the feedback letters.

The EEOC continues to conduct research that it shares with agencies to assist them in maintaining continuing affirmative employment programs to promote equal opportunity and to identify and eliminate any barriers to full and fair workplace participation. In FY 2023, the EEOC issued the following reports and legal articles and made them available on our public website.

- Annual Report on the Federal Workforce FY 2020.
- Alternative Dispute Resolution in the Federal Sector.
- Promising Practices for Preventing Harassment in the Federal Sector.
- Second Chances Part I - Federal Employment for Workers with Past Arrests or Convictions.
- Second Chances Part II - History of Criminal Conduct and Suitability for Federal Employment.
- Timeliness of Merit Final Agency Decisions in the Federal Sector.
- The Offer of Resolution Settlement Procedure in the Federal Sector.

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

Through the EEO Education Consortium, a 1,000+ member community of practice, the EEOC offers learning opportunities, networking events, and a federal mentoring program to engage current EEO practitioners and leaders. The Federal Mentorship Program piloted in FY 2023 with 86 participants and 42 matched mentor/mentee pairs. The mentoring program included six interactive sessions for participants and culminated with a Completion Ceremony. Participant comments and feedback underscored the development gap filled through this program, which provided a venue for growth and development of future EEO leader and current practitioners.

The EEOC also made significant strides in broadening the Commission's reach by way of no-cost outreach initiatives such as webinars, online information sessions, and social media. The EEOC staff delivered 14 no-cost webinars and 12 podcasts to the federal community on various current and novel EEO and DEIA issues.

Alongside the effort to expand its presence on social media platforms for better stakeholder engagement, the EEOC actively took part in notable stakeholder conferences, including those organized by Asian American Government Executive Network, Blacks in Government, Federal Dispute Resolution, Federal Asian Pacific American Council,

League of United Latin American Citizens, and the EEOC-hosted EXCEL Conference. Through these conferences, the staff delivered training, offered updates, and shared educational information with a variety of stakeholders.

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VII. STRATEGIC GOAL II - Prevent employment discrimination and advance equal employment opportunities through education and outreach.

A. Introduction

Investigations, mediations, conciliations, and litigation are only some of the means that the EEOC uses to fulfill its mission and vision. Title VII, expressly requires the agency to engage in education and outreach activities, including providing training and technical assistance, on the laws enforced by the EEOC. Strategic Goal II, to prevent employment discrimination and advance equal employment opportunities through education and outreach, reflects the EEOC's obligation to deter employment discrimination before it occurs. Educational and outreach programs, projects, and events are also cost-effective law enforcement tools because they promote understanding of the law and voluntary compliance. All parties benefit when the workplace is free of discrimination, and everyone has access to equal employment opportunity.

There are two objectives for Strategic Goal II:

Strategic Objective II.A: Members of the public are aware of employment discrimination laws and know their rights and responsibilities under these laws; and

Strategic Objective II.B: Employers, federal agencies, unions, and staffing agencies have the information and guidance necessary to advance equal employment opportunity, prevent discrimination, and effectively address EEO issues.

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

The EEOC has a robust education and outreach program that provides both free and fee-based opportunities for stakeholders and the public. In FY 2023, the EEOC provided free and fee-based training on rights and responsibilities under its statutes to 314,199 individuals at 3,318 events.

The EEOC often cooperates with other agencies in the performance of educational and outreach activities. The EEOC's 90 State and local FEPAs and the approximately 62 TEROs, discussed above, are important partners in this regard, as are the Department of Labor's Office of Federal Contract Compliance Programs and the Department of Justice's Civil Rights Division.

The EEOC's efforts to strengthen and focus its education and outreach activities have included increasing its use of technology and expanding the EEOC's social media

presence. The EEOC's website provides critical educational materials, including information on the laws the agency enforces, the private sector charge and federal sector complaint processes, data, and research. The agency has continued to make progress toward making its website more user-friendly and accessible. The EEOC's Strategic Plan emphasizes the need to leverage technology to directly reach the agency's varied and wide-ranging audiences – including employees, jobseekers, employers, unions, employment agencies, attorneys, judges, civil rights and other organizations, issue advocates, and policymakers. In addition, the EEOC continues to enhance its use of social media to promote its education and outreach activities and to encourage greater use of the website.

With a continued focus on providing clear, easy-to-understand materials for a diverse array of audiences, the Strategic Plan also provides that the EEOC will review its sub-regulatory documents and update or augment them as appropriate with accessible and plain language materials.

Finally, in addition to the private sector outreach discussed above, continued emphasis on outreach and education in the federal sector is equally important to the EEOC's efforts to promote broad compliance with federal workplace anti-discrimination laws. In FY 2022, the EEOC built upon its robust education and outreach program that focuses on both free and fee-based education and training opportunities in the federal sector and leveraged the use of technology to strengthen and expand the impact of its federal sector education and outreach activities. In total, the EEOC delivered nearly 200 federal sector outreach, education, and training events, and provided more than 18,000 federal sector employees and EEO professional with information about employment discrimination and their rights and responsibilities in the workplace. This Plan leverages these activities and relationships to drive the creation of a government-wide network to provide information about leading practices in the Federal Sector.

The EEOC developed four performance measures to track its progress in achieving the objectives for Strategic Goal II.

B. Performance Measures and Results

Performance Measure 8 for Strategic Objectives II.A. and II.B.: By FY 2026, the EEOC leverages technology, analytics, and innovative outreach strategies to provide members of the public greater access to information about their rights and responsibilities.

Year	FY 2022	FY 2023
Target	The agency will implement and report on at least four projects in which it has leveraged technology, analytics, and innovative outreach strategies to increase access to information to vulnerable communities consistent with the Strategic Enforcement Plan (SEP).	The agency will implement and report on at least four projects in which it has leveraged technology, analytics, and innovative outreach strategies to increase access to information to vulnerable communities consistent with the SEP.
Results	The EEOC implemented at least four projects in which it leveraged social media, videos, and translated webpages to increase access to information to vulnerable communities consistent with the Strategic Enforcement Plan, specifically it implemented social media campaigns on race and color discrimination, pregnancy, and Youth@Work; posted Spanish language videos and an American Sign language video; and posted an additional 18 translated webpages in 6 languages, 52 new documents in Spanish and 18 press releases in Spanish.	During FY 2023, the EEOC implemented at least four projects in which it leveraged social media, videos, and translated webpages to increase access to information to vulnerable communities consistent with the SEP. Specifically, it coordinated updates and revisions to the Know Your Rights Poster, implemented social media campaigns on pregnancy, equal pay, and reasonable accommodations for individuals with disabilities, and added additional translated webpages.
Target Result	Target Exceeded	Target Exceeded

Performance Measure 8 focuses on using technology, analytics, and innovative outreach strategies to strengthen and expand the impact of the EEOC’s education and outreach activities in reaching vulnerable communities consistent with the EEOC’s SEP. This will be accomplished by utilizing analytics and metrics to directly measure the impact of each effort to reach communities. If the effort is successful, it should be incorporated into the EEOC’s efforts moving forward. If the effort does not reach the intended audience – balancing the level of effort with the results-then the technology or strategy should be modified. By using this process, the EEOC can continue to grow and expand its ability to reach vulnerable communities with information critical to expanding equal employment opportunity.

The FY 2023 target for Performance Measure 8 was for the EEOC to implement and report on at least four projects in which it has leveraged technology, analytics, and innovative outreach strategies to increase access to information to vulnerable communities consistent with the SEP.

During the fiscal year, the agency increased access to information by leading the effort to update the agency’s “[Know Your Rights](#)” poster, which was originally released in October

2022. Covered employers are required by federal law to prominently display the poster at their work sites. The poster summarizes the laws enforced by the EEOC and explains to employers their legal responsibilities under those laws. It also describes workers' rights and explains how to contact the EEOC for assistance if an employee or an applicant wants to file a charge of discrimination. A further updated Know Your Rights Poster was posted in June 2023 to reflect changes required by the Pregnant Workers Fairness Act (PWFA).

The EEOC included a QR code to the agency's "How to File a Charge" page on the poster so individuals could more easily access that information particularly vulnerable populations who are viewing a physical copy of the poster and may not have easy access to a computer. The poster is available in English and was translated into and made available in 8 languages – Spanish, Arabic, Chinese (simplified and traditional), Haitian Creole, Korean, Russian, Tagalog, and Vietnamese. Previously, the poster had only been available in English, Spanish, Arabic, and Chinese. Audio files were posted, for the first time, in English and Spanish.

The agency implemented several social media campaigns, one of which focused on reasonable accommodations for individuals with disabilities to coincide with the 50th Anniversary of the Rehabilitation Act. Another campaign was aimed at workers who may be unaware of their rights to equal pay. Because June 21, 2023, marked the 60th Anniversary of the Equal Pay Act, the EEOC initiated a type of social media campaign that had never previously been undertaken at the EEOC.

As part of the Instagram-focused campaign, EEOC leaders, other public officials, charging parties, celebrities, and the public were asked to make short videos explaining why equal pay is important to them. In the two weeks after the campaign launched, the agency reached 23,000 accounts, including 20,000 non-followers, allowing the EEOC to reach people who do not generally see the agency's content. As a result, the agency reported a 10 percent increase in followers.

Because the PWFA was enacted on December 29, 2022, creating, and distributing information aimed at vulnerable workers who were unaware of the new law or reluctant to exercise their rights was an important priority in FY 2023. The EEOC created a number of informational products to inform workers and employers about the new law and their rights and responsibilities under the PWFA, including infographics, a poster for health care providers to post in patient waiting rooms, [Know Your Rights videos](#), and a [webinar for employers](#).

The agency distributed information about the PWFA through a variety of means, including social media, print, and online media outlets, and to subscribers of EEOC news, reaching millions of people.

The EEOC posted an additional 162 new pages of content in languages other than English, including adding materials in traditional Chinese, bringing the total amount of content to over 600 webpages. Consistent with the SEP, providing additional access to information to individuals with limited English proficiency will enable the EEOC to reach vulnerable workers in their native language.

Performance Measure 9 for Strategic Objectives II.A. and IIB: By FY 2026, participants in outreach, training, and technical assistance programs indicate either an improvement in an employment policy, practice, or procedure (employer representatives), or an increased knowledge of the laws the EEOC enforces (individuals) as a result of their participation.

Year	FY 2022	FY 2023
Target	Begin development of mechanism for reporting on agency-wide outreach events and feedback.	Develop mechanism for gathering participant feedback.
Results	Development initiated and implemented through the EEOC Training Institute that evaluated prior survey measures and issued new FY 2022 surveys at the EEOC's 25 th annual Examining Conflicts in Employment Laws (EXCEL).	Through its Outreach Training and Engagement Division (OTED), the agency developed a mechanism for gathering participant feedback using surveys from national training participants as test populations. EEOC's Training Institute continued to implement the feedback from all (in-person and virtual) workshops, courses, conferences, and Customer Specific Training (CSTs) for private sector, state, and local government employers, federal national courses, and federal agency training sessions, and the 26th Annual EXCEL Conference held on July 31-August 2, 2023. In addition, District offices held listening sessions with external stakeholders and stakeholder feedback provided insight into results achieved.
Target Result	Target Met	Target Met

Under the prior Strategic Plan, the Commission's outreach and education efforts were in part measured by the number of sustained partnerships established and maintained with organizations that represented: 1) vulnerable or underserved communities, and 2) small and new businesses. The current Plan focuses on the qualitative impact of the outreach provided to the EEOC's partners and the public. While not all participants will make a change to a policy or increase their knowledge of the laws the EEOC enforces, this measure can provide the agency with information about common gaps in knowledge, as well as effective ways to communicate with audiences. By using this information in planning and implementing outreach efforts, the agency can have a positive impact on preventing discrimination and advancing equal employment opportunity.

The FY 2023 target for this measure was to develop a mechanism for gathering participant feedback to be used for future planning and outreach efforts. During the fiscal year, the agency developed a mechanism for gathering participant feedback using a survey of national training participants as test populations. Data collection began in January 2023 and included measures of knowledge before and after training. The current national course

average is that 72 percent of learners experienced a measurable increase in knowledge after training.

Performance Measure 10 for Strategic Objectives II.A. and II.B.: By FY 2026, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.

Year	FY 2022	FY 2023
Target	Begin development of priority lists of existing guidance, technical assistance, and training materials for review and development.	Create cross functional group and begin review and update of at least two resource or guidance documents on priority list.
Results	N/A**	In FY 2023, the agency updated four EEOC technical assistance/resource documents; completed four plain language training materials and resource documents; and initiated two priority guidance documents.
Target Result		Target Exceeded

** N/A – Not applicable for FY 2022 reporting.

Performance Measure 10 will ensure that the EEOC’s sub-regulatory guidance documents and resource materials are updated to use plain language. The target for FY 2023 was to establish a cross-functional group and begin review and update of at least two resource or guidance documents on priority list. The agency’s enforcement work in the private and public sectors, 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 the EEOC enforces and how to comply with them. While the regulations issued by the Commission set the basic legal framework for the implementation of those laws, sub-regulatory materials, including the EEOC’s Compliance Manual, provide more tangible assistance to those with rights and responsibilities under such laws. These materials may require a vote of the Commission and may include a range of guidance material, best practices, Q&A’s, website resources, outreach materials, /and fact sheets.

In FY 2023, the EEOC issued the following new or updated agency technical assistance documents:

- Hearing Disabilities in the Workplace and the Americans with Disabilities Act (ADA), issued January 4, 2023;
- COVID-19 technical assistance materials, updated May 15, 2023;
- Selected Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII, issued May 18, 2023; and
- Visual Disabilities in the Workplace and the ADA, updated July 26, 2023.

The EEOC also updated or created the following agency resources and training materials to provide more understandable, plain language information for stakeholders about the laws enforced by the EEOC and the rights and responsibilities of stakeholders:

- ASL Video to explain the Hearing Disabilities-related technical assistance referenced above, issued April 3, 2023.
- Know Your Rights poster, issued on Oct. 19, 2022, and then again on July 27, 2023 (to incorporate the PWFA).
- Youth@Work Human Trafficking page, launched on July 27, 2023.

Performance Measure 11 for Strategic Objective II.A: Develop a federal government-wide network and repository to share EEO resources and leading practices that are occurring across the federal government.

Year	FY 2022	FY 2023
Target	Develop framework for plan for network and repository.	Complete plan for network and repository, including stakeholder input.
Results	Successfully developed a framework for network and repository.	In FY 2023, the EEOC, through its Outreach Training and Engagement Division (OTED), created a DEIA repository outline, with content including leading practices, position descriptions, and training. The EEOC Education Consortium (EdCon) was developed in part to provide educational materials for federal sector EEO practitioners. The repository outline will be housed on the EEOC EdCon site, and the entire website will be updated, in addition to the creation of the repository, to centralize all the EEO and EdCon specific resources.
Target Results	Target Met	Target Met

Performance Measure 11 builds on the leadership and guidance the EEOC provides to federal agencies on all aspects of their EEO programs. As part of this role, the EEOC ensures federal agency compliance with federal sector regulations; provides technical assistance to federal agencies concerning EEO complaint adjudication; monitors and evaluates federal agencies' affirmative employment programs; produces an annual report on federal sector complaint processing, appellate case processing, and compliance; produces reports on significant issues and government-wide trends in the federal sector; develops and distributes federal sector educational material; and conducts training for stakeholders. The EEOC embraces and recognizes the value of proactive prevention. Thus, in addition to taking remedial actions when agencies fail to comply with the EEOC's appellate orders, regulations, or directives, the EEOC continues and enhances its practice of providing technical assistance to agencies on a routine basis before problems arise.

This measure leverages the EEOC's existing work and partnerships to develop a government-wide network and repository for EEO resources and leading practices. The goal of the new network and repository is to facilitate better communication across agencies and create a means for the sharing of practices that will positively impact equal employment opportunity in the federal workplace.

The FY 2023 target for Performance Measure 11 was to complete a plan for a network and repository, including stakeholder input. During FY 2023, the agency through its Outreach Training and Engagement Division (OTED) created a DEIA repository outline, with content including best practices, position descriptions, and training. The EEOC Education Consortium (Edcon) was developed in part to provide educational materials for EEO Practitioners. The repository outline will be housed on the EEOC Edcon website, and the entire website will be updated, in addition to the creation of the repository, to centralize all the EEO and Edcon specific resources. The repository and website update are aimed to showcase materials created by EEOC and additional federal agencies with expertise in DEIA and with extensive EEO knowledge. The outline has been presented to stakeholders for review and feedback. OTED's Edcon Team has also successfully created a network with over 900 members.

The materials and resources for the repository are currently being collected. The website will be continuously updated with new materials and current information. Stakeholders including the Edcon Advisory Board, consisting of members from all cabinet agencies, have and will continue to be included in the process. OTED will continue to grow the Edcon Contact list and their social media platforms.

VIII. STRATEGIC GOAL III – Strive for organizational excellence through our people, practices, and technology.

A. Introduction

Strategic Goal III, achieving organizational excellence, seeks to improve management functions with a focus on people, service to the public, information technology, infrastructure enhancement, and accountable financial stewardship. These areas are cross-cutting and require integration and coordination to promote organizational excellence from internal and external perspectives.

For the EEOC to accomplish Strategic Goals I and II, it must ensure excellence in its people and the service it provides to the public, as well as its effective management of financial and technological resources. Strategic Goal III is both stewardship-focused and operational. In recognition of this, and to ensure the agency is held accountable for improving its operations where necessary, the Commission is including Organizational Excellence as a goal in its Strategic Plan.

There are two objectives for Strategic Goal III:

Strategic Objective III.A.: The EEOC achieves a culture of accountability, inclusivity, and accessibility.

Strategic Objective III.B.: Resources align with priorities to strengthen intake, outreach, education, enforcement, and service to the public to protect and advance civil rights in the workplace.

The EEOC developed four performance measures to track its progress in achieving its objectives for Strategic Goal III.

B. Performance Measures and Results

Performance Measure 12 for Strategic Goal III.B.: Effectively allocate people and resources to accomplish agency mission goals, within budgetary limitations.

Year	FY 2022	FY 2023
Target	Staff the agency at its authorized Full Time Equivalent (FTE) levels and increase the total number of employees to effectively enforce EEOC laws and achieve the Agency’s mission. Enhance efforts to recruit, hire, train, develop and retain a broadly diverse workforce, including veterans, members of underrepresented groups, and individuals with disabilities, that is as effective as possible in serving America’s racially, ethnically, and culturally diverse population of workers.	Maintain the EEOC’s authorized FTE levels through hiring and retention and the use of nontraditional talent pools and ensure the hiring process is accessible to underrepresented groups. Promote the EEOC as a model of diversity, equity, inclusion, workplace flexibility, accessibility, and excellence.
Results	The agency enhanced efforts to recruit, hire, train, develop and retain a broadly diverse workforce in FY 2022. The agency used various recruitment strategies, including partnering with the U.S. Peace Corps to obtain applicants to allow individuals to be hired under special hiring authorities; 30% veterans’ preference hiring; and other special hiring flexibilities, such as Schedule A appointments for persons with disabilities.	The agency worked to maintain the EEOC’s authorized FTE levels throughout FY 2023, while using various tools to recruit and retain talent, primarily with front-line positions: 30% veterans preference hiring, Pathways, College Graduate Hiring Authority, Attorney Honors Program , and other special hiring flexibilities, such as Schedule A appointments for persons with disabilities. The agency met its authorized FTE level while focusing on filling mission-critical front-line positions.
Target Result	Target Partially Met*	Target Met

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

Performance Measure 12 focuses on recruiting, developing, and retaining a diverse and talented workforce with a goal of reaching and maintaining authorized FTE levels by 2026 (subject to budget availability) with an emphasis on front-line staff. This performance measure takes a holistic approach, using various workforce strategies to return to (and maintain) staffing levels comparable to a decade ago, recognizing that the ability to add staff is contingent on final fiscal year spending bills.

Performance Measure 12 focuses on recruiting, developing, and retaining a diverse and talented workforce with a goal of reaching and maintaining authorized FTE levels by FY 2026 (subject to budget availability) with an emphasis on front-line staff. This

performance measure takes a holistic approach, using various workforce strategies to restore and maintain staffing levels comparable to a decade ago, recognizing that the ability to add staff is contingent on final fiscal year spending bills. The FY 2023 target for Performance Measure 12 was to staff the agency at authorized FTE levels by the end of the fiscal year. At fiscal year-end, the agency was staffed with over 2,300 full-time permanent employees, which met the authorized FTE level while focusing on filling mission-critical, front-line positions.

Performance Measure 13 for Strategic Goal III.A and III.B: Feedback surveys and other mechanisms provide measures of satisfaction for EEOC stakeholder experiences.

Target	FY 2022	FY 2023
Target	Improve eeoc.gov feedback surveys, adjusting the measures and targets, as necessary. Utilize additional feedback surveys and other mechanisms to obtain data regarding process changes that were adopted in response to the pandemic.	Expand feedback surveys and other mechanisms to obtain data and to provide measures of satisfaction for additional services, such as the charge filing experience and digital services. Review the results at the end of the fiscal year to set targets for next year.
Results	<p>The agency continued to conduct feedback surveys throughout the fiscal year, including workgroup sessions and electronic survey reviews, to support continued access to EEOC services provided to the public.</p> <p>In Q1 of FY 2022, new e-versions of participant surveys were issued as part of an independent evaluation conducted in coordination with academia and the EEOC’s ADR Program. Additionally, the Revolving Fund evaluated prior survey measures and issued new FY 2022 surveys at the EEOC’s 25th annual Examining Conflicts in Employment Laws (EXCEL) Training Conference held August 23-25, 2022. The results of the FY 2022 EXCEL Training Conference evaluation were reviewed and analyzed to provide feedback and set goals for next year’s conference.</p>	The agency continued to conduct feedback surveys throughout the fiscal year, including workgroup sessions and electronic survey reviews, to support continued access to EEOC services provided to the public.
Target Result	Target Met	Target Met

Performance Measure 13 focuses on obtaining feedback on services provided to the EEOC’s stakeholders. It supports Strategic Objective III.B, to align resources with agency priorities by strengthening intake, outreach, education, enforcement, and service to the public, by obtaining and evaluating feedback from the targeted audiences the Commission serves. This feedback then provides measurement of the agency's delivery of services and allows improvements to be targeted to areas identified by stakeholders. The EEOC recognizes the importance of examining the effectiveness of the Commission's work,

particularly the efficacy of intake, outreach, education, guidance, and technical assistance documents, to constantly improve the agency's ability to serve the public and prevent and remedy discrimination.

The FY 2023 target for Performance Measure 13 was for the agency to expand feedback surveys and other mechanisms to obtain data and to provide measures of satisfaction for additional services, such as the charge filing experience and digital services. The agency will review the results at the end of each fiscal year to set targets for the next year.

During the FY 2023, the EEOC implemented automated "post-call" service quality surveys for callers to the EEOC's 1-800 number. These surveys provide public service feedback that enable the EEOC to engage in targeted, ongoing improvements to public service. In addition, in June 2023, the EEOC, utilizing a short form of the survey developed by independent researchers during the previous year, returned to conducting its annual internal qualitative assessment of mediation participants and 96 percent of all participants reported that they would utilize the EEOC's mediation program in a future charge filed with the Commission.

Additionally, the EEOC Training Institute continued to implement feedback surveys for all in-person and virtual workshops, courses, conferences, and Customer Specific Training (CSTs) for private sector, state, and local government employers, federal national courses, and federal agency training sessions. The Training Institute implemented feedback surveys for the 26th Annual EXCEL Conference held in-person July 31 through August 2, 2023. The Institute solicited feedback from over 8,500 registrants, the results of which will be considered in setting goals for the next fiscal year.

Performance Measure 14 for Strategic Goal III.B.: Build and deploy charge/case management systems for Litigation and Federal Sector program offices. Complete deployment, monitor and improve effectiveness of digital charge/case management system for program offices.

Year	FY 2022	FY 2023
Target	Complete the deployment of the agency’s modernized charge/case management system (ARC) for the private sector and state and local programs.	Complete the further deployment of the agency’s modernized charge/case management system (ARC). Develop baselines and measure the effectiveness of the modernized charge/case management system.
Results	Deployment completed.	The agency continued its comprehensive revamp of EEOC’s digital case management platform (ARC). New Litigation and Litigation Appeals modules were deployed in ARC during FY 2023. In addition, prioritizing specific enhancements and fixes was a key area of focus necessary to complete prior to the development of baselines and measuring the effectiveness of ARC.
Target Result	Target Met	Target Partially Met

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

With the first portion of the Technology Modernization Fund (TMF) award, the agency developed modernized charge management services for EEOC private sector enforcement staff and its 90 State and Local Government FEPAs. On January 18, 2022, the new Agency Records Center (ARC) system went live for 145 EEOC and FEPA offices and more than 2,000 users. This deployment was the culmination of 22 months of work, during which the EEOC charge management modernization team defined and developed a charge management solution to enable private sector charge management processes.

The second, and final, portion of TMF funding was received in mid-2022, supporting the remaining two domains that will be serviced by ARC. In FY 2023, the EEOC developed and deployed ARC services to support the agency’s litigation and litigation appeals processes. During FY 2024, development of services to support the agency’s federal sector hearing and appeals processes is underway.

As the EEOC completes the modernization of its charge/case management systems, the agency will seek to maximize its investment in ARC and to provide improved constituent services by re-platforming and modernizing its ARC-linked public-facing portals. The first new portal, E-File for Attorneys, was deployed in December 2023. Performance Measure 14 seeks to track and assess progress on completing the modernization of and fully utilizing the agency’s charge/case management system and related constituent services.

The FY 2023 targets for Performance Measure 14 focused on completing the deployment of the agency’s modernized charge/case management system (ARC). In addition, these targets included developing baselines and measuring the effectiveness of the modernized charge/case management system. As referenced above, ARC litigation case management was delivered to agency users in January 2023. ARC Litigation Appeals followed, with delivery in the third quarter of 2023. FY 2023 also focused on prioritizing enhancements to the private sector; the state, local and tribal program; the systemic program; and litigation functions – to improve usability, increase reporting capabilities, and resolve known issues. Critical priority private sector and litigation enhancements and fixes needed to be completed prior to the agency being able to “develop baselines and measure effectiveness.”

Performance Measure 15 for Strategic Objective III.B: The budget process prioritizes funding for the EEOC’s strategic goals.

Year	FY 2022	FY 2023
Target	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement, outreach and education, and management priorities. Meet all submission deadlines.	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement, outreach and education, and management priorities. Meet all submission deadlines
Results	The EEOC's FY 2023 Congressional Budget was submitted to Congress on March 28, 2022. The EEOC's final FY 2022 Operating Plan was approved by the Chair on March 15, 2022. The EEOC's FY 2024 Performance Budget was submitted to OMB on September 12, 2022.	The EEOC's FY 2024 Congressional Budget was submitted to Congress on March 13, 2023. The EEOC's final FY 2023 Operating Plan was approved by the Chair on January 10, 2023. The EEOC's FY 2025 Performance Budget was submitted to OMB on September 11, 2023.
	Target Met	Targets Met

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

The FY 2023 targets for Performance Measure 15 were to meet all deadlines required to submit the EEOC's FY 2024 Congressional Budget Justification and the 2023 Operating Plan and prepare the EEOC's FY 2025 Performance (OMB) Budget that aligns resources with the Strategic Plan. These documents were all submitted in a timely manner and clearly explained how resources aligned with strategic priorities. The final FY 2023 Operating Plan was approved by the Chair on January 10, 2023. The agency's FY 2024 Congressional Budget Justification was submitted to Congress on March 13, 2023. The FY 2025 Performance Budget was submitted to OMB on September 11, 2023.

C. Outreach

As the table on the next page shows, we have provided and will continue to provide outreach and education to individuals in all 50 states as well as the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Territories of American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and Wake Island. With the FY 2025 budget for outreach activities, we will expand our outreach to individuals across the United States, including underserved areas. We plan to continue to host specific events to address the employment discrimination issues that are particular to geographic areas or stakeholder communities. In FY 2023, the EEOC conducted 2,885 free outreach events reaching approximately 298,000 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace, and we anticipate similar outreach levels in FY 2024.

Table 8: Annual Outreach Events – Fee and Non-Fee

FY 2023 Annual Outreach Events Fee and Non-Fee		
District Office	Total Events	Total Attendees
Atlanta District Office	195	73,485
Birmingham District Office	88	13,367
Charlotte District Office	143	20,843
Chicago District Office	90	4,906
Dallas District Office	119	11,919
Headquarters and Other Offices	101	12,521
Houston District Office	251	22,327
Indianapolis District Office	100	4,061
Los Angeles District Office	885	33,050
Memphis District Office	95	5,725
Miami District Office	206	8,590
New York District Office	123	7,598
Philadelphia District Office	237	48,674
Phoenix District Office	231	21,293
San Francisco District Office	99	5,550
St. Louis District Office	148	7,626
Washington Field Office	207	12,664
Total	3,318	314,199

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

The EEOC targeted its outreach and education programs to vulnerable communities and small and new businesses in FY 2023. The EEOC conducted 684 outreach events for vulnerable workers and underserved communities in FY 2023, reaching 74,769 participants. This included outreach to immigrant and farmworker communities, as well as communities where individuals are reluctant to come forward to report employment discrimination. The EEOC's field offices also collaborated with partner organizations to extend the agency's reach and better serve vulnerable workers and underserved communities. To enhance the EEOC's ability to identify and reach vulnerable or underserved populations, the EEOC developed a data visualization tool to enable EEOC field offices to readily obtain demographic and industry data by District Office. The EEOC anticipates that this tool will increasingly be supplemented with additional data that will further its usefulness.

Given their size and limited resources, small businesses are often less able to take advantage of commercial training programs and less likely to have in-house human resources professionals to assist them with compliance. In FY 2023, the agency conducted 194 outreach events directed toward small businesses, reaching 39,066 attendees.

In addition, the EEOC continued to promote its public website containing the online Small Business Resource Center, a comprehensive resource providing small businesses with tools to understand the federal anti-discrimination laws and to prevent employment discrimination in their workplaces. The site features answers to frequently asked questions, guidance for making employment decisions in common scenarios, and pointers for developing good workplace policies. It has tips for small businesses on various potential workplace discrimination issues to help businesses avert problems before they arise. It also provides quick access to the names and contact information of the EEOC's Small Business Liaisons in the EEOC's field offices. These liaisons answer questions from small business owners as they institute policies and practices to comply with the law.

The Small Business Association Office of the National Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's most recent report, the 2021 Annual Report to Congress, was published in FY 2024 and gave the EEOC an "A" rating across-the-board, the highest possible rating, reflecting the U.S. Small Business Administration's (SBA) recognition of the EEOC's strong commitment to assist this important sector of the economy.

Through the agency's education and outreach activities, the EEOC also played a pivotal role in promoting racial justice and confronting systemic barriers in the workplace during FY 2023. For example, the EEOC conducted outreach to workers of color through listening sessions, panel discussions, trainings, and other meetings to strategize ways to combat racial and ethnic harassment and discrimination. The EEOC's field offices facilitated the exchange of information across districts, coordinated community engagement efforts with other federal agencies, and collaborated with the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI), and the White House Office of Public Engagement in response to the rise in hate crimes and incidents against Asian American and Pacific Islander communities around the nation. Through regional roundtables, technical assistance programs, regular planning calls,

resource-sharing, virtual convenings, and webinars, the EEOC worked with the WHIAANHPI Regional Network to address specific community needs and feedback. A total of 95 WHIAANHPI events were conducted reaching 4,241 individuals. The agency also conducted 31 Historically Black Colleges and Universities outreach events reaching 1,626 individuals, 188 outreach sessions involving race and color discrimination reaching 21,386 attendees, 220 events focused on racial justice reaching 24,188 attendees, and 171 sessions on national origin discrimination reaching 18,753 attendees.

The EEOC also conducted outreach and education on the workplace civil rights implications of the COVID-19 pandemic, providing workers, employers, and other stakeholders with up-to-date information about the interplay of COVID-19 and federal EEO laws. During FY 2023, the EEOC held 43 outreach events related to COVID-19, reaching 7,145 individuals.

In FY 2023, the EEOC also focused outreach and education on priorities identified in the agency’s Strategic Enforcement Plan (SEP) .

The EEOC takes seriously its role of enhancing public awareness about emerging issues of employment discrimination in America’s workplaces. By facilitating effective partnerships and collaborations with internal and external stakeholders, the EEOC works to reduce and eliminate employment barriers and achieve sustained benefits for the communities we serve. In FY 2023, the agency conducted 1,125 partnership events reaching 107,032 attendees.

Non-fee-based Outreach

Table 9 below shows funding for Outreach (non-fee-based). Our Budget request for FY 2025 for Strategic Goal II is \$6 million. The proposed request for FY 2025 will support our existing outreach activities across the United States.

Table 9: Budget request Summary through Outreach

FY 2023 to FY 2025 (Dollars in thousands)			
Year	FY 2023 (Enacted)	FY 2024 (Request)	FY 2025 (Request)
Outreach (Non-fee-based)	\$6,000	\$6,000	\$6,000
Total	\$6,000	\$6,000	\$6,000

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

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

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

In FY 2023, the Training Institute conducted virtual workshops and virtual and in-person courses and Customer Specific Training (CSTs). Below is a more in-depth explanation of each type of program offered by the Training Institute in FY 2023.

Technical Assistance Program Workshops. In FY 2023, the RF continued the new product line introduced in FY 2021 to take advantage of the virtual training environment and to provide even more opportunities for employees and employers to receive training, education, and information about their respective rights and obligations to prevent and eradicate workplace discrimination. The Training Institute continued to offer 1-hour (breakfast and lunch briefings), 2-hour, 3-hour (half-day), and 5-hour (full-day) workshops. These workshops were extremely successful as they allowed the EEOC field offices to partner together, pool their creative ideas and resources, and maximize revenue potential. These workshops received excellent evaluations from attendees. In FY 2023, the Training Institute conducted 29 national (1, 2, 3, and 5-hour) workshops with 6,617 attendees.

Customer Specific Training. The Customer Specific Training (CST) programs provide training and education for employees, managers, supervisors, and human resource professionals from private sector employers and state, local, and federal government agencies on their EEO responsibilities and how to prevent and eradicate workplace discrimination. The Training Institute can design customized courses to be delivered at employers' worksites, including virtual delivery during this pandemic period. In FY 2023, the Training Institute conducted 173 CST events that reached 10,769 attendees. Of those events, 36 events focused on Respectful Workplaces employee training (895 attendees) and 55 focused on Leading for Respect manager and supervisor training (1,565 attendees).

National Federal Courses and Federal Agency Training. The Training Institute offers federal courses that are designed to meet training requirements for EEO practitioners working throughout the federal government. In FY 2023, there were 47 national federal courses with approximately 1,624 attendees and 40 federal agency training sessions with approximately 1,552 attendees. Of the federal agency training sessions, six focused on Respectful Workplaces employee training and Leading for Respect manager and supervisor training.

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

Table 10: Summary of Financing for the Revolving Fund

FY 2021 to FY 2027 <i>(Dollars in thousands*)</i>							
	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Est.	FY 2025 Est.	FY 2026 Est.	FY 2027 Est.
Total Obligations	3,662	3,602	5,065	5,116	5,269	5,427	5,590
Offsetting collections from:							
Federal Funds	1,705	318	1,857	2,160	2,225	2,250	2,250
Non-Federal Sources	1,861	2,004	2,800	3,240	3,340	3,350	3,350
Unobligated balance, start of year	2,645	2,549	1,269	861	1,145	1,441	1,614
Unobligated balance, end of year	2,549	1,269	861	1,145	1,441	1,614	1,624
Net Budget Authority**	6,211	4,871	5,926	6,261	6,710	7,041	7,214

*May not add due to rounding

** Balanced Budget and Emergency Deficit Control Act (BBEDCA) Section 256(k) (2): Mandatory Sequestration for FY 2021, \$228,000, FY 2022, \$193,538, FY 2023, \$266,475 (included in the Net Budget Authority line above.)

EXAMINING CONFLICTS IN EMPLOYMENT LAWS CONFERENCE

In July/August 2023, the agency held its 26th Annual Examining Conflicts in Employment Laws (EXCEL) Training Conference for federal sector and private sector EEO practitioners. This year was the first time the conference was held in person since the start of the COVID-19 pandemic. The EXCEL Training Conference gathered Equal Employment Opportunity (EEO), Human Resources (HR), and Alternative Dispute Resolution (ADR) practitioners from private, state, local, and federal organizations for four days of education, training, and professional development. There were 3 plenary sessions, 1 specialty track, and over 70 open workshops. Topics included the Pregnant Workers Fairness Act, disability accommodations the use of artificial intelligence in the workplace, and various other significant matters related to employment law and EEO compliance.

The conference started with a welcome address by Congresswoman and former EEOC Chair Eleanor Holmes Norton and an opening plenary session with Charlotte A. Burrows Chair, U.S. Equal Employment Opportunity Commission, Cathy Harris, Acting Chair, U.S. Merit Systems Protection Board and Susan Tsui Grundman, Chair, U.S. Federal Labor Relations Authority. A record number of 880 participants attended from the federal and private sectors. The conference received overwhelmingly positive feedback and gave participants the needed EEO knowledge, and skills to enhance their performance, and meet the evolving demands of today's workplace while also generating approximately \$625,500 in net revenue.

D. Program Areas

1. Highlighted Resource Area

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

Table 11: Highlighted Resource Area

FY 2023 to FY 2025 (Dollars in thousands*)				
	FY 2023 (Enacted)	FY 2024 (Request)	FY 2025 (Request)	Change From FY 2024
Information Technology	\$25,773	\$28,706	\$28,706	\$0
Total	\$25,773	\$28,706	\$28,706	\$0

2. Human Resources

a. Workforce Planning

The EEOC has undergone several changes to its operations and workforce over the years. As a result of the pandemic in FYs 2020, 2021 and 2022, and early FY 2023, the EEOC successfully adjusted operations to effectively deliver its mission and results while observing pandemic precautions, including conducting its work largely remotely. In order to continue to serve the public effectively, the EEOC must conduct workforce planning to holistically staff and analyze the impact of changes in the laws and the workplace and develop and implement strategies to reshape/reform existing workforce structures, staffing, and functions for its offices.

This workforce planning will provide the EEOC with ongoing analysis and staffing plans that allow leadership to identify and use human capital (and technology) strategies best suited to support the EEOC's current and future organizational goals in FY 2023, FY 2024, and beyond. By partnering with the Office of Personnel Management (OPM) in FY 2024, the EEOC will continue to focus on these workforce planning initiatives.

b. Training and Retention

The EEOC is focused on training and developing employees at all levels – non-supervisory employees, team leads, supervisors, managers, and executive-level staff.

The EEOC will continue to provide all employees with a comprehensive training program and expand access to learning and development through four primary approaches: 1) training activities responsive to their individual and executive development plans (IDP/EDP); 2) internally sponsored, instructor-led courses, workshops, and webinars; 3)

training programs addressing position-related competency needs; and 4) online courses available through the EEOC Learning Management System (LMS).

We intend to address our future leadership needs in a coordinated and thoughtful manner. The Talent Management and Leadership Succession Plan will provide the reasoning and blueprint for addressing the anticipated loss of experienced leaders by providing a process to identify and prepare well-qualified individuals to lead the agency into the future. Also, the EEOC is committed to providing our leadership with the necessary skills to lead the agency now and in the future.

During FY 2024 and FY 2025, we will continue to expand web-based and virtual training. Although in-person training participation has increased, virtual training opportunities remain very popular – allowing the EEOC to convey relevant information and timely updates to our staff in all of our Field and Headquarters locations reaching all of the EEOC’s employee population.

In FY 2025, the EEOC plans to launch additional learning and development platforms to our system capabilities to deliver quality training for the workforce, to include a new leadership development on-demand platform. Because the agency has hired a significant number of new employees, training for newly hired investigators will be central to the agency’s ability to conduct effective efficient investigations.

In the first quarter of FY 2023, the EEOC conducted training for 145 new investigators. The New Investigator Training was a two-week intensive introductory level training for investigative staff that covered important topics that are critical to the development of new investigators.

Training was also provided to investigators on new or emerging issues including, for example, matters related to COVID-19, increased awareness surrounding LGBTQI+ issues to ensure robust implementation of the Supreme Court’s landmark decision in *Bostock v Clayton County*, and the EEOC’s alignment with Executive Order 13175 and our relationship with Native American Tribes and Tribal Employment Rights Offices (TEROs).

In addition, in early FY 2023, the EEOC provided beginner training for all State, Local and Tribal Programs (SLTP) coordinators new to their positions, as well as intermediate training later in the year. The EEOC also held a joint FEPA/TERO training conference at the beginning of the fourth quarter, FY 2023. Throughout the fiscal year, the EEOC provided FEPAs with training materials and EEOC trainers for several regional FEPA investigator trainings that FEPAs hosted. In addition, the EEOC provided virtual training to TEROs on the EEOC’s Public Portal and How to Complete the Pre-Charge Inquiry Questionnaire.

Because the EEOC has hired many new attorneys in FYs 2022 and 2023, we have conducted necessary training for these new employees. In early FY 2023, OGC conducted in-depth new trial attorney orientation for 50 new trial attorneys and supervisory attorneys litigating in the field. The 3-day training was conducted in-person and covered all aspects of litigation development and litigation on behalf of the EEOC. OGC also partnered with OFP and OEDA to conduct a systemic conference in the third quarter of FY 2023, in which 50 trial attorneys and supervisory attorneys from all 15 EEOC districts, and analysts

from OGC's Research and Analytical Services, participated in-person. In late FY 2023, OGC conducted an in-person, 2-day e-Discovery training for the agency's 33 e-Discovery lead attorneys in the field legal units.

We plan to continue to conduct more in-person training and conferences for trial attorneys and legal unit leadership from across the country in FYs 2024 and 2025. These meetings are vital to engagement and retention of the field legal units, as they share strategies and best practices about litigation and performance management. As we hire new staff, we will need to provide these types of trainings in FY 2025, including in-person, to position the agency for success going forward.

The EEOC strives to make continuous improvements to our training programs to ensure our employees at all levels have the knowledge and skills to effectively perform their duties. In FY 2025, the EEOC will continue providing mandated training requirements to employees and will partner with the Small Agency Council to provide expanded training courses from Shared Service providers' Training Centers.

c. Performance Management

The EEOC uses OPM's USA Performance (USAP) as its software solution to assist federal agencies in implementing their Senior Executive Service (SES) and Non-SES performance management programs and systems. USAP enables the EEOC to automate our performance appraisal process throughout the entire performance rating cycle. It allows us to develop performance plans, track, and monitor employees' performance, provide feedback and ratings, and electronically sign performance plans in one system. Streamlining the process allows the EEOC to focus on results and performance management to happen in real time.

Through the USAP the EEOC facilitates interactive and continual communication to cultivate a more productive and engaged workforce. The agency is able to increase visibility and transparency of the performance management process and implement performance management best practices and policy suggested by Government Performance and Results Modernization Act, Human Capital Assessment and Accountability Framework, Performance Appraisal Assessment Tool, and the Goals-Engagement-Accountability-Results initiative.

d. Recruitment and Retention

In FY 2025, in support of our Workforce Planning initiative, the EEOC will implement a workforce plan and a recruitment and retention plan for the field and headquarters offices to improve overall recruitment and retention to ensure we retain increased staffing levels.

The EEOC will continue to act in accordance with OPM and OMB guidance and executive orders to ensure compliance with the federal recruitment requirements by providing tools and resources needed to attract and retain talent at all levels. To support our recruitment and retention plan to fill and retain positions year-round, the EEOC will use a wide range of hiring flexibilities to rebuild and increase agency staffing including encouraging Schedule A hiring of persons with disabilities; continued use of non-competitive veterans hiring appointments; using internships, fellowships, and early career hiring programs that include the Pathways Programs (Internship, Recent Graduates, and Presidential Management Fellows), College Graduate, and Law Clerk/Attorney Honors Program for entry level positions; encouraging Military Spouses appointments; collaborating with AmeriCorps VISTA/Peace Corps for various appointments; and building strategic partnerships and alliances with stakeholders such as Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American and Pacific Islander Serving Institutions (AAPISIs), Tribal Nations, local high schools, and colleges/universities. The EEOC will use the governmentwide direct hire authority for certain AI-related jobs to include IT specialists, computer scientists and engineers working on AI, as well as management and program analysts at the GS-9 through GS-13 levels.

Simultaneously, as part of the workforce planning strategy, the EEOC will closely monitor and analyze recruitments and separations of highly qualified candidates and employees due to retirements, transfers to other agencies, and separations for employment outside of the Federal Government. By utilizing recruitment, relocation, and retention incentives and employee development, the EEOC will strategically address human capital needs and build

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

In FY 2025 and FY 2026, the EEOC will continue to provide programs, including Employee Assistance Programs for our entire workforce to support work-life balance that ultimately helps with employee retention to maintain and support the EEOC workforce.

e. Addressing Internal Workplace Issues

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

The Office for Civil Rights, Diversity and Inclusion (OCRDI), under the direction of the Chair, provides leadership in the development, implementation and evaluation of the EEOC internal equal employment opportunity (EEO) and civil rights programs, including investigations, compliance, and affirmative employment programs; the EEOC's diversity, equity, inclusion, and accessibility (DEIA) programs; and the agency's reasonable accommodation (medical, religious, and interpreter services, etc.) programs.

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

3. Public Service

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

Through our Information Intake Group (IIG), the EEOC expanded the agency's public accessibility by phone, e-mail, and video phone service for the deaf and hard of hearing. The IIG consists of in-house staff who serve as the first line of contact for many members of the public and is accessible via toll-free phone lines and e-mail.

The overwhelming majority of public contact with the IIG occurs through calls to the EEOC's toll-free 1-800 number. The IIG received 522,132 calls in FY 2023 (an almost 10 percent increase from FY 2022). Callers to the EEOC's toll-free phone line are

immediately provided the opportunity to utilize the IIG's extensive Interactive Voice Response ("IVR") system to obtain information quickly, efficiently, and without the need to speak to an IIG Contact Representative. The IVR also provides callers to the EEOC's toll-free line with the option to receive information quickly and efficiently via SMS text messaging. During FY 2023, the IIG's IVR provided responsive information via SMS text messaging to over 124,000 callers to the EEOC's 1-800 number without requiring those callers to speak to an IIG contact representative. Callers to the EEOC's toll-free number who elected to speak to a person were assisted by IIG contact representatives who use an extensive knowledge database to respond, in both English and Spanish, to these calls.

In addition to calling the EEOC's toll-free 1-800 telephone line, members of the public seeking information from the EEOC may also contact the IIG through the EEOC's public email address, info@eoc.gov. During FY 2023, the IIG received over 86,000 emails via the EEOC's public email address (an almost 25 percent increase over FY 2022).

Centralizing this first point of access to the public to a single entity has a significant impact on our field offices by enabling them to spend more time on investigating and resolving charges of discrimination. Many of these callers seek general information about their rights, office locations and phone numbers and other types of information more efficiently provided through this centralized service.

Assessing all contact channels combined, including the toll-free 1-800 line, the ASL Video Phone line, and the public email address, IIG Contact Representatives received over 600,000 transactions in FY 2023. Investments made in the IIG have allowed the EEOC to expand its reach and more efficiently serve the public. In FY 2023, our staff of approximately 39 IIG Contact Representatives (a fully remote position), together with the technological advancements in the IIG's IVR, handled approximately 79 percent of all contacts without the need to forward them to EEOC investigators, or other EEOC Offices. IIG Contact Representatives allow investigators to be more productive and efficient and enhance the agency's services our service to the public.

The EEOC has continued to increase the agency's accessibility to individuals who are deaf and hard of hearing. As technology has progressed, video phones have become the preferred method of communication for many individuals whose primary language is American Sign Language (ASL). When instituted, the EEOC was one of only three federal agencies (along with the Federal Communications Commission and the Small Business Administration) offering interactive video calls to the public. The EEOC hired staff to answer and respond to calls using ASL through videophones. Callers who are deaf or hard of hearing are able to have direct access to the EEOC staff, rather than through intermediaries, such as interpreters or video relay service. In FY 2023, approximately 1,284 ASL Video Phone calls were handled by the IIG (an almost 43 percent increase from FY 2022). We will continue to assess the public demand for ASL services to determine if additional staffing resources are needed to support this aspect of our service to the public.

4. Information Technology - Digital Transformation

The EEOC is committed to digital transformation to increase its efficiency and to provide timely and effective service to the public. This encompasses everything the agency does,

from increasing the efficacy of its administrative processes to better supporting mission-related activities in enforcement and litigation that are directed at stopping and remedying unlawful employment discrimination. These efforts are organized around three strategic IT goals:

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

One of the EEOC's major digital transformation efforts is the modernization of its legacy charge/case management system. In early 2020, the Technology Modernization Fund (TMF) Board provided the EEOC with an initial tranche of \$2 million to modernize the legacy technology and data structure of our 22-year-old Integrated Mission System (IMS). From FY 2020 through FY 2022, the EEOC defined and built a modern solution to enable the agency's management processes for charges against private, state, and local employers, as well as the related processes for its Fair Employment Practices Agency (FEPA) partners. Having met the milestones outlined in the agreement with the TMF, the agency received the second, and final, tranche of TMF funding in mid-2022, supporting the remaining two domains that will be serviced by ARC: federal sector services and litigation. The agency deployed litigation and litigation appeals modules in ARC during FY 2023. The final modules, supporting federal sector services, are in process, for anticipated deployment of Federal Hearings in FY 2024 and Federal Appeals in early FY 2025.

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

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

We conservatively estimated that the use of private sector online services saves over 41,000 hours of investigator time (almost two weeks per investigator) annually. Electronic service also results in printing/postal/processing savings

for the field offices' clerical staff, freeing each enforcement office administrative assistant from more than seven days of work to perform other tasks. In addition to these cost savings and efficiency gains, the EEOC's Public Portals proved to be a critical success factor in the agency's ability to provide continuity of services to the public during the COVID-19 pandemic.

During FY 2023, the EEOC developed a new Attorney eFile tool which allows licensed attorneys to submit charges directly to the EEOC, replacing current manual processes. This new service was released in December 2023. The EEOC estimates that about a third of the charges it receives come from attorneys filing on behalf of their clients. Attorneys submitted these charges by mail, fax, and hand-delivery, and the EEOC processed them manually, resulting in duplication of work for the agency, attorneys, and represented charging parties. With this digital solution, the EEOC expects to free up resources to better serve individuals who are unrepresented and want to file charges of discrimination. The E-file for Attorneys application will help strengthen the capacity of the agency in alignment with its recent strategic plan.

During FYs 2024 and 2025, the EEOC will continue to modernize its Public Portal infrastructure to provide additional security, expand language offerings, offer more granular data and new services, and improve interview scheduling – made possible by the ARC implementation.

- In FY 2021, the agency integrated multi-language capabilities into its public website [eeoc.gov](https://www.eeoc.gov), to further reduce barriers in providing information and services to our constituents. As of FY 2023, [eeoc.gov](https://www.eeoc.gov) provides key information in 9 languages, with additional expansion underway.
- In accordance with another of the EEOC's Strategic Plan goals – to “[align resources] with priorities to strengthen outreach [and] education,” the agency conducted market research for cloud-based software-as-a-service Outreach and Engagement solutions to support the activities of OFP, OFO, and OGC. Assessment of a new solution began in FY 2023, with procurement, development, and deployment slated for FYs 2024 and 2025.

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

- The EEOC previously expanded Field Offices and Headquarters network capacity to better support operations and prepare for the transition to unified communications, including investments to replace outdated network equipment. These efforts provided highly available, secure, data communication capabilities that are critical to our development of digital workplace. Initial bandwidth expansion was completed in FY 2021 via the Federal Enterprise Infrastructure Solutions (EIS) contract. EIS reduces the agency's annual data communications costs by nearly 50 percent, which are being re-invested in increased bandwidth – enabling agency personnel to communicate with voice,

video, and data from all locations. The network investments for the EEOC's Headquarters, Virtual Private Network (VPN), and Microsoft Office 365/Azure connections enabled the EEOC to support fulltime remote telework brought on by the COVID-19 pandemic.

During FY 2023, the EEOC continued to modernize our network infrastructure by implementing secure enterprise wireless capabilities, facilitating communication and collaboration throughout the EEOC office space, and removing physical workstation-based connectivity limitations. FY 2024 and FY 2025 activities will focus on more fully implementing zero-trust architectures, as referenced below.

- In FY 2022, the agency introduced “auto-pilot” laptop deployments, enabling laptops to be reimaged and updated fully remotely, without attachment to the agency network. This automation will significantly improve the security and version control of our endpoints, especially for fully remote workers. During FYs 2024 and 2025, the EEOC will continue to refresh end-user equipment – mobile devices, laptops, peripherals, and multi-function devices – and will deploy the Windows 11 upgrade. We will also expand endpoint and supply chain security through configuration and implementation of new security tools and services acquired in late FY 2023.

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

- The migration from legacy telephone systems to unified communications was completed in FY 2021, saving the agency over \$1.2 million annually, which is being reinvested in other needed IT services.
- The EEOC continued its migration from on-premises and hosted data centers to cloud services. In FYs 2022 and 2023, the agency increased its Azure Commercial workload usage and, at the same time, reduced costs by leveraging Azure Hybrid Use Benefits, reserving Virtual Machine instances, and automating storage repository cleanup.
- One of the significant challenges associated with the COVID-19 pandemic was provisioning laptops to the summer interns that were preparing to join the agency. Understanding the importance of their assistance, and the time constraints related to their service, in less than one month the EEOC designed and provisioned a secure Azure Virtual Desktop (AVD) environment for intern use. AVD allows interns to securely connect to EEOC systems and services from their personal laptops at their remote locations. Using the EEOC's Azure

cloud infrastructure, AVD services are ramped up or down to more efficiently and cost effectively meet these fluctuating needs. Due to the success of this effort, the AVD platform has expanded to support the EEOC's continuity of operations, advanced data analytics, and litigation support requirements.

Table 12: Cybersecurity Spending by National Institute of Standards and Technology (NIST) Framework

Cybersecurity Spending by NIST Framework (Dollars in Thousands)			
	FY 2023 Actual	FY 2024 Request	FY2025- President's Budget
IDENTIFY			
Authorization and Policy	1,102	1,138	1,154
Non-CDM Information Security Continuous Monitoring	1,063	1,063	1,063
PROTECT			
Cloud Security	918	952	965
Credentialing and Access Management	1,145	1,147	1,150
Data Safeguarding	505	505	505
Secure Data Transmission	140	140	140
Secure Patch Management	1,115	980	980
Security Training	20	20	20
System Security Testing and Analysis	130	130	130
Zero Trust Network Architecture	1,570	1,441	1,441
DETECT			
Anti-Phishing and Malware Defense	390	390	390
Endpoint Detection and Response	122	122	122
Intrusion Prevention	315	318	321
RESPOND			
Incident Management and Response	825	836	848
RECOVER			
Disaster Recovery	352	352	352
Incident Notification	28	28	28

*This table includes cybersecurity FTE costs.

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

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

- The ZTA Network pillar is one of the core capability models. In FY 2022, the EEOC initiated the implementation of network access control (NAC), limiting and securing network access to only government-furnished devices. NAC deployment was completed in FY 2023, switching from “monitor” to “enforce” mode throughout the enterprise.
- In FY 2023, the EEOC completed a comprehensive evaluation of zero trust network capabilities and began the incremental implementation of DOJ’s secure access and secure edge solution, Justice Edge Trust Service (JETS), to provide zero-trust solutions for Internet Access, Private Access, and Advanced Digital Experience and Monitoring.
- JETS implementation, which will continue into FY 2024, will enable the EEOC with network segmentation, zero trust network access, and access control. Furthermore, it allows for removing VPN infrastructure and eliminating points of exposure.
- The EEOC currently leverages various technologies and security controls to gain contextual details and obtain a greater understanding of performance, behavior, and activity baselines across ZTA pillars. This visibility improves detection of anomalous behavior and provides the ability to make dynamic changes to security policies and enforce real-time access decisions. In FY 2024, the EEOC will expand focus on ZTA Data pillar capabilities. The JETS implementation, outlined above, will address some elements of data in-motion activities. FYs 2024 and FY 2025 activities will expand to data at rest – reviewing data, inventory, categorizing, and labeling. These activities will provide extra visibility into data and how it is accessed and used, allowing the EEOC to automate categorization, security responses, and granular audits; implement additional data integrity/data spillage techniques; and deploy comprehensive logging and information sharing to meet the needs of zero trust.
- For the ZTA Identity pillar, in order to better meet ZT requirements for all agency-provided devices, the EEOC made a strategic decision to move away from the prior PIV-based device-login solution to a new password-less Multi-Factor Authentication (MFA) strategy - providing a strong, non-impersonable authentication process for all agency resource access. In FY 2023 the EEOC deployed FIDO2/WebAuthn-compliant devices and services for workstation logon, remote desktop (RDP) sessions, network device login, and cloud applications access. In addition, in FY 2022, the EEOC established an MOU with GSA’s Technology Transformation Services for Login.Gov integration. The secure sign-in service integration will provide the public with MFA and phishing-resistant authentication methods for EEOC’s public-facing systems. In FY 2023, the EEOC completed Login.Gov integration for its public-facing system receiving Freedom of Information Act (FOIA) requests, as well as our new Attorney eFile service. Integration work will continue with the EEOC’s other public portals during FY 2024.

- To address requirements for the ZTA Device pillar, in FY 2021, the EEOC deployed Hardware Security Module (HSM) dedicated cryptographic components into the agency’s infrastructure to provide enterprise Public Key Infrastructure (PKI) certificates for workstations, servers, applications, and other IT security efforts. In FY 2022, the EEOC successfully enabled, tested, and deployed a new agency laptop setup experience using Windows Autopilot and Microsoft Intune Endpoint Manager, a cloud-enabled transformative platform for unified and secure endpoint management. The new process: reduces end users’ device setup time by 75 percent; does not require access to the EEOC’s Network for provisioning; and ensures that laptops are up to date with automatic patches and updates, reducing security vulnerabilities. FY 2024 ZTA efforts under this pillar are focused on improving device authentication, compliance, and inventory management.
- For the ZTA Application pillar, the above referenced deployment of the TMF-funded ARC system utilized DevSecOps framework practices to integrate security into all phases of the software development lifecycle. This includes the use of continuous integration/continuous deployment (CI/CD) pipelines, and immutable infrastructure Platform-as-a-Service (PaaS) features. In FY 2022, the EEOC coordinated with DHS to conduct a “High Value Asset” (HVA) security assessment review of the new ARC system and its cloud-based environment. The ARC system is designated as an HVA due to its support of EEOC mission essential functions. All findings associated with this DHS review were fully mitigated by early FY 2023. In FYs 2024 and 2025, the EEOC will continue to focus on ZTA secure access cloud and isolation requirements.

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

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

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

analytics services for its new ARC charge/case management system. FYs 2024 and 2025 will continue to expand analytical capabilities and services.

Finally, the EEOC will be expanding our IT Accessibility/508 Program during FYs 2024 and 2025 to better meet federal requirements. This includes providing role-specific learning paths and task-based, on-the-job training tools that encourage course completion and knowledge retention for EEOC's custom 508 topics; providing executive Section 508 presentations specific to EEOC leadership; expanding support for our FY 2023 implemented Document Accessibility Lab; and increasing the availability of existing 508 contractor resources and consulting services to meet expanding requirements and needs.

As outlined above, in FY 2023, the EEOC achieved many of our multi-year digital transformation milestones – realizing the related benefits, efficiencies, and cost savings. With sufficient funding in FYs 2024 and 2025, the EEOC will continue to use its newly acquired technologies to their fullest potential – modernizing its network infrastructure, improving digital services, and enhancing information security and privacy through our ZTA strategy and plan.

Funding fully supports the following Presidential Priorities: Federal Mission Resilience (supporting the Agency's initiatives to address current inefficiencies in the intake and interview scheduling processes and maintaining information and communications technology capabilities required to meet agency goals); Equitable Data Budget Initiatives (supporting development to conform to new developments in employment discrimination laws and supporting Equitable Data Working Group initiatives); Ensuring Effective Diversity, Equity, Inclusion, and Accessibility (DEIA) Implementation (ensuring the EEOC systems and services meet accessibility standards); Advancing Equity through the Federal Government (providing funding to address Equity Action Plans and improve public participation in related initiatives); Improving Customer Experience (CX) (providing CX perspectives and support into all areas of the EEOC development lifecycle, from conception/vision through implementation/support).

This is particularly relevant to our portal modernization initiatives, which are being designed with a CX focus and priority); Digital Service Teams (implementing digital modernization strategies that align technology investments to deliver the public in impactful ways. For the EEOC, this includes digital process transformation and automation activities); Agency Work Environments (maintaining and expanding services to meet hybrid/remote work needs); Prioritizing IT Modernization and Cybersecurity (ensuring continued funding and focus on mission system modernization, and the security/privacy of the systems and data, including zero trust implementations); and Designing and Delivering Integrated Digital Experiences (modernizing new and existing websites and digital services to improve the public's interactions with the agency and ensure accessibility).

5. Finance and Administration

Office Rehabilitations and Relocations

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

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

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

- The EEOC will employ measures to ensure that the total square footage of our office space does not increase from the FY 2015 RTF baseline. The agency will return to GSA or lessor unneeded or underutilized space (rightsizing); and identify "off-setting" office space to reduce when we must exceed the RTF baseline for one or more of the EEOC's offices.
- Adherence to Agency Space Allocation Guidelines, for universal application of personnel and office space requirements that include a designated number of two-person private offices dependent upon the total square feet of the office.
- For maximum economic efficiency, the Commission continues to plan space requirements for both the short and long terms and "right-size" offices in conjunction with lease expiration operations. We also fund security and safety improvements and furniture replacement as needed.
- The EEOC will continue to review all space needs, current and emerging to ensure that we maximize our space utilization and update our space allocation guidelines to adjust for a post-COVID work environment, as detailed in OMB Memorandum M-21-25 "Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment, Appendix II." Our efforts will consider the agency's mission, current and future workplace needs, and most importantly the impact on the communities we serve. To this end, the EEOC is working with GSA to seek to repurpose of some existing space to accommodate the newly formed Office for Civil Rights, Diversity and Inclusion (OCRDI); establish a separate physical security office; and, to establish a hoteling/shared space section to accommodate several cubicles and offices for remote workers and enhanced workstation sharing.

Based on the above, the following is a summary of FY 2023 completed space actions and FYs 2024-2026 planned space actions:

- FY 2023: Completed lease awards, relocation, and Tenant Improvement projects: Charlotte, Dallas, Milwaukee, Memphis, and Savannah.
- FY 2024: Expiring leases and lease awards, anticipated relocations, and office wide re-configuration Commission projects: Birmingham, Cincinnati, Indianapolis, Nashville, New Orleans, New York, Pittsburg, San Diego, and St. Louis.
- FY 2025: Anticipated expiring lease, relocation, and office wide re-configuration Commission projects: Detroit, Headquarters, Honolulu, Mobile, Raleigh, and Tampa.
- FY 2026: Anticipated expiring lease, relocation, and office wide re-configuration Commission projects: Boston and Oklahoma City.

Financial Management and Data Analysis

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

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

Financial and Spending Data Analysis and Compliance

The EEOC currently uses the Department of Interior’s Oracle Contract Life Cycle Management (CLM) System to procure goods and services. The CLM has many system and control limitations, does not produce 508-compliant contract documents, and is no longer in compliance with basic regulatory requirements, including the DATA Act, clause, and form updates, e.g., Standard Form 26 (SF26), Item 13 is not updated to reflect the past update from March 2013 of “41 U.S.C. 3304(a)”, the authority for using other than full and open competition. Additional help desk support requests for data fix scripts are often required to resolve historical data inputs and revisions to prior workarounds for technical integration obstacles which were required for processing obligations prior to system upgrades.

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

Security, Safety, Emergency Preparedness and Continuity of Operations

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

In FY 2019, the Commission embarked on mitigating active shooter vulnerabilities within their Field Office's intake areas for offices located in buildings without physical security screening (x-ray and magnetometer) and armed Protective Security Officers. The EEOC, working with GSA, collaborated to install ballistic resistant glass transaction windows in 16 locations without physical security screening and armed Protective Security Officers. The final installation was complete in FY 2023. Future office relocations into buildings without physical security screening and armed Protective Security Officers will include ballistic glass transaction window installations.

IX. VERIFICATION AND VALIDATION OF DATA

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

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

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

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

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X. PROGRAM EVALUATIONS

Program evaluation is an important component of the EEOC's effort to ensure that its programs are operating as intended and achieving results. A program evaluation is a thorough examination of program design or operational effectiveness that uses rigorous methodologies and statistical and analytical tools. Evaluations also use expertise internal and external to the agency and the program under review.

Independent program evaluations have played an important role in formulating the strategic and performance goals for the EEOC's Strategic Plan. They have helped shape some of the program issues and key focus areas for improvement, thereby increasing the plan's value as a 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 Management Act, and to improve the effectiveness of key agency programs. The findings and recommendations in these independent assessments of the agency's programs were used to guide development of the EEOC's strategic direction and goals for the next several years.

Digital Process Transformation and Automation program, KAI Partners for the EEOC Office of Inspector General, January 2023.

OIG evaluation of EEOC's Management of Private Sector Customer Service, October 2022.

Evaluation of the EEOC's Social Media Program, Hager Sharp, Office of Inspector General, July 2021.

Evaluation of EEOC's Contracts Administration Activities, Office of Inspector General, March 2020.

EEOC Federal Hearings and Appeals Processes, The Center for Organizational Excellence, Inc. and CohnReznick LLP, Office of Inspector General, March 2020.

Evaluation of the EEOC's Data Analytics Activities, Elder Research, Office of Inspector General, September 2018.

Consistent with the Commission's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to identify appropriate program areas for evaluation during the reporting period of the agency's Strategic Plan. This will ensure that its efforts align with the agency's budget and other programmatic priorities. The EEOC will assess its progress on an ongoing basis to reaffirm its commitment to fulfilling the agency's mission.

In FY 2023, the agency continued its work to address the recommendations from several OIG and GAO evaluation projects. See Appendix D for more detail.

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XI. ADMINISTRATION AND SUPPORT

A. Introduction

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

B. Freedom of Information Act Workload

The data suggest that the number of requests received under the FOIA will stabilize at slightly under 14,700 by FY 2027.

Table 13 below depicts the actual FOIA workload for FYs 2021 - 2023 and projections for the number of requests received, processed, and pending for FYs 2024 - 2027.

Based on actual workload data from the first three quarters of FY 2022, as noted in Table 13 below, the agency projects the number of FOIA requests to be received each year from FYs 2024 - 2027 as approximately 14,704 requests annually. Based on data from the first three quarters of FY 2022, the number of FOIA requests processed each year is estimated to be approximately 14,655 in FYs 2024 through FY 2027.

Table 13: Freedom of Information Act (FOIA)

FY 2021 to FY 2027*							
	FY 2021* (Actual)	FY 2022** (Actual)	FY 2023 (Actual)	FY 2024 (Est.)	FY 2025 (Est.)	FY 2026 (Est.)	FY 2027 (Est.)
Carryover Previous Year	2,003	1,275	2,052	2,152	2,201	2,250	2,299
Receipts	15,320	14,040	14,753***	14,704	14,704	14,704	14,704
Total Workload	17,323	15,315	16,805	16,856	16,905	16,954	17,003
Processed	16,048	13,263	14,653****	14,655	14,655	14,655	14,655
Pending FOIA***	1,275	2,052	2,152	2,201	2,250	2,299	2,348

* Updated numbers are from section V.A. of EEOC’s FY2021 annual FOIA report cleared by DOJ.

** Updated numbers are from section V.A. of EEOC’s FY2022 annual FOIA report cleared by DOJ.

*** Received FOIAs for the first three quarters of FY2023 are 3,435, 3,920, and 3,710 totaling 11,065. Taking the average of quarters 1 through 3 which is 3,688 and adding it to quarters 1 through 3, the projected receipts for FY2023 is 14,753. This quarterly information can be found at foia.gov.

**** Processed FOIAs for the first three quarters of FY2023 are 3,537, 3,688, and 3,765 totaling 10,990. Taking the average of these numbers, which is 3,663, and adding it to the total, the projected processed FOIAs for FY2023 is 14,653. This quarterly information can be found at foia.gov.

C. GINA Study Commission

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

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

APPENDIX A: GENERAL STATEMENT OF LAWS

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

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

Statutes Enforced

The EEOC enforces Title VII of the Civil Rights Act, which prohibit discrimination on the basis of race, color, religion, sex, or national origin by private and state or local employers with 15 or more employees; by employment agencies; by labor organizations with 15 or more members; by joint labor-management training and apprenticeship programs; and by the federal government. The law also requires employers and other covered entities to reasonably accommodate an employee's religious practices unless doing so would pose "undue hardship" as interpreted by the Supreme Court in *Groff v. DeJoy*, 143 S. Ct. 2279 (2023), meaning that a "burden is substantial in the overall context of the employer's business." In 1978, Title VII was amended to enact the Pregnancy Discrimination Act (PDA), which requires employers to treat pregnancy, childbirth, or a medical condition related to pregnancy or childbirth as any other medical condition with respect to terms of employment, including health benefits.

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

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

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

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

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

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

The PWFA requires employers to make reasonable accommodations for employees or applicants with known limitations due to pregnancy, childbirth, or related medical conditions, absent undue hardship (i.e., significant difficulty or expense). The PWFA covers employers with 15 or more employees, including state and local governments as well as employment agencies; labor organizations; joint labor-management training and apprenticeship programs; and the federal government. President Biden signed the PWFA into law on December 29, 2022; the law went into effect on June 27, 2023.

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

Enforcement Methods

Private Employers, State and Local Government Respondents

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

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

Federal Agency Respondents

The EEOC also oversees a separate administrative process for employment discrimination claims against the federal government. The federal government, as an employer, is subject to these anti-discrimination requirements through Section 717 of Title VII; Section 15 of the ADEA; Section 501 of the Rehabilitation Act; the EPA; Section 201 of GINA; and Section 102 of the PWFA. These laws provide the EEOC with oversight responsibility, including the authority to maintain procedures used by federal departments and agencies in processing internal complaints of employment discrimination. In addition, the EEOC has jurisdiction to review final administrative decisions of departments or agencies on their discrimination complaints.

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

Data Reporting and Record Keeping

Under section 709(c) of Title VII, the EEOC may require covered entities to keep records that are relevant to determining whether the law has been violated and may require reporting from this information. Pursuant to this authority, the EEOC requires covered private employers, state or local governments, and labor organizations to file periodic reports providing data on the makeup of their workforces or memberships by gender and racial/ethnic categories. The EEOC uses this data in charge investigations and other enforcement activities. It also uses this data to produce reports about the status of workers by race, ethnicity, or gender in selected industries.

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

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

Leadership and Coordination of Federal EEO Efforts

Under Executive Order 12067, the EEOC provides leadership and coordination to all federal departments' and agencies' programs enforcing federal statutes, executive orders, regulations and policies that require equal employment opportunity. The executive order instructs the EEOC to eliminate conflict, competition, duplication, and inconsistency when coordinating these programs and to promote efficiency and effectiveness. All federal departments and agencies are required to cooperate with and assist the EEOC in performing these functions and are required to furnish the EEOC with such reports and

information as it may require, including any proposed rules, regulations, policies, procedures, or orders concerning equal employment opportunity during their development and in final at least 15 working days before issuance.

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APPENDIX B: EVALUATION AND EVIDENCE

1. Agency Context

a. Current Efforts and Future Plans

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

- The EEOC's Strategic Plan and its prioritization across the agency's long-term strategic goals and objectives;
- The EEOC's Strategic Enforcement Plan, FYs 2024-2028;
- Foundations for Evidence-Based Policymaking Act of 2018;
- OMB Guidance including OMB M-21-27, OMB M-20-12, and OMB M-19-23;
- Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government;
- Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce;
- Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking;
- Executive Order on Improving the Nation's Cybersecurity; and
- Executive Order 14058 on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.

b. Recent Major Progress

The EEOC's Data Governance Board and Chief Data Officer provide executive leadership and oversight for the development and implementation of the policies and processes that govern the collection, creation, management, use, and disclosure of the EEOC's data.

The EEOC continues to make great strides with its Data and Analytics Modernization Program. In FY 2023, the program focused on enhancing the transparency of agency functions and operations, reducing burden on stakeholders, augmenting agency use of modern data analytics to drive data-driven decision making, and promoting greater public access to the data. The EEOC's Data and Analytics Modernization Program accomplishments include:

- Administered the 2022 EEO-3 (Local Union Report) and the 2022 EEO-5 (Elementary- Secondary Staff Information Report);
- Enhanced [EEOC Explore](#), a web-enabled, user-friendly, data query and mapping tool, to facilitate and encourage greater access to and use of EEOC data for both agency staff and members of the public;
- Continued to modernize, enhance, and streamline the agency management workload reporting process thereby reducing burden on district office staff and utilizing the modern analysis and reporting platforms;
- Implemented improvements to [eoc.gov/data](#), the agency’s one-stop shop for data and analytics that enables access to the EEOC’s publicly available workforce demographic data, and easy-to-explore datasets, along with visualizations on specific topics;
- Entered into an Interagency Agreement with the Census Bureau to provide secure access to agency data for qualified researchers using its Federal Statistical Research Data Center network.

c. Current Barriers

The EEOC, having made significant initial strides to modernize its methods of data collection, reporting, and access in recent years, will seek to identify resources in FY 2023 and FY 2024 to continue the agency’s work to implement data-driven decision-making, enterprise-wide, and to use data to deliver on the EEOC’s mission and serve both the agency and the public.

2. Evaluation Projects

In FY 2023, the agency continued its work on the following evaluation projects:

- Inter-Agency Agreement between the EEOC and the National Academies for a Panel to Evaluate the Quality of Compensation Data Collected from U.S. Employers by the EEOC through the EEO-1 Form. In FY 2020, the EEOC contracted with the National Academies to evaluate the EEOC’s historic, first-time collection of pay data from certain private employers and federal contractors between July 2019 and February 2020. On July 28, 2022, the National Academies issued an approximately 300-page Consensus Study Report, which concluded that the data the EEOC collected may be used to prioritize investigations and the agency’s allocation of resources to identify potential pay discrimination.

The report also offers recommendations for improving the collection of pay data in the future. Many of the recommendations complement and were incorporated into existing efforts as part of the agency’s ongoing modernization of its EEO data collections and data analytics that began in FY 2022 and continued in FY 2023. The EEOC will use the report from the National Academies to inform the agency’s approach should it decide to again undertake pay data collection in the future.

- Mediation Survey Modernization Project. EEOC mediation participants continue to share their feedback by completing a survey electronically, in English, Spanish, Chinese (Simplified), and Haitian Creole. The project's benefits include fewer steps in the process of distributing the survey to participants, faster receipt of survey responses, reduced data entry, and elimination of postage. In FY 2023, technological enhancements were made to allow for same day availability of survey results, data compilation, and analysis.

Previously, surveys were sent weekly/bi-weekly to the participants, with results dependent upon the dates of the transmissions maintained in each office in varying Excel formats. The cross-office collaboration and experience acquired in executing targeted survey instruments, protocols, and oversight among EEOC program offices is an excellent model for other strategic applications involving customer canvassing, training/outreach assessments, and targeted programmatic evaluations.

- The EEOC's Data and Analytics Modernization Program. The goals of the modernization program are to: 1) enhance transparency of agency functions and operations; 2) reduce burden on our stakeholders; 3) augment agency use of modern data analytics to drive data-driven decision making; and 4) promote greater public access to data. In FY 2023, the EEOC's OEDA led and participated in several modernization efforts specific to the evaluation of its data collection and reporting. With the transition of the enforcement data collection from the EEOC's IMS to ARC, OEDA worked closely with EEOC's Office of Information Technology (OIT) and OFP to identify reporting errors. Inaccurate data or data collection issues were promptly reported to OIT/OFP and collaboratively corrected. In FY 2023, OEDA continued to rebuild its regular reporting for enforcement using the new ARC data structure and performed regular quality assurance testing on the reports.

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

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

To protect the EEOC's restricted-access data released for research purposes, the agency through an Interagency Agreement with the Census Bureau is establishing through the Federal Statistical Research Data Center, a modern, secure, and privacy-protected approach to facilitate access to protected data for external researchers. The agreement advances the goals of the bipartisan Foundations for Evidence-Based Policymaking Act, which directed federal agencies to enhance evidence-building efforts, make greater use of existing data collections, and improve public access to data and will launch in early FY 2024.

EEOC Explore.

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

Data Visualizations for the Public.

The EEOC has created new data visuals to accompany the existing data summary product it releases to the public in tabular format. The purpose of these visuals is to display enforcement data in a simple, comprehensible, and visually appealing way for all our internal and external stakeholders. These products represent the EEOC's first major new type of data product in more than 20 years. These data visualizations illustrate statistics for employment discrimination charges and resolutions for the general public as well as specialists in anti-discrimination law and are part of the agency's broader effort to bring greater transparency to the EEOC's operations. The agency is also creating customized visualizations for use by internal stakeholders in each district to support enforcement and outreach functions of the agency. The public-facing charge data dashboard, covering the enforcement and litigation statistics for FY 2012 - FY 2021 has been added to EEOC Explore since FY 2022, and is accessible at <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>.

Creation of a New System for the Federal Sector.

Executive Order 14035 mandates the EEOC to adopt a data-driven approach for advancing policies that enhance diversity, equity, inclusion, and accessibility within its workforce. This approach must also safeguard employee privacy and protect sensitive information. This aligns with EEOC Strategy Goal III.B.1, which emphasizes utilizing technology to transform operations and improve service.

To strengthen oversight and assist federal agencies, the EEOC aims to establish the Government-wide Complaint Management System (GWCMS). This system will efficiently gather and analyze data to combat workplace discrimination across the federal sector. Additionally, it will replace the complex annual data collection currently required, saving resources by avoiding duplication.

Currently, each federal agency maintains its own EEO activity tracking system, leading to disjointed reporting. A centralized system would offer benefits such as real-time oversight, the elimination of time-consuming annual collection of data, the reduction of duplicative reports, and the enhancement of data-driven decision-making. These advantages promote fairness, inclusivity, and efficiency within the federal workplace.

In October 2021, the EEOC surveyed federal agencies to determine if they supported the creation of a centralized system and held a meeting with leaders of federal agency EEO programs to discuss the potential project. The EEO community broadly supported the project, with the stipulation that they would be active participants in its development.

In FY 2023 and FY 2024, the EEOC will initiate the creation of the Federal Integrated Business Framework (FIBF) for EEO business standards. Developing these standards is essential for streamlining the EEO process. These standards will adhere to reliable sources and will be valuable for assessing EEO solutions and services. This is aimed at establishing consistent EEO business solutions across the government. The initial implementation of the system is scheduled to begin in FY 2025.

Enterprise Data Warehouse.

Since FY 2019, the EEOC has built and maintained an enterprise data warehouse (EDW) which serves as a central repository for cleaned, versioned analytical data from disparate sources. Over the past several years, this FISMA-compliant EDW has served as an important agency resource in the development of various data products and tools and as a secure means through which remote access to the EEOC's mission-critical data can be provided to other federal government agencies, such as the GAO.

Data Visualization Tool for EEOC Outreach and Education Coordinators.

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

Evaluate the Efficacy of Existing Relevant Federal Data Sets.

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

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APPENDIX C: ENTERPRISE RISK MANAGEMENT

BACKGROUND

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

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

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

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

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

Audit Report Name: Performance Audit of the EEOC Commercial Charge Card Program

Month and Year Report was Issued: OIG Report Number 2018-007-AOIG

Date of Report: May 31, 2019

Recommendation	Implementation Status
Purchase Cards - the Administrative Officer or District Resources Manager should maintain documentation of all account closures electronically or in hard copy. Travel Cards - The Charge Card Program Manager should maintain documentation of all account closures electronically or in hard copy.	EEOC Order 360.003 for purchase cards has been revised to include the procedures which indicates that Administrative Officer or District Resource Managers are to maintain account closure documents. Work is in progress on internal guidance necessary to implement the A/OPC monitoring of purchase card closure memoranda.

Audit Report Name: Evaluation of EEOC Federal Hearings and Appeals Process

Month and Year Report was Issued: OIG Report Number 2018-01-EOIG

Date of Report: March 30, 2020

Recommendation	Implementation Status
OIT developers should meet directly with software users, such as OFO attorneys and supervisory attorneys and OFP AJs and Supervisory AJs (SAJ) to determine additional requirements.	Charge-Case Management Modernization Governance Charter outlines “Roles and Responsibilities” for workgroup participation.” See 3.1 related to TMF approved schedule changes for ARC Federal Hearings and Appeals. Solicitation of Application Requirements – Ongoing Federal Hearings FY 2024 Federal Appeals FY 2025
Assign a target number of days for intake so that management can determine if changes implemented impact the efficiency of the process.	The Office of Federal Operations (OFO) established a target amount of goals/measures for intake to scan and docket. This allowed for assessment of the productivity of the office. However, although OFO believes the action taken has implemented the recommendation, closure remains pending. Testing and validation required.

Audit Report Name: Final Report: FY 2021 Annual Report on EEOC’s Compliance with the Payment Integrity Information Act of 2019 (PIIA)

Month and Year Report was Issued: OIG Report Number 2022-002-IOIG

Date of Report: July 11, 2022

Recommendation	Implementation Status
Annually conduct an improper payment review in accordance with PIIA and follow the guidance outlined in OMB Circular A-136, section II.4.5 [Payment Integrity Information Act Reporting].	Completed. FY 2022 Period 1 was conducted June 30, 2022. FY 2022 Period 2 conducted October 2022. Auditors unable to confirm that action taken implemented the recommendation. Further testing and validation are required.
Report the OIG’s finding of non-compliance with the FY 2021 PIAA requirements, as outlined in OMB Memorandum M-21-19, Section VI.D, “Agency Responsibility When a Program is non-Compliant”.	Completed. OMB Payment Integrity has confirmed receipt and updated distribution lists. Further testing and validation for closure pending by auditors.

Audit Report Name: Transmittal of Management Letter Report for FY 2020 Financial Statement Audit

Month and Year Report was Issued: OIG Report Number 2020-002-AOIG

Date of Report: December 16, 2020

Recommendation	Implementation Status
<p>Recommend that EEOC management create a control where management reviews, on a sample basis, at least quarterly, the approved PP&E disposals/retirements or conformity to the EEOC SOP for OIT Excess Property that states, "When equipment is disposed of and SF 120, SF 122, or SF 120 copy using GSAXcess, is approved by the EEOC Approving Official(s), CSD Backup or Property management who have been found to not adhere to requirements of the SOPs for OIT Excess Property and require them to obtain additional training, to include certifying they have read the Approval Officials responsibilities, as it relates to the aforementioned control.</p>	<p>Completed. The Office of Information Technology (OIT) believes that steps were taken to remediate the finding FY 2021. OIT coordinated to conduct a full review of all IT related assets that are still reflected within OFF to confirm whether the IT asset is physically in use or in storage within each office and whether continued inventorying within OFF is appropriate. The "clean-up" process, documented by the appropriate Approving Official, retires assets that no longer exist, or assets that are now inventoried within ServiceNow, from the OFF System. Closure of the recommendation is pending. Further testing and validation are required with the auditors.</p>

Audit Report Name: Performance Audit of the EEOC's Charge Card Program

Month and Year Report was Issued: OIG Rpt. No. 2020-004-AOIG

Date of Report: March 24, 2021

Recommendation	Implementation Status
<p>Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation, monitoring, and enforcement of its controls over the closure of charge card (purchase and travel) accounts.</p>	<p>Repeat Finding. EEOC Order 360.003 has been revised and issued November 2023 to include the recommendations, procedures to close out purchase card accounts, compliance with Section 889 of the John S. McCain National Defense Authorization Act for FY 2019, update micro-purchase threshold and quarterly reviews of randomly selected purchase cards. OCFO/ASD believes that the action taken implements the recommendation. Closure of the recommendation is pending. Testing and validation required by auditor.</p>
<p>Recommend the EEOC ensure that emailed policy memos are promptly updated in the appropriate EEOC Directives Transmittal Order.</p>	<p>The EEOC issued Purchase Card Memorandum 2202-01 to Purchase Cardholders and Approving Officials regarding Purchase Card Rebates. The revised EEOC Order 360.003 will incorporate emailed policy memos. EEOC Order issued November 2023. Testing and validation for closure pending by auditors.</p>

Recommendation	Implementation Status
<p>Recommend that the Office of the Chief Financial Officer of the U.S. Equal Employment Opportunity Commission enhance the documentation and monitoring of controls over the validation process of charge card transactions.</p>	<p>Work in progress. The EEOC conducts quarterly reviews. Internal Guidance Procedure, “Internal Purchase Card Review” created and issued to Approving Official/Purchase Card on March 8, 2021.</p>
<ul style="list-style-type: none"> For purchase cards, EEOC management should create a control where management reviews, on a sample basis, purchase cards transactions to ensure all obligating documents and purchase orders are in conformity with EEOC Directives Transmittal Order 360.003, Commercial Purchase Charge Card Program Practical User’s Guide. 	<p>Work in progress. EEOC Order 360.003 revised and issued November 2023. Management will create a control where management reviews, on a sample bases, purchase cards transactions to ensure all obligating documents and purchase orders are in conformity with the newly revised EEOC Directives Transmittal Order 360.003, and Commercial Purchase Charge Card Program Practical User Guide.</p>
<ul style="list-style-type: none"> For travel cards, EEOC management should create a control where management reviews, on a sample basis, travel card transactions to ensure all travel authorization or vouchers and receipts are in conformity with EEOC Directives Transmittal Order 345.001, Travel and Transportation Administrative Policies and Procedures Manual. 	<p>Testing and validation required. The EEOC documented instructions in the Annual Business Process Memo and SOPs outlining the requirements for travel card closure procedures. SOPs have been updated to be consistent with CitiManager directives with additional controls for secure travel application processing, records maintenance, and travel card closing procedures. Updated monitoring and oversight testing procedures for validation of travel transactions included in the Improper Payment Testing guidance which is considered by FSSD on a semi-annual basis.</p>
<p>We recommend EEOC management update its policies and procedures to include all required safeguards and internal controls to be compliant with the Government Charge Card Abuse Prevention Act of 2012. In addition, the EEOC should create a monitoring control to review the policy when changes or updates are made to federal law or Office of Management and Budget or General Services Administration guidance.</p>	<p>EEOC Order 360.003 updated to include all required safeguards and internal controls for compliance. The EEOC attends monthly and quarterly A/OPC meeting conducted by GSA Center for Charge Card Management and reviews OMB Circular A-123 Appendix B. Testing and validation required by auditors for closure.</p>

Audit Report Name: Evaluation of the EEOC’s Social Media Program

Month and Year Report was Issued: OIG Report No. 2020-001-EOIG

Date of Report: July 26, 2021

Recommendation	Implementation Status
Simplify the EEOC’s social media architecture by consolidating many of the existing social media channels and limiting creation of new channels.	Work in progress. The Office of Communication and Legislative Affairs (OCLA) will determine criteria for evaluating if a social media channel is successful/should exist as a separate channel; Identify all existing social media channels and evaluate whether they should be consolidated; Consolidate and clean up existing social media channels; and ensure official media channels are consistently branded across platforms. FY 2024
Implement a consistent content approval process run by OCLA.	Work in progress. A social media manager was hired 8/28/2022. EEOC is in the process of developing criteria for content that needs approval and an approval process within Agorapulse or other social media management tool. A draft process proposal is undergoing review. FY 2024
Complete revisions to the social media handbook and provide to all staff managing social media channels	Work in progress. Now that a Social Media Manager was hired 8/28/2022, OCLA is in the process of reviewing social media accounts and revising social media handbook draft; circulating for review and revisions; and distributing final updated social media handbook. FY 2024.

Audit Report Name: Final Report: Performance Audit of the EEOC Federal Information Security Modernization Act of 2014 (FISMA) for FY 2021

Month and Year Report was Issued: OIG Rpt. No. 2021-004-AOIG

Date of Report: March 15, 2022

Recommendation	Implementation Status
<p>Recommend that EEOC plans and prepares to meet the goals of the TIC initiative, consistent with OMB M-19-26. The agency should define and customize, as appropriate, a set of policies, procedures, and processes to implement TYIC 3.0, including updating its network and system boundary policies, in accordance with OMB M-19-26. This includes, as appropriate, incorporation of TIC security capabilities catalog, TIC use cases, and TIC overlays.</p>	<p>Work in progress. EEOC will meet the goals of the TIC initiative, consistent with OMB M-19-26. The agency will define and customize, as appropriate, a set of policies, procedures, and processes to implement TIC 3.0, including updating its network and system boundary policies, in accordance with OMB M-19-26. This includes, as appropriate, incorporation of TIC security capabilities catalog, TIC use cases, and TIC overlays. 4/15/2024</p>
<p>Recommend that EEOC implement strong authentication mechanisms for privileged and non-privileged users in accordance with Federal guidance, to meet the required use of PIV or an Identify Assurance Level (IAL)3/Authenticator Assurance Level (AAL) 3 credential of the agency’s networks, including remote access sessions, in accordance with Federal targets. The agency should continue developing their plans for organization-wide use of strong authentication mechanisms for non-privileged users and require multifactor authentication to network access for all user accounts.</p>	<p>Work in progress. EEOC will implement strong authentication mechanisms for privileged and non-privileged users in accordance with Federal guidance, to meet the required use of PIV or an Identity Assurance Level (IAL) 3/Authenticator Assurance Level (AAL) 3 credential of the agency’s networks, including remote access sessions, in accordance with Federal Targets. The agency will continue developing their plans for organization-wide suite of strong authentication mechanisms for non-privileged users and require multifactor authentication to network access for all user accounts. FY 2024 – confirmation required by audited office.</p>
<p>Recommend that EEOC review and remediate the medium level severity vulnerabilities identified during external penetration testing by: Disabling IKE Aggressive Mode. Refraining from the use of pre-shared authentication keys. Implementing multi-factor authentication for all VPN access.</p>	<p>Work in progress. EEOC will perform identified actions to better strengthen security controls. Removed from VPN the advertising of Internet Key Exchange (IKE) Aggressive Mode with Pre-shared Key and disable the functionality if enabled. Disable TLS 1.2 or 1.3. VPN access requires machine authentication via decentralized public key infrastructure (DPK) certificate. Yubikey has been successfully integrated into the VPN authenticates architecture for supplementing user-based multi-factor authentication.</p>

Audit Report Name: Transmittal and Exist Conference Memorandum: Federal Information Security Modernization Act of 2014 (FISMA) Fiscal Year 2022 Performance Audit

Month and Year Report was Issued: OIG Report No. 2022-001-AOIG

Date of Report: November 3, 2023

Recommendation	Implementation Status
<p>Recommend that EEOC defines, communicates, and implements an organization wide SCRM strategy to guide supply chain analyses, provide communication channels with internal/external partners and stakeholders, and assist in building consensus regarding the appropriate resources for SCRM.</p>	<p>Work in progress. OIT will ensure practicality of policy by implementing and enforcing throughout OIT; disseminate agency-wide, by departments; test agency-wide implementation, and modify current processes ensuring supply chain analysis, internal and external communication channels, auditing, and risk assessments components.</p>
<p>Recommend that EEOC implement strong authentication mechanisms for privileged and on-privileged users in accordance with Federal guidance, to meet the required use of PIV or an Identity Assurance Level (IAL) 3/Authenticator Assurance Level (AAL) 3 credential of the agency's networks, including remote access sessions, in accordance with Federal targets. The agency should continue developing their plans for organization-wide use of strong authentication mechanisms for non-privileged users and require multifactor authentication to network access for all user accounts.</p>	<p>Work in progress. EEOC systems require multiple layers of identify assurance and authorization. Login & password is required for PC access; now tokens are also required for VPN or online access. PIOV cards are employed where external systems require, and MS operations require random verification by MFA. EEOC is standardizing on IAL3/AAL3 tokens, now acquired, and being distributed. Achieved union buy-in. 2023 Q4. Testing and validation pending by auditors to determine if steps taken implement recommendation.</p>
<p>Recommend that EEOC review and remediate the medium the medium level severity vulnerabilities identified during external penetration testing by: Disabling IKE Aggressive Mode if supported. Refraining from the use of pre-shared authentication keys. If using a pre-shared key cannot be avoided, use strong keys. Do not allow VPN connections from a non-approval IP address, if possible.</p>	<p>Completed. This is a repeat finding. OIT considers this finding complete. OIT remediated this finding by disabling the advertising of IKE Aggressive Mode. Testing and validation pending.</p>
<p>Recommend that EEOC: Determine if listening ports or entire system should be blocked from public access. Regularly review network device search engines for new systems belonging to EEOC or those that may be masquerading as EEOC systems. Perform a forensic analysis on identified system to ensure no malicious access has taken place. For authorized remote sessions, create a control to address remote access being left open after the session has concluded. Create an auditability feature that checks internally via an agent when a device with remote access is listening. Create an auditability feature that checks for remote connection software being installed.</p>	<p>Completed. OIT considers the finding complete. OIT disabled the RDP services on the identified client endpoint withing the day of notice. Testing and validation pending.</p>
<p>Recommend that EEOC review and remediate the level 4 severity vulnerabilities identified during internal vulnerability scanning to avoid compromises to agency systems. To remediate vulnerabilities and prevent further exploitation, the agency should implement risk mitigation procedures such as: performing system updates, operating systems with administrative rights, downloading patches, uninstalling unprotected applications, etc. Where risk acceptance is required for vulnerabilities based on EEOC's network operations and risk assessments, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.</p>	<p>Work in progress. OIT will mitigate these findings using technology enhancements (i.e., patching, scanning) and bolstered validation procedures. Continuous Diagnostics and Mitigation (CDM) solutions continue being deployed to aid in this effort. OIT will reevaluate implementation of a Governance, Risk and Compliance (GRC) solution</p>

Recommendation	Implementation Status
	to enhance risk management and improve risk visibility, monitoring, as well as documenting risk decisions to include risk acceptance. 2023 Q4
<p>Recommend that EEOC review and remediate the level 5 severity vulnerabilities identified during internal vulnerability scanning to avoid compromises to agency systems.</p> <p>To remediate vulnerabilities and prevent further exploitation, the agency should implement risk mitigation procedures such as: applying vendor-released security fixes, disabling certain user access rights, upgrading to the latest supported version, and removing vulnerable/obsolete hardware from its network.</p> <p>These vulnerabilities should be added and tracked on POAMS.</p> <p>Where risk acceptance is required for vulnerabilities based on EEOC’s network operations and risk assessments, we recommend that EEOC formally document the risk acceptance along with any associated mitigation activities.</p>	<p>Work in progress. OIT will mitigate these findings using technology enhancements (i.e., patching, scanning) and bolstered validation procedures. Continuous Diagnostics and Mitigation (CDM) solutions continue being deployed to aid in this effort. OIT will reevaluate implementation of a Governance, Risk and Compliance (GRC) solution to enhance risk management and improve risk visibility, monitoring, as well as documenting risk decisions to include risk acceptance. 2023 Q4</p>

Audit Report Name: Evaluation of EEOC’s Management of Private Sector Customer Service

Month and Year Report was Issued: OIG Report No. 2021-001-EOIG

Date of Report: October 18, 2022

Recommendation	Implementation Status
<p>EEOC should develop a customer service plan to include establishing goals and objectives, developing performance metrics that target the goals, and measuring performance against the goals. This plan must include goals and metrics for the IIG.</p>	<p>Work in progress. EEOC’s Deputy Chief Operating Officer (DCOO) will be the senior official responsible for developing a customer service plan that includes goals, objectives, and performance metrics including the IIG. The DCOO will form a workgroup that includes representatives from customer facing offices to examine the requirements of a plan and produce a draft. When complete the draft will be circulated for comment to all office directors before it is finalized by the Chair. FY 2024 Q1</p>
<p>EEOC must manage customer expectations by making customer service standards available to the public.</p>	<p>Work in progress; partially completed. Upon approval by OCH, the customer service plan will be published to the Budget and Performance page of the EEOC website. The IIG added approximate wait times to Interactive Voice Responses when callers choose to speak with a Contact Representative, and the IIG is considering for FY 2024 adding an estimated response time to the IIG’s automatic replies to emails. FY 2024</p>

Recommendation	Implementation Status
<p>The IIG must collect customer feedback and use the data to improve customer service efforts.</p>	<p>Completed. The IIG and its private vendor completed all testing for the IIG’s new automated system for collecting “post-call” customer service surveys. Specifically, callers to the EEOC’s 1-800 number are now asked to complete a customer service survey at the conclusion of their call. These surveys are expected to provide customer service feedback that will enable the IIG to engage in targeted, ongoing improvements to customer service. The customer service survey was launched on August 22, 2023, after an approximate six months of development and testing. Support documentation has been requested for closure.</p>
<p>The IIG should explore and implement ways to reduce the call hold time and email response time for customers.</p>	<p>Completed. The IIG completed its refresher training to IIG Contact Representatives to ensure they are proficient with the knowledge base they need to respond to callers to the 1-800 number in the most accurate and time-efficient manner possible. The IIG is currently engaged in ongoing refresher training for all Contact Representatives with respect to IIG protocols for responding to IIG email inquiries with the most accurate information and in the most time-efficient manner. Support documentation has been requested for closure.</p>
<p>The IIG should design and implement a quality assurance program for customer emails.</p>	<p>Completed. The IIG completed designing, drafting, and implementing a new quality assurance program for IIG responses to customer email inquiries. This new quality assurance program for responses to email inquiries has been added to the IIG’s overall written Quality Assurance Handbook. Support documentation has been requested to support closure.</p>

Recommendation	Implementation Status
<p>OFP should assess the usefulness of generating 846 inquiries (i.e., return on investment) and assess whether automatic close out in the system is more practical.</p>	<p>Completed. OFP assessed the usefulness of generating 846 Inquiries. OFP, with the agreement of the Office of the Chair, determined that the IIG should still generate 846 Inquiries. Generating those inquiries enables the EEOC to continue its process of engaging in a follow-up with all callers to the IIG whom the IIG has determined may have a claim that falls within the EEOC’s jurisdiction. That follow-up process, however, is now being done within the IIG (not by EEOC Field Offices) in order to increase the return on investment of following up on these 846 inquiries and eliminate duplication in field offices. 3/3/2023. Support documentation has been requested for closure.</p>
<p>OFP should establish guidelines for generating 846 inquiries and other information sharing between the IIG and district offices.</p>	<p>Completed. OFP established guidelines for generating 846 Inquiries by Marcy 3, 2023. OFP established guidelines for information sharing between the IIG and EEOC Field Offices during the first half of FY 23. The most recent update to the national intake contacts list containing all IIG designated email addresses and Hotline phone numbers was distributed on July 18, 2023. Support documentation has been requested to support closure.</p>

Audit Report Name: Final Report Transmittal of the OIG Digital Process Transformation and Automation (DPTA) Evaluation

Month and Year Report was Issued: OIG Report No. 2021-002-EOIG

Date of Report: January 20, 2023

Recommendation	Implementation Status
Engage an independent organizational change management firm/entity to assist EEOC in implementing recommendations 2 through 9.	Work in progress. In lieu of acquiring third-party services to assist with this effort, the EEOC will leverage its Data Governance Board (DGB), comprised of senior leaders across various programs offices, to review the evaluation and oversee corrective actions from an organizational change management perspective. This will start in mid-2024 due to other agency priorities. EEOC will provide training and informational sessions to members of the DGD, and their delegated staff, when necessary, to ensure that they are well-grounded in the principles of DPTA. 03/31/2024
Create a Digital Support Unit (DSU) of dedicated staff.	Work in progress. The EEOC will create a DSU, an intra-agency working group, comprised of senior professionals and managers from OIT, OEDA, OFO, OFP, and OGC, championed by a senior leader, to assign and oversee DPTA cross-program activity. This strategy has been successful in the past with the development and implementation of technology. 03/31/2024
Define a clear, consistent, and comprehensive vision of digital transformation at EEOC.	Work in progress. The EEOC Data Governance Board governance documents will outline a vision for digital transformation at the EEOC. 03/31/2024.
Consider formulating a Digital Transformation Strategy, either as a strategic goal in the EEOC Strategic Plan for Fiscal Years 2023-2027 or as a standalone document.	Work in progress. The EEOC DGB will outline and monitor related plans and initiatives for the EEOC. 06/30/2024.
Plan at least three digital pilot projects with appropriate evaluation methods.	Work in progress. The DPTA Intra-agency Working Group will outline and monitor related plans and initiatives for the EEOC. 06/30/2024.
Task OEDA with a goal of building a Data Analytics Plan for EEOC.	Work in progress. By the end of FY24, OEDA intends to use the data points garnered from the Charge Data Lifecycle Project, currently in the early developmental phase, to build more advanced statistical forecasting models by taking advantage of predictive analytics and advancing to prescriptive analytics. <ul style="list-style-type: none"> • Once the information gathering is near completion, OEDA will work with OCH and OCHCO to hire staff to support the effort. By the end of FY24, OEDA will form a workgroup with the end goal of

Recommendation	Implementation Status
	drafting a Data Analytics Plan. Activities involved will include: <ul style="list-style-type: none"> • Drafting a Charter for a small intra-agency workgroup. • Determining what tools, technologies, and storage requirements will be needed. • Determining the cost(s) for acquiring the tools, tech, and storage and the means (in-house, procurement). Incorporating the needs and goals of the EEOC DGB. 06/30/2024.
Develop an EEOC Organizational Communication Strategy and Plan.	Work in progress. In conjunction with the EEOC DGB, OCLA will develop an organizational communication strategy and plan to guide our internal and external messaging and communications with stakeholders. OCLA staff will also be provided training on DPTA. 06/30/2024.
Develop a Target-State Architecture Plan.	Work in progress. The Office of Information Technology (OIT) will develop a current and target-state architecture plan for the overall IT infrastructure. Some of this work is ongoing, but the process will be formalized and monitored through the EEOC DGB. 06/30/2024.
Inventory and plan the decommissioning of outdated technologies and online content.	Work in progress. The OIT and OCLA will present and review plans for decommissioning outdated technologies and online content with the EEOC DGB. Some of this work is ongoing, but the process will be formalized and monitored through the EEOC DGB. <ul style="list-style-type: none"> • OCLA, OIT and OEDA have coordinated to format and send new datasets to data.gov to bring EEOC content up to date. New submissions have been sent and are subject to data.gov publishing timelines. • Cleanup of EEOC YouTube content has been completed. Content was organized into playlists. • Updating content on the Open Government page is in progress (OCLA, OIT, and OEDA). 06/30/2024.

Audit Report Name: Evaluation Report: EEOC Payment Integrity Information Act of 2019 (PIIA) FY 2022

Month and Year Report was Issued: OIG Report No. 2023-001-EOIG

Date of Report: May 22, 2023

Recommendation	Implementation Status
<p>Recommends EEOC develops agency-wide Improper Payment risk assessment standard operating procedures (SOP). This SOP should include risk assessment procedures to be performed by each identified significant programs. These procedures should be based on OMB A-123 guidance found in Appendix C. For each identified significant program (OCHCO), a responsible program point of contact should be established. The responsible party should report results of their programs risk assessment to the EEOC responsible office (or office).</p>	<p>Completed. The Office of the Chief Human Capital Officer developed the SOP “Improper Payment Risk Assessments and Internal Auditing” to ensure compliance with OMB A-136 PIIA and reporting requirements. Support documents provided for closure. Testing and validation pending.</p>
<p>Develops a SOP to ensure annual compliance with OMB A-136 PIIA review and reporting requirements.</p>	<p>Work in progress. OEDA will ensure that SOP is drafted to key stakeholders, including OCHCO, OCFO. And DCOO. OEDA will implement agency-wide PIIA SOP following input, revisions, and approval. FY 2024</p>

Audit Report Name: Audit of the EEOC’s FY 2023, and 2022 Financial Statements

Month and Year Report was Issued: OIG Report No. 2023-001-AOIG * *New Report* *

Date of Report: November 15, 2023

Recommendation	Implementation Status
<p>Recommends that EEOC adjust the balances for all activity as of September 30, 2023, and vigilantly monitor transactions related to software under development, especially those associated with the TMF. As such, OIT should notify OCFO at least quarterly of all activity related to software under development for proper recording of costs associated with internally developed software.</p>	<p>OCFO will coordinate with OIT to develop and implement TMF procedures that ensure the accuracy and timely recording of such transactions per Treasury Manual requirements for quarterly and year-end financial reporting. FY 2024</p>
<p>Recommend EEOC review all State and Local Program undelivered orders at year end and accrue an estimated value of these payments that will be made after year-end. As the State and Local Program is a reimbursement for the current year activity, the expectation is that a significant amount of these transactions will be submitted for reimbursement. EEOC should perform a historical review of State and Local Program reimbursements against contracts to determine an estimate to apply to all unpaid State and Local Program undelivered orders at each year end. Utilizing this historical ratio against current year outstanding undelivered orders as an accrual amount should help ensure that EEOC capture its costs for the fiscal year.</p>	<p>OCFO will review OIT IUS software development costs on a quarterly basis in SGL 1832, SGL 6610, SGL2290, and SGL 6100. 12/31/2023-9/30/2024</p>

Audit Report Name: Federal Information Security Modernization Act of 2014 (FISMA) FY 2023 Performance Audit

Month and Year Report was Issued: OIG Report No. 2023-002-AOIG * *New Report* *

Date of Report: November 20, 2023

Recommendation	Implementation Status
We recommend that EEOC communicates and implements an organization-wide SCRM and CSCRM strategy to guide supply chain analyses, provide communication channels with internal/external partners and stakeholders, and assist in building consensus regarding the appropriate resources for SCRM and C-SCRM. We recommend that EEOC offices of the Chief Financial Officer and the Chief Information Officer identify SCRM/C-SCRM as a risk to be included in their respective ERM risk registers until the issue is resolved so that commission management understand that SCRM/C-SCRM is a commission-wide requirement.	Work in progress. OIT is in the process of developing a corrective action plan to address the thirteen recommendations.
We recommend that EEOC continue its full implementation in accordance with their plan. For the ZTA Identity pillar, to better meet ZT requirements for all agency-provided devices, the EEOC made a strategic decision to move away from the prior PIV-based device-login solution to a new password-less Multi-Factor Authentication (MFA) strategy - providing a strong, non-impersonable authentication process for all agency resource access.	Work in progress.
We recommend that EEOC plans and prepares to meet the goals of the TIC initiative, consistent with OMB M-19-26. The agency should define and customize, as appropriate, a set of policies, procedures, and processes to implement TIC 3.0, including updating its network and system boundary policies, in accordance with OMB M-19-26. This includes, as appropriate, incorporation of TIC security capabilities catalog, TIC use cases, and TIC overlays.	Work in progress.
EEOC should develop an executable plan to meet the requirements of OMB M-21-31 and ensure the plan is properly supported.	Work in progress.
EEOC's information security team should, in conjunction with other EEOC offices: a. Identify and document all applicable policies and procedures to cybersecurity and information security; b. Develop and use an accessible repository, such as SharePoint, for all identified documents, regardless of what office they reside in; c. Design a risk-based approach to review and update all identified documents in the repository, including who is responsible for reviewing and updating each document. d. Document the review/update in each document as well as the responsible party within the information security team who ensures that each document has been updated per the documented procedure for review. e. Designate a responsible official within the OIT to review and update the process as necessary on annual basis.	Work in progress.
We recommend that EEOC: • Review all devices and systems and ensure default credentials are not in use. • Implement the use of complex credentials for all systems. • Review system for potential malicious access. • If it is not possible to change passwords to something complex, consider isolating the device on a separate network segment and implementing ACLs that limit what devices and who may attach to the system. • Determine if the application should be publicly available. If not, implement NSG rules within Microsoft Azure or ACLs within firewalls to limit or block all external applications to the site. • Ensure it has a policy in place that addresses NIST 800-53, Rev 5, IA-5(5). • Ensure procedures are written in such a way to accomplish what is written in the policy. • Ensure it has people in assigned a role to follow and evaluate default credentials. • Consider how new or existing technologies it has can assist in these efforts.	Work in progress.
We recommend that EEOC: • Update to a recent BIRT viewer component, well past version 4.12. • Determine if the application should be publicly available. If not, implement NSG rules within Microsoft Azure or ACLs within firewalls to limit or block all external application to the site. • Remove default and un-needed .rptdesign files that allow for passing a parameter with attacker-controlled input. • Ensure BIRT viewer component is proxied through an authenticated connection and not via direct calls to the NXG servers. Implement the use of complex credentials for all systems. • Ensure it has a policy in place to address NIST 800-53, Rev 5, SI-2. • Ensure procedures are written in such a way to accomplish what is written in the policy. • Ensure it has people in assigned a role to remediate flaws in accordance with its policy and risk tolerance. • Consider how new or existing technologies it has can assist in these efforts.	Work in progress.
We recommend that EEOC: • Review all devices and systems and ensure default credentials are not in use. • Implement the use of complex credentials for all systems. • It is not possible to change this password to something complex. Consider isolating the device on a separate network segment and implementing ACLs that limit what devices and who may attach to the system. • Determine if the management page should be publicly available. If not, implement	Work in progress.

Recommendation	Implementation Status
ACLs within firewalls to limit or block all external application to the site. • Ensure it has a policy in place to address NIST 800-53, Rev 5, SI-2. • Ensure procedures are written in such a way to accomplish what is written in the policy. • Ensure it has people in assigned a role to remediate flaws in accordance with its policy and risk tolerance. • Consider how new or existing technologies it has can assist in these efforts.	
We recommend that EEOC: • Patch to the most recent version of firmware and confirm that this information is not disclosed from the administrative page source code. • Determine if the management page should be publicly available. If not, implement ACLs within firewalls to limit or block all external application to the site. • Ensure it has a policy in place to address NIST 800-53, Rev 5, SI-2. • Ensure procedures are written in such a way to accomplish what is written in the policy. • Ensure it has people in assigned a role to remediate flaws in accordance with its policy and risk tolerance. • Consider how new or existing technologies it has can assist in these efforts.	Work in progress.
We recommend that EEOC: • Review source code and source code repositories for code containing internal IP addresses and URLs. • Remove inappropriately stored information from source code.	Work in progress.
We recommend that EEOC: • Limit access from specific IP addresses to the Amazon AWS EKS API. • Configure AWS Control Tower’s data residency controls to alert on publicly accessible Amazon EKS endpoints. • If AWS Control Tower is not in use, create an AWS Config rule to detect whether an Amazon EKS endpoint is blocked from public access.	Work in progress.
We recommend that EEOC ensures that every sensitive form transmits content over HTTPS. • Ensure it has a policy in place that addresses and enforces protects the confidentiality and/or the integrity of transmitted information. • Ensure procedures are written in such a way to accomplish what is written in the policy, to include compensating controls. • Ensure it has people in assigned a role to enforce the policy and procedures in place to protect the confidentiality and/or the integrity of transmitted information. • Consider how new or existing technologies it has can assist in these efforts.	Work in progress.
Ensure it has a policy in place to address NIST 800-53, Rev 5, SI-2, Flaw Remediation. • Ensure procedures are written in such a way to accomplish what is written in the policy.	Work in progress.

Audit Report Name: Final Report Transmittal for Customer Service Portals Evaluation

Month and Year Report was Issued: OIG Report No. 2022-001-EOIG * *New Report* *

Date of Report: September 12, 2023

Recommendation	Implementation Status
Institute a governance framework for managing the Agency’s portals.	Work in progress.
Include requirements to use the U.S. Web Design System in the Agency’s Project Plan for designing, developing, and implementing the next generation of portals.	Work in progress.
Implement mechanisms to ensure that the design and management of the portals are responsive to customer needs.	Work in progress.
Simplify portal content and customer instructional materials and embed instructional materials within the relevant pages of each portal.	Work in progress,
Ensure that the design and function of all portals accurately reflect EEOC’s business rules and applicable laws.	Work in progress.
Make targeted improvements to address accessibility issues on the existing portals.	Work in progress.
Take specific actions to improve users’ ability to collaborate and communicate through the portals.	Work in progress.

Audit Report Name: GAO: Gender Pay Differences: The Pay Gap for Federal Workers Has Continued to Narrow, but Better-Quality Data on Promotions Are Needed

Month and Year Report was Issued: GAO-21-67

Date of Report: December 3, 2020

Recommendation	Implementation Status
As part of the Equal Employment Opportunity Commission's plans to implement a new data system, the Chair of the Equal Employment Opportunity Commission should assess the feasibility of developing the agency's capacity to systematically analyze retaliation charge data, including the protected activities associated with these charges.	As part of the development of ARC, the EEOC assessed the feasibility of developing the capacity to systematically analyze retaliation data.

Audit Report Name: GAO: Workplace Sexual Harassment: Experts Suggest Expanding Data Collection to Improve Understanding of Prevalence and Costs

Month and Year Report was Issued: GAO-20-564

Date of Report: October 16, 2020

Recommendation	Implementation Status
As part of the Equal Employment Opportunity Commission's plans to implement a new data system, the Chair of the Equal Employment Opportunity Commission should assess the feasibility of developing the agency's capacity to systematically analyze retaliation charge data, including the protected activities associated with these charges.	Closed – Implemented. In January 2022, the EEOC deployed a new charge management system that will allow EEOC staff to systematically analyze retaliation charge data, including the protected activities associated with these charges. For example, the new system requires staff to enter the underlying basis and issue for most retaliation allegations and permits them to link charges, which allows for further tracking, analysis, and reporting on retaliation charges.

Audit Report Name: GAO: Freedom of Information Act: Agencies Are Implementing Requirements but Additional Actions Are Needed

Month and Year Report was Issued: GAO-18-365

Date of Report: June 25, 2018

Recommendation	Implementation Status
The Chair of EEOC should take steps to develop and document a plan that fully addresses best practices with regards to reduction of backlogged FOIA requests.	Chief FOIA Officer developed a FOIA backlog reduction plan in FY 2018. Applying this plan, EEOC staff reduced the agency backlog of overdue FOIA requests in FYs 2019 - 2021; the FOIA backlog of overdue receipts at the end of FY 2022 is estimated at under 100 agency-wide, out of receipts numbering over 13,700 per year
The Chair of EEOC should work with FCC to develop a new memorandum of understanding that includes a plan for EEOC to routinely share data with FCC regarding discrimination charges filed against broadcasters and cable and satellite television operators.	Work in Progress. EEOC is working with FCC to review the types of data collected by each agency, the potential for data sharing, and the possible improvements in enforcement.

Audit Report Name: GAO: Workforce Diversity: Hispanic Workers Are Underrepresented in the Media, and More Data Are Needed for Federal Enforcement Efforts

Month and Year Report was Issued: GAO-22-104669

Date of Report: October 5, 2022

Recommendation	Implementation Status
The Chair of EEOC should work with FCC to develop a new memorandum of understanding that includes a plan for EEOC to routinely share data with FCC regarding discrimination charges filed against broadcasters and cable and satellite television operators.	Work in Progress. The EEOC has begun the process of reformulating its prior agreement with FCC and will work in collaboration with FCC to review the MOU and explore possible improvements in EEO enforcement.
The Chair of EEOC should improve EEOC's approach to routinely identify local unions required to file an EEO-3 report to help ensure that they file such reports on the demographics of union members.	Work in Progress. The EEOC is actively taking additional steps to explore approaches that would allow the agency to better determine whether all eligible local referral unions are complying with reporting requirements designed to collect demographic data on union membership and referrals.

Audit Report Name: GAO: Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process is Needed

Month and Year Report was Issued: GAO-23-106245

Date of Report: October 31, 2022

Recommendation	Implementation Status
The Chair of the EEOC should monitor field office-level data on the length of the intake process. For example, EEOC could monitor these data by including them in the monthly internal management reports it produces.	Closed - Implemented. The EEOC developed enhancements to the agency's charge management system to track the time between a potential charging party's initial inquiry and the date of the intake interview and implemented a daily management report that tracks the average length of the intake process for each field office – covering the number of days between the initial inquiry date and the intake interview date.

Audit Report Name: GAO: Information Management: Agencies Need to Streamline Electronic Services

Month and Year Report was Issued: GAO-23-105562

Date of Report: December 20, 2022

Recommendation	Implementation Status
The Chair of the Equal Employment Opportunity Commission should establish a reasonable time frame for accepting remote identity proofing with authentication, digitally accepting access and consent forms from individuals who were properly identity proofed and authenticated and posting access and consent forms on the agency's privacy program website.	Work in Progress. The EEOC has finalized plans to use the agency's FOIA portal vendor to route Privacy Act requesters through Login.gov to accept online access and consent forms from individuals who have been identity proofed and authenticated. In addition, this initiative is in the acquisition phase with planned delivery during the second quarter of FY 2024.



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