



FISCAL YEAR 2020

**ANNUAL
PERFORMANCE
REPORT**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HOW THIS REPORT IS ORGANIZED

This *Fiscal Year 2020 Annual Performance Report* (APR) presents the U.S. Equal Employment Opportunity Commission's (the EEOC or agency) program results and management challenges. Agency efforts in each of these areas are summarized below.

- **Agency and Mission Information:** Provides an overview of the agency's organizational structure, mission, and vision.
- **Performance Results:** Highlights the progress made in meeting the agency's performance measures, which are articulated in the EEOC's Strategic Plan for Fiscal Years 2018 through 2022, as well as accomplishments in related programs and activities.
- **Other Information:** Identifies major management priorities and challenges, and addresses the validation and verification of the performance data.
- **Evidence Building:** Describes findings from agency-funded evaluations and other relevant evidence-building activities.
- **Appendices:** Contains a glossary of the acronyms and definitions of terms used in the report as well as performance information specifically requested by Congress.



TABLE OF CONTENTS

A Message from the Chair	4
Mission, Major Programs and Organizational Structure.....	5
Agency Overview	6
Statutory Structure.....	6
Organization	7
Performance Results.....	8
Summary of Agency Results Under the Strategic Plan Performance Measures	9
Summary of Fiscal Year 2020 Performance Highlights	10
EEOC’s Performance Measurement Process	12
Detailed Results Achieved in Fiscal Year 2020 Under the Strategic Plan Performances Measures	13
Related Program Results and Activities	29
Other Information	53
Major Management Challenges	54
Cross-Agency Collaborations	56
Program Evaluations.....	56
Data Validation and Verification	58
Evidence Building	59
Appendices	62
Appendix A: Organization and Jurisdiction	63
Appendix B: Additional Information on EEOC Investigations and Litigation Requested by Congress.....	65
Appendix C: Biographies of the Chair, Commissioners, and General Counsel.....	69
Appendix D: Glossary of Acronyms.....	71
Appendix E: Internet Links	72
Appendix F: EEOC Field Offices.....	73
Acknowledgments.....	74
We Welcome Your Comments.....	75



A MESSAGE FROM THE CHAIR



I am pleased to present the U.S. Equal Employment Opportunity Commission’s Annual Performance Report (APR) for fiscal year (FY) 2020. This report highlights that despite the challenges of FY 2020, the EEOC adapted quickly, pushed forward, and made significant progress toward fulfilling our mission to prevent and remedy unlawful employment discrimination and to advance equal employment opportunity in the workplace. The results are remarkable.

The EEOC was able to strategically balance all tools available to effectively enforce the law, promote compliance, and benefit workers and employers alike. Among these accomplishments, the EEOC secured a record amount of recovery, more than \$535 million, for victims of discrimination in the workplace while reducing the private sector charge inventory by nearly 4 percent to the lowest level in 14 years. Additionally, the agency increased the percentage of charges resolved and those with outcome favorable to the charging party increased by nearly two percent, to 17.4 percent. The agency was able to quickly adapt and provide effective virtual outreach and trainings, reaching nearly 300,000 people. Finally, the agency provided critical, high-quality, and easy to understand education and outreach in response to the pandemic to address the intersection of COVID–19 and federal employment discrimination laws to the private, state and local, and federal sectors.

As this report highlights, in fiscal year 2020, the agency also made progress toward meeting the measures and objectives set out in our strategic plan. In January 2020, to focus the work of the agency in the most impactful manner, I presented “The Chair’s Priorities for 2020.” The five priorities are rooted in the EEOC’s core mission, which guide our efforts to prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace. None of us knew, however, the unique challenges we would face soon after the introduction of these priorities. The impact of the pandemic on the work of the Commission was significant. The EEOC closed physical offices to the public and implemented agency-wide telework. I am proud to say that the agency met and overcame those challenges. The agency adapted quickly to telework and utilized new technologies to continue providing vital services for those who rely on our work. The efforts of our employees allowed us to maximize our impact on advancing equal opportunity in the workplace.

Historically, the EEOC has been a small agency with a huge mission. I am gratified that through the results outlined in this report the public will be reminded of something I have learned during my time as Chair — EEOC employees are truly dedicated to preventing and remedying employment discrimination and work tirelessly to make a positive impact. I am proud of what the agency has achieved over the past fiscal year and truly believe that we have made a difference.

A handwritten signature in black ink that reads "Janet Dhillon". The signature is written in a cursive, flowing style.

Janet Dhillon
Chair
January 19, 2021



**MISSION, MAJOR PROGRAMS,
AND ORGANIZATIONAL
STRUCTURE**

MISSION, MAJOR PROGRAMS, AND ORGANIZATIONAL STRUCTURE

The Equal Employment Opportunity Commission’s Annual Performance Report provides performance results that enable the President, Congress, and the American people to assess the EEOC’s accomplishments for each fiscal year (October 1 through September 30). This report provides an overview of programs, accomplishments, and challenges. The report is prepared in accordance with the requirements of the Office of Management and Budget (OMB) Circular No. A–11, Annual Performance Planning and Reporting Requirements.

EEOC’s Mission	EEOC’s Vision
Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.	Respectful and inclusive workplaces with equal employment opportunity for all.

AGENCY OVERVIEW

Title VII of the Civil Rights Act of 1964 (Title VII) created the EEOC to enforce protections against employment discrimination on the bases of race, color, national origin, religion, and sex. Congress subsequently vested the EEOC with responsibility to enforce the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Section 501 of the Rehabilitation Act of 1973, Titles I and V of the Americans with Disabilities Act of 1990 (ADA), and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). In addition, in 1972, Congress further expanded the agency’s responsibilities by providing federal government employees the protections of Title VII and providing the EEOC with independent litigation authority against private employers under Title VII.

STATUTORY STRUCTURE

The EEOC is led by six presidential appointees — [five Commissioners \(including the Chair and the Vice Chair\) who serve staggered five-year terms and the General Counsel](#). No more than three Commissioners (including the Chair and Vice Chair) may be from the same political party. The Chair is responsible for the administration and implementation of policy and the enforcement program, financial management, and day-to-day operations of the Commission. The Commissioners participate in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of lawsuits and amici curiae. The General Counsel supports the Commission and provides direction, coordination, and supervision to the EEOC’s litigation program.

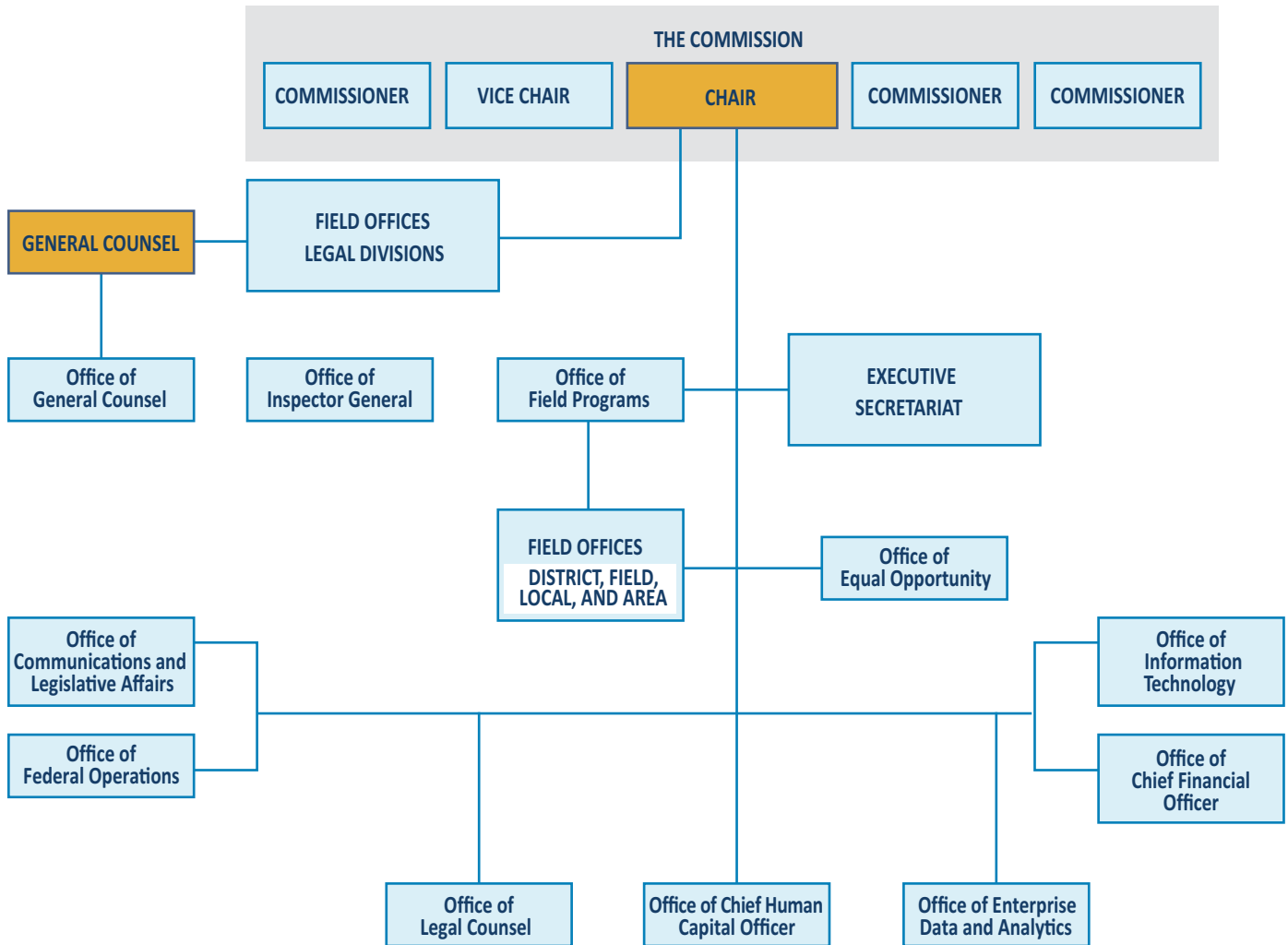
The Commissioners and General Counsel	Term Expires
CHAIR JANET DHILLON	2022
VICE CHAIR, KEITH E. SONDERLING*	2024
COMMISSIONER VICTORIA A. LIPNIC*	2020
COMMISSIONER CHARLOTTE S. BURROWS	2023
COMMISSIONER, VACANT*	2021
GENERAL COUNSEL SHARON FAST GUSTAFSON	2023

*Keith E. Sonderling was sworn in on September 30, 2020, to the term ending in 2024. Andrea R. Lucas was confirmed to the term (occupied by Commissioner Victoria Lipnic in fiscal year 2020) ending in 2025 on September 22, 2020, but not sworn in before the end of the fiscal year. Jocelyn Samuels was confirmed to the term ending in 2021 on September 23, 2020, but not sworn in before the end of the fiscal year.



ORGANIZATION

The EEOC accomplishes its mission through component offices that administer various programs. The EEOC also maintains work sharing agreements and a contract services program with 92 state and local Fair Employment Practices Agencies (FEPAs) to coordinate the investigation of charges dual-filed under federal law and state and local laws, as appropriate.



For more information about specific EEOC offices, please see Appendix A.

These programs are carried out through a network of 53 district, field, area, and local offices. For more information about the [EEOC Field Offices](#) across the nation please see Appendix F.



The image features a dark blue background with a subtle, semi-transparent pattern of classical columns. The columns are arranged in a perspective, receding into the distance. The overall aesthetic is professional and institutional. The text 'PERFORMANCE RESULTS' is centered in a bold, white, serif font.

PERFORMANCE RESULTS

PERFORMANCE RESULTS





SUMMARY OF AGENCY RESULTS UNDER THE STRATEGIC PLAN PERFORMANCE MEASURES

The Government Performance and Results Modernization Act, (5 U.S.C. 306, as amended), requires federal agencies to prepare a Strategic Plan every four years, beginning in 2012. The Commission approved the EEOC’s [Strategic Plan for Fiscal Years 2018–2022](#) (Strategic Plan or Plan) on February 12, 2018.

The EEOC’s Strategic Plan established a national framework to achieve the agency’s mission. To that end, the EEOC has committed to pursuing the following three strategic objectives and goals:

- Strategic Objective I. Combat and prevent employment discrimination through the strategic application of EEOC’s law enforcement authorities.** The correlated goals are: 1) Discriminatory employment practices are stopped and remedied, and victims of discrimination receive meaningful relief; and 2) Enforcement authorities are exercised fairly, efficiently, and based on the circumstances of each charge or complaint.
- Strategic Objective II. Prevent employment discrimination and promote inclusive workplaces through education and outreach.** The correlated goals are: 1) Members of the public understand the employment discrimination laws and know their rights and responsibilities under these laws; and 2) Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.
- Management Objective. Achieve organizational excellence.** The correlated goals are: 1) Staff exemplify a culture of excellence, respect, and accountability; and 2) Resource allocations align with priorities to strengthen outreach, education, enforcement, and service to the public.

The Plan also identified strategies for achieving each outcome goal and identified 12 performance measures for gauging the EEOC’s progress through fiscal year 2022. The below chart summarizes the agency’s progress in meeting these measures in fiscal year 2020.

EEOC FY 2020 Performance ¹			
Measures	 Targets Met or Exceeded	 Targets Partially Met ¹	 Targets Not Met
12	10	2	0
¹  Targets Partially Met: A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) the EEOC was unable to assess the results because full year data was not yet available.			

1. In the Fiscal Year 2020 Agency Financial Report (AFR), the EEOC reported that the targets for eight performance measures were met or exceeded and the targets for four performance measures were partially met. Subsequent to the publication of the AFR, EEOC determined that the target for performance measure three, which was included in the measures that were partially met in the AFR, was actually fully met in fiscal year 2020. Additionally, performance measure six was inadvertently reported as partially met in the AFR, when it should have been reported as fully met. Therefore, in fiscal year 2020, the EEOC met or exceeded the targets for 10 performance measures and partially met the targets for two performance measures.



SUMMARY OF FISCAL YEAR 2020 PERFORMANCE HIGHLIGHTS

Equal opportunity is one of our nation's most cherished values, giving all of us a fair shot to achieve our dreams and aspirations. The EEOC's Strategic Plan establishes a framework for achieving the EEOC's mission to "Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace," so that the nation may achieve the Commission's vision of "Respectful and inclusive workplaces, with equal employment opportunity for all." Chair Dhillon's 2020 Priorities are rooted in the Commission's mission and vision and share the common theme of excellence, strategic innovation, and collaboration. Through implementation of the Strategic Plan and the Chair's 2020 Priorities, the EEOC advances opportunity and ensures freedom from discrimination in the American workplace. Below are some of our performance highlights in achieving the agency's strategic objectives and the Chair's Priorities for fiscal year 2020.

The EEOC continued to provide excellent customer service, successfully combat and prevent employment discrimination through the strategic application of EEOC's law enforcement authorities and strategically allocate commission resources by:

- Ensuring that federal and private sector complaints and charges are handled promptly and efficiently by:
 - Reducing the inventory of pending private sector charges by 3.7 percent — to 41,951 charges — the lowest in 14 years.
 - Reducing the federal sector hearings pending inventory for the third consecutive year — achieving a reduction of 15.7 percent in fiscal year 2020.
 - Reducing the number of federal sector appeals that were more than 500 days old by 32 percent, ending the year with only 66 appeals that were more than 500 days old.
 - Continuing to develop and deliver digital services to make it easier and more efficient for employees, applicants, and employers to access the EEOC's services. The digital charge system has increased the public's access to the EEOC.
- Utilizing administrative and litigation authorities to promote broad compliance with federal workplace anti-discrimination laws, including:
 - Continuing to build on our successful mediation program, including:
 - Conducting 6,272 successful mediations resulting in \$156.6 million in benefits to charging parties.
 - Conducting 766 federal sector mediations, which contributed to the reduction of the federal sector inventory.
 - Implementing an ADR Pilot program that expands the categories of charges available for mediation and offers mediation throughout EEOC's administrative process.
 - Securing more than \$535.4 million, a record amount, for victims of discrimination, including:
 - \$333.2 million for victims of employment discrimination in private sector and state and local government workplaces through mediation, conciliation, and other administrative settlements.
 - \$106 million for charging parties and other aggrieved individuals through litigation, the highest in 16 years.
 - \$96.2 million for federal employees and applicants.
 - Resolving 9,897 federal sector hearings requests and securing \$84 million in relief for federal employees.
 - Resolving 4,308 federal sector appeals, 5 percent more resolutions than in fiscal year 2019, by:
 - Continuing significant resolution of appeals addressing the merits of employees' discrimination claims, including 90 findings of discrimination in fiscal year 2020.
 - Securing over \$12.2 million in monetary relief as ordered in EEOC's federal appellate decisions.
 - Among the decisions issued by EEOC in fiscal year 2020, 68 were identified as implicating one or more Strategic Enforcement Plan (SEP) priorities.



- o Resolving 165 lawsuits and achieving favorable results in approximately 96 percent of all district court resolutions. A total of 25,925 individuals received approximately \$106 million in monetary relief as a direct result of litigation resolutions. This is the highest litigation recovery amount since 2004.
- o Filing 93 lawsuits including 68 suits on behalf of individuals, 12 non-systemic suits with multiple victims, and 13 systemic suits involving multiple victims or discriminatory policies.
- Upgrading the Commission’s data collection, analysis, and reporting capabilities, which will enable the agency to use modern data analytics to facilitate data-driven decision making, including:
 - o Creating new data visualizations to illustrate employment discrimination data in a simple, comprehensible, and visually appealing way.
 - o Developed *EEOC Explore*, a web-enabled, state-of-the-art, user-friendly, data query and mapping tool, to promote transparency, facilitate access, and encourage greater use of EEOC’s publicly available data, with a plan to launch in fiscal year 2021.

The EEOC prevented employment discrimination and promoted inclusive workplaces through education and outreach in the private and federal sectors by continuing to provide robust compliance assistance and enhancing our efforts to reach vulnerable workers in the following ways:

- Prioritizing outreach and education to address the intersection of COVID–19 and federal employment discrimination laws, including conducting more than 365 outreach events related to COVID–19 that reached 51,419 individuals.
- Conducting more than 2,690 outreach events and providing more than 299,100 individuals nationwide with information about employment discrimination and their rights and responsibilities in the workplace, including:
 - o Nearly 200 federal sector outreach, education, and training events, and providing more than 14,000 federal sector employees and EEO professionals with information about employment discrimination and their rights and responsibilities in the workplace.
- Prioritizing outreach to vulnerable workers and developing and enhancing partnerships with organizations that work with vulnerable workers, including:
 - o Conducting over 905 outreach events for vulnerable workers and reaching over 94,100 individuals.
 - o Establishing 26 new partnerships with organizations that work with vulnerable workers.
 - o Creating EEOC District Office specific infographics, using publicly available data, as a tool to identify the needs of and appropriately align resources for groups of potentially vulnerable workers.
- Prioritizing outreach to the small business community, including:
 - o Conducting over 422 outreach events for small businesses.
 - o Promoting the online Small Business Resource Center to provide a one-stop shop to help small businesses easily access information about employer responsibilities.
 - o The Small Business Administration Ombudsman’s most recent report gave the EEOC an “A” rating for responsiveness to small business concerns. The EEOC expects to again receive an “A” rating when the Report for fiscal year 2019 is published.
- Focusing on significant partnerships with advocacy and business groups, adding 26 new significant partners, bringing the combined total to 357 significant partnerships, by:
 - o Hosting 7 joint events with employer and advocacy groups.
 - o Conducting 295 significant partner activities, reaching 22,347 attendees.



- Establishing the Vulnerable Workers Task Force to re-examine the agency’s practices and make recommendations to ensure that the agency effectively identifies, reaches, and serves vulnerable workers throughout the nation.

The EEOC worked to achieve organizational excellence, be a model workplace, and improve management functions with a focus on information technology, infrastructure enhancement, and accountable financial stewardship by:

- Modernizing agency data collections and data dissemination activity to align with the Federal Data Lifecycle Framework and ensure compliance with the provisions of Title VII, Paperwork Reduction Act (PRA), Information Quality Act (IQA), Foundations for Evidence-Based Policymaking Act (Evidence Act), Confidential Information Protection and Statistical Efficiency Act (CIPSEA), and Federal Information Security Modernization Act (FISMA).
- Streamlining the recruitment process to improve time-to-hire rates. As of September 30, 2020, the agency hired 260 new employees; all hires were made within the 78-day deadline.
- Negotiating and reaching agreement on all 47 Articles of the current Collective Bargaining Agreement (CBA) between the EEOC and the National Council of EEOC Locals, No. 216.
- Negotiating a Re-Entry Guidelines Memorandum of Understanding (MOU) and Re-Entry Plan MOU for Headquarters and Field Offices with Local No. 216 concerning re-opening of offices during the COVID-19 pandemic and procedures for involving Local No. 216.
- Continuing to recruit, employ, retain, and advance disabled veterans, with an added emphasis on veterans with a 30 percent or more disability, in compliance with 5 CFR § 720.304(a)(1) and OPM guidance.

THE EEOC’S PERFORMANCE MEASUREMENT PROCESS

The Government Performance and Results Modernization Act of 2010, (5 U.S.C. 306, as amended), requires executive departments, government corporations, and independent agencies to develop and post a Strategic Plan on their public websites every four fiscal years. The implementing guidance in Circular A-11 from the Office of Management and Budget (OMB) instructs agencies on the necessary elements required in an agency’s plan and the requirements to publish a new plan with the beginning of each new term of an administration.

The *U.S. Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2018–2022* (Strategic Plan or Plan) establishes a framework for achieving the EEOC’s mission to “Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace,” so that the nation may realize the Commission’s vision of “Respectful and inclusive workplaces, with equal employment opportunity for all.” The Commission approved the [EEOC’s Strategic Plan](#) on February 12, 2018.

The Strategic Plan established three overarching strategic objectives, and twelve performance measures to gauge the agency’s progress in meeting these objectives. Goal leaders, assigned by program office representatives in headquarters, lead the efforts on each of the agency’s performance measures. The EEOC conducts periodic performance measure reviews. During these reviews, program office representatives report on the progress made achieving the agency’s performance measures. In coordination with congressional budget preparation, the reports on performance measure progress are shared with the Office of the Chair for their review.

In addition to the Commission’s Strategic Plan, in early 2020, the Chair issued “The Chair’s Priorities for 2020.” The Chair’s Priorities build on the EEOC’s proud legacy of civil rights accomplishments, share the common theme of



excellence, strategic innovation, and collaboration, and have allowed the Commission to implement “real time” solutions that uphold the Commission’s mission and vision.

In the agency’s Annual Performance Plan (APP), issued as part of the OMB’s budget request, the EEOC identifies the level of planned performance to achieve in the fiscal year, along with performance goals and key milestones that align with the EEOC’s Strategic Plan and agency priorities. In the agency’s Annual Performance Report, issued in coordination with the agency’s Congressional Budget Justification in February each year, the EEOC reports on progress achieving the goals and objectives in the agency’s Strategic Plan and APP, along with performance and program results achieved for the previous fiscal year.

DETAILED RESULTS ACHIEVED IN FISCAL YEAR 2020 UNDER THE STRATEGIC PLAN PERFORMANCE MEASURES

Overview of the Strategic Plan and Performance Measures

This Annual Performance Report details agency progress in achieving the goals and objectives in the EEOC’s Strategic Plan. The agency engaged in a comprehensive assessment of its programs and priorities when developing the Plan. Under this Plan, the EEOC has worked steadfastly to achieve its critical mission to *prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace* and pursue its vision of *respectful and inclusive workplaces with equal employment opportunity for all* by focusing on the following three strategic objectives:

- **Strategic Objective I** is to combat and prevent employment discrimination through strategic application of EEOC’s law enforcement authorities. This Objective reflects the EEOC’s primary mission of preventing unlawful employment discrimination through: 1) the administrative (investigation and conciliation) and litigation mechanisms Congress has entrusted to the agency with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) the adjudicatory and oversight mechanisms Congress has entrusted to the agency with regard to federal employers. Five performance measures were developed for Strategic Objective I.
- **Strategic Objective II**, to prevent employment discrimination and promote inclusive workplaces through education and outreach, reflects the EEOC’s obligation to deter employment discrimination before it occurs. Investigations, conciliations, and litigation are only some of the means that the EEOC uses to fulfill its mission and vision. Educational and outreach programs, projects, and events are also cost-effective law enforcement tools because they promote understanding of the law and voluntary compliance with the law. All parties benefit when the workplace is free from discrimination and everyone has access to equal employment opportunity. Three performance measures were developed for Strategic Objective II.
- **The Management Objective**, achieving organizational excellence, seeks to improve management functions with a focus on information technology, infrastructure enhancement, and accountable financial stewardship. This requires integration and coordination across the agency to foster organizational excellence from both internal and external perspectives. Four performance measures were developed for the Management Objective.

The agency’s fiscal year progress on these 12 performance measures, as it relates to the strategic objectives, outcome goals, and corresponding strategies for achieving results in the Strategic Plan, is discussed in more detail on the following pages.



Strategic Objective I: Combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities.

The agency adopted two outcome goals to further the objective:

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

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





The EEOC also identified and is implementing eight key strategies. The strategies for achieving **Outcome Goal I.A** are:

- **Strategy I.A.1:** Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC's priorities and to integrate agency responsibilities and activities.
- **Strategy I.A.2:** Use administrative and litigation mechanisms to identify and attack discriminatory policies and practices, including systemic practices.
- **Strategy I.A.3:** Use the EEOC's decisions and oversight activities to target discriminatory policies and practices in federal agencies.
- **Strategy I.A.4:** Seek remedies to end discriminatory practices and deter future discrimination.
- **Strategy I.A.5:** Seek remedies that provide meaningful relief to individual victims of discrimination.

The strategies for achieving **Outcome Goal I.B** are:

- **Strategy I.B.1:** Rigorously and consistently implement the Strategic Enforcement Plan to focus resources on the EEOC's priorities and to integrate agency responsibilities and activities.
- **Strategy I.B.2:** Rigorously and consistently implement the charge management systems for private sector and state and local government charges.
- **Strategy I.B.3:** Further develop and rigorously and consistently implement a case management system for federal sector hearings and appeals.

The EEOC has developed Performance Measures 1 through 5 to track the agency's progress in pursuing these strategies.

Strategic Objective I Performance Summary			
Measures	 Targets Met or Exceeded	 Targets Partially Met ¹	 Targets Not Met
5	5	0	0
¹  Targets Partially Met: A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) the EEOC was unable to assess the results because full year data was not yet available.			

Performance Measure 1

By FY 2022, a significant proportion of EEOC and FEPA resolutions contain targeted, equitable relief.	
Sub-Measure 1a.: By FY 2022, 86-88% of EEOC enforcement litigation resolutions and conciliation agreements contain targeted, equitable relief.	
	FY 2020
Target	84-86%
Results	93.3%
<input checked="" type="checkbox"/>	Target Exceeded

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

The fiscal year 2020 target for Performance Measure 1, Sub-Measure 1a was for at least 84–86 percent of the EEOC’s resolutions to contain targeted, equitable relief. Targeted, equitable relief (TER) means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which explicitly addresses the discriminatory employment practices at issue in the case and either provides remedies to the aggrieved individuals or prevents similar violations in the future. Such relief may include customized training for supervisors and employees, development of policies and practices to deter future discrimination, and external monitoring of employer actions, as appropriate. By fiscal year-end, the agency had far exceeded the targeted range; reporting 990 administrative and legal resolutions with TER out of a total of 1,061 resolutions, or 93.3 percent.

Sub-Measure 1b.: By FY 2022, 17-19% of FEPA resolutions contain targeted, equitable relief.	
	FY 2020
Target	16-18%
Results	20.7%
<input checked="" type="checkbox"/>	Target Exceeded
<input checked="" type="checkbox"/>	Overall Targets Exceeded

The fiscal year 2020 target for Performance Measure 1, Sub-Measure 1b was for at least 16–18 percent of Fair Employment Practices Agencies (FEPA) resolutions to contain TER. At fiscal year-end, the FEPAs had exceeded well beyond the targeted range of 16–18 percent; reporting 1,055 FEPA merit resolutions with TER out of 5,103 merit resolutions, or 20.7 percent.

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



Performance Measure 2

In each year through 2022, the EEOC favorably resolves at least 90 percent of the agency’s enforcement lawsuits.	
	FY 2020
Target	90%
Results	95.8%
<input checked="" type="checkbox"/>	Target Exceeded

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

The fiscal year 2020 target for Performance Measure 2 was for 90 percent of the agency’s enforcement lawsuits that are resolved to have done so favorably. As of September 30, 2020, the agency had exceeded the target; reporting that 158 out of 165, or 95.8 percent of its enforcement lawsuits were favorably resolved.

Performance Measure 3

Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.	
	FY 2020
Target	Report Issued.
Results	EEOC reported on systemic enforcement and published it on www.eeoc.gov .
<input checked="" type="checkbox"/>	Target Met

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

The EEOC posted on its website specific information concerning its systemic program for fiscal year [2019](#) and fiscal year [2020](#). It includes information on the number of ongoing systemic investigations, the number of systemic resolutions, the systemic conciliation rate, and monetary relief recovered. In addition, information about systemic activity was collected, tabulated, and reported to the Commission in SEP briefings throughout the fiscal year.



Performance Measure 4

By FY 2022, an increased percentage of federal agencies subject to oversight activities or compliance reviews change their employment practices based on EEOC's recommendations.	
	FY 2020
Targets	<p>60% of federal agencies have compliant reasonable accommodation procedures.</p> <p>60% of federal agencies have a compliant anti-harassment policy.</p> <p>60% of recommendations made in agency program evaluations completed in FY 2018 are substantially implemented.</p>
Results	<p>61.3% of federal agencies have compliant reasonable accommodation procedures.</p> <p>62.6% of federal agencies have a compliant anti-harassment policy.</p> <p>76.5% of recommendations made in agency program evaluations completed in FY 2018 were substantially implemented as of September 30, 2020.</p>
□	Target Exceeded

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

The fiscal year 2020 targets for Performance Measure 4 were designed to capture the percentage of reasonable accommodations procedures, anti-harassment procedures, and program evaluation recommendations from the EEOC that were implemented by agencies during the fiscal year.

By fiscal year-end, 76 out of 124 agencies, or 61.3 percent, that received feedback from the EEOC reported their reasonable accommodation procedures complied with EEOC guidance. Also, as of September 30, 2020, 62.6 percent, or 124 out of 198 agencies that received EEOC feedback had compliant anti-harassment policies. During the fiscal year, to ensure that 60 percent of federal agencies substantially implemented agency recommendations in program evaluation reports, the EEOC reviewed compliance and recorded successful completion of targets based on prior recommendations. As a result, the agency exceeded its goal with 52 of 68, or 76.5 percent, of EEOC's recommendations made in program evaluations completed in fiscal year 2018 substantially implemented by the end of fiscal year 2020.

Performance Measure 5

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

Sub-Measure 1a: By FY 2022, 88% of charge investigations and conciliations meet criteria established in the Quality Enforcement Practices Plan.

	FY 2020
Target	86%
Results	87.5%
<input checked="" type="checkbox"/>	Target Exceeded

Performance Measure 5 builds on the EEOC’s previous Strategic Plan with a metric focused on quality in both the private and federal sector programs. For the private sector, the Commission approved a plan for Quality Enforcement Practices for Effective Investigations and Conciliations (QEP) in September 2015. The QEP promotes the rigorous implementation of quality investigations and conciliations with progress goals established for each year of the Plan. In fiscal year 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 fiscal year 2017. In fiscal year 2018, the benchmarks were used to project future targets.

Despite agency-wide telework related to COVID–19, thirteen on-site Technical Assistance visits were conducted, with over 1 percent of current inventory files reviewed for quality criteria. A total of 776 closed charge files were reviewed, including 337 conciliations. At fiscal year end, the agency exceeded its fiscal year 2020 target of 86 percent of investigations meeting established standards, with 87.5 percent of charge files reviewed meeting the criteria established in the QEP. The review also concluded that 92.9 percent of the conciliations reviewed met established quality standards.

In fiscal year 2021, the agency will include quality measurements for the conciliation pilot and the ADR pilot to be in quality enforcement practices reviews.

Sub-Measure 1b: By FY 2022, 90% of federal sector hearings and appeals meet criteria in the Federal Sector Quality Practices Plan.

	FY 2020
Target	87%
Results	87.6%
<input checked="" type="checkbox"/>	Target Exceeded
<input checked="" type="checkbox"/>	Overall Targets Exceeded

For the federal sector, Performance Measure 5, Sub-Measure 1b builds on the Federal Sector Quality Practices (FSQP) approved by the Commission on January 10, 2017, which includes quality components for hearings and appeals. In fiscal year 2018, the agency established a baseline and projected future targets for federal sector hearings and appeals to meet criteria established in the FSQP. The agency implemented a checklist for assessing quality practices and applied it to a

sampling of draft decisions to create a baseline from which to set FSQP quality improvement goals in the outlying years. The baseline established was 80 percent of the files to meet the quality standards. The fiscal year 2020 target for this measure was for the EEOC to increase the percentage of federal sector hearings and appeals that meet criteria established in the FSQP to 87 percent. After identifying the metrics to evaluate the quality of decisions and selected cases in fiscal year 2020, 87.4 percent of federal sector hearings cases reviewed and 87.7 percent of federal appeals reviewed met the quality standards. The combination produced an overall result of 87.6 percent, exceeding the annual target.

Strategic Objective II: Prevent employment discrimination and promote inclusive workplaces through education and outreach.

The agency adopted two outcome goals to further the objective:

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

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

The EEOC also identified and is implementing seven key strategies. The EEOC’s strategies for achieving **Outcome Goal II.A** are:

- **Strategy II.A.1:** Broaden the use of technology to expand our reach to diverse populations.
- **Strategy II.A.2:** Target outreach to vulnerable workers and underserved communities.





The strategies for achieving **Outcome Goal II.B** are:

- **Strategy II.B.1:** Utilize modern technology and media to expand our reach to employers and other covered entities.
- **Strategy II.B.2:** Promote promising practices that employers can adopt to prevent discrimination in the workplace.
- **Strategy II.B.3:** Target outreach to small and new employers.

Correlated strategies under **Strategic Objective II** include:

- **Strategy II.A.3/II.B.4:** Provide up-to-date, accessible guidance and training on the requirements of employment discrimination laws.
- **Strategy II.A.4/II.B.5:** Increase the knowledge of targeted audiences through focused, innovative collaborations with internal and external stakeholders.

The EEOC has developed Performance Measures 6 through 8 to track the agency’s progress in pursuing these strategies.

Strategic Objective II Performance Summary			
Measures	 Targets Met or Exceeded	 Targets Partially Met ¹	 Targets Not Met
3	2	1	0
¹  Targets Partially Met: A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) the EEOC was unable to assess the results because full year data was not yet available.			



Performance Measure 6

By FY 2022, the EEOC modernizes and expands utilization of technology to ensure that members of the public have greater access to information about their rights and responsibilities.	
	FY 2020
Target	Implement customer experience surveys. Identify and increase access to information in at least two additional priority areas.
Results	EEOC began implementation of surveys to measure the quality of the customer experience and usefulness of EEOC’s digital services. The EEOC also worked to increase access to information, including migrating the EEOC website to a modern content management system and implementing social media campaigns about the EEOC’s mediation program and for vulnerable populations.
□	Target Met

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

During the fiscal year, the agency migrated the www.eeoc.gov website to a modern content management system to increase access for all stakeholders, enhance the user experience, and to further the process of collecting customer journey information, which is needed to implement surveys. The new website was launched on May 29, 2020. Efforts to effectively implement the technology behind the website continue as the agency makes positive progress.

Following the website migration, the agency began implementation of customer experience surveys on the website by surveying EEOC employees through focus groups and establishing and publicizing a webpage to solicit customer service feedback directly from website users. EEOC also developed and began implementation of a plan for more in-depth customer experience surveys throughout the agency’s website. In addition, the agency continues to implement the technology plan, expanding the use of social media, and tracking social media and website metrics.

In fiscal year 2020, the EEOC also implemented two additional social media campaigns to increase access to information in at least two priority areas. As a result, the EEOC met the fiscal year 2020 goals with: 1) increased access to information about the EEOC’s mediation program; and 2) increased use of social media to effectively reach vulnerable populations to educate them about their rights.

Performance Measure 7

By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.	
	FY 2020
Target	Conduct program evaluation to assess impact of these partnerships on employment in targeted communities. Reset baseline if needed.
Results	Self-assessment efforts and program evaluation steps have been completed and data from virtual events held during this period due to the pandemic are under review to determine if any adjustments to the baseline are needed.
◆	Target Partially Met*
* ◆ Targets Partially Met: A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) the EEOC was unable to assess the results because full year data was not yet available.	

The EEOC is in a unique position to serve as a conduit to promote effective partnerships and to strengthen relationships among diverse groups with common goals. Moving forward, the Commission does not believe that a focus solely on the number of events held, number of attendees, or number of significant partnerships is the best way to measure its public education impact. We believe we can facilitate effective interactions that can lead to reducing or eliminating employment barriers in other ways as well. For example, connecting an employer association with an advocacy group seeking to eliminate recruitment and hiring barriers may help to prevent discrimination and create job opportunities for qualified job seekers. Performance Measure 7 leverages our long-term significant partnerships with advocacy groups (particularly those that represent vulnerable or underserved workers) and organizations that represent employers to achieve sustained benefits for the communities we serve.

The fiscal year 2020 target for Performance Measure 7 was to conduct a program evaluation on the impact of these significant partnerships on employment in defined areas and adjust the baseline, as needed. During the fiscal year, the agency collaborated with key offices and stakeholders to identify the tools, data, and means required to determine the strategic impact of these partnerships on vulnerable and underserved communities. As part of this effort, at the District level, we completed self-assessments of partnerships. These self-assessments examined partnership events, effectiveness in meeting partnership-related goals, and the impact of the District’s partnerships. We then consolidated these self-assessments for management review, evaluating their purposes, goals, achievements, and impact measures for significant partnership efforts, partnership events reports, and feedback for evaluations. Our overarching purpose was to determine how best to accomplish Performance Measure 7 for the Outcome Goal II.A and II.B.

In addition, the agency continued to conduct an evaluation of partnership events during the fiscal year; cross-referencing currently defined or known vulnerable or underrepresented populations against the events held. This measure of effectiveness was also used in fiscal year 2019, and will provide the EEOC with two years of comparative data regarding the districts’ efforts to address target employers, industries, or geographic regions. The pandemic necessitated a recalibration of the data for review and those efforts are underway as the agency gathers data from the virtual events conducted late in fiscal year 2020 and early in 2021 to determine whether the baseline requires resetting.



The program evaluation to determine the impact of these partnerships on vulnerable or underserved communities and reset the baseline, if needed, is underway and will be finalized in fiscal year 2021. The evaluation includes creating relevant databases and measures to evaluate the effectiveness of its significant partnerships.

The Chair’s Vulnerable Workers Task Force, discussed below in more detail in the section “The Chair’s Priorities for 2020,” conducted a self-assessment with employees across the agency to collect data on how the EEOC serves vulnerable workers and analyzed outreach events over a two-year period to determine district activity in reaching target vulnerable populations. This comparative data is part of the Task Force’s evaluation of the agency’s efforts to reach and serve vulnerable worker populations. The agency is focused on ensuring consistency in identifying and applying standards of effectiveness measures, and the results of the Vulnerable Workers Task Force will provide guidance for the agency’s assessment efforts related to partnership impact.

Performance Measure 8

By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.	
	FY 2020
Target	Produce or update at least two resource or guidance documents on priority list.
Results	The agency reordered its priorities and produced or updated at least two additional resource or guidance documents.
<input type="checkbox"/>	Target Met

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

In fiscal year 2020, guidance priorities were reordered to focus on rescinding or updating legally outdated guidance and issuing at least two new guidance or resource documents addressing stakeholder needs. Starting in October 2019, the agency identified legally outdated guidance documents for the Chair and the Commission voted to rescind 24 of them during the fiscal year. Additionally, one technical assistance document and 32 informal discussion letters were rescinded as outdated. For a list of rescinded guidance documents, see <https://www.eeoc.gov/wysk/what-you-should-know-about-eeoc-and-ensuring-clear-and-accurate-guidance>.

After the start of the public health emergency in March 2020, the EEOC’s priority became providing technical assistance to stakeholders about the ramifications of the EEO laws (especially the ADA) for employers during the COVID–19 pandemic. To support this effort, the agency drafted a plain-English resource document, What You Should Know about the ADA, the EEO Laws, and COVID–19 on March 17, 2020. To respond to emerging questions, the agency updated this document eight times during the fiscal year, with plans to update as new information or questions arose. For the



COVID–19 *What You Should Know* document, with original issuance date and updates, see <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

On August 5, 2020, the agency also finalized two new technical assistance documents concerning the ADA and Opioids — one for employees and one for health care providers. For the two Opioids technical assistance documents, see <https://www.eeoc.gov/newsroom/eeoc-releases-technical-assistance-documents-opioid-addiction-and-employment>.

Management Objective: Achieve organizational excellence.	
Outcome Goal III.A: Staff exemplify a culture of excellence, respect, and accountability.	Outcome Goal III.B: Resource allocations align with priorities to strengthen outreach, education, enforcement, and service to the public.





The EEOC also identified and is implementing ten key strategies: The agency’s strategies for achieving **Outcome Goal III.A** are:

- **Strategy III.A.1:** Recruit, develop, and retain skilled and committed employees.
- **Strategy III.A.2:** Advance performance management to maximize organizational improvement.
- **Strategy III.A.3:** Advance diversity and inclusion in the workplace.
- **Strategy III.A.4:** Develop and support innovation and collaboration to advance employee engagement and morale.
- **Strategy III.A.5:** Continuously implement quality practices in all programs.
- **Strategy III.A.6:** Foster constructive employee and labor management relations.
- **Strategy III.A.7:** Strive to model the workplace practices the EEOC promotes.

The three strategies for achieving **Outcome Goal III.B** are:

- **Strategy III.B.1:** Embrace and invest in technology to transform the way the EEOC serves the public and to improve productivity.
- **Strategy III.B.2:** Expand the use of data and technology to support, evaluate, and improve the agency’s programs and processes.
- **Strategy III.B.3:** Prioritize and actively manage available fiscal resources to best achieve the agency’s mission.

The EEOC has developed Performance Measures 9 through 12 to track the agency’s progress in pursuing these strategies.

Strategic Objective III (Management Objective) Performance Summary			
Measures	 Targets Met or Exceeded	 Targets Partially Met ¹	 Targets Not Met
4	3	1	0
¹  Targets Partially Met: A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) the EEOC was unable to assess the results because full year data was not yet available.			



Performance Measure 9

The EEOC's performance improves with respect to employee engagement and inclusiveness.	
	FY 2020
Target	<p>Conduct annual focus groups with employees and climate assessments to obtain feedback on agency culture.</p> <p>The EEOC's FEVS scores for employee engagement and inclusiveness will maintain or increase in relation to the prior-to-current year changes in comparable government agency averages.</p> <p>Develop and adjust action plans, as necessary, in response to focus group feedback and prior year FEVS results.</p>
Results	<p>In August 2020, the agency recruited volunteers to help with its employee engagement efforts.</p> <p>In July 2020, OPM delayed the launch of the FY 2020 FEVS survey due to the COVID-19 pandemic, which corresponded to a delay in the availability of data from the FEVS and New IQ scores for review and assessment.</p>
◆	Target Partially Met*
<p>* ◆ Targets Partially Met: A rating assigned to target results where (1) at least half of the activities targeted for completion were completed, or (2) the EEOC was unable to assess the results because full year data was not yet available.</p>	

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

The fiscal year 2020 target for this measure was to conduct annual focus groups and climate assessment(s) with employees for feedback on agency culture and implement plans, as necessary, to maintain or increase the EEOC's FEVS scores. Baseline FEVS scores on EEOC staff engagement and inclusiveness quotients (New IQ) were established in fiscal year 2018 and increased by 4 percentage points in fiscal year 2019. A rolling comparison for fiscal year 2020 was scheduled to be conducted. However, in July the Office of Personnel Management (OPM) announced it would postpone the 2020 OPM Federal Employee Viewpoint Survey (FEVS) to support critical agency missions during the COVID-19 pandemic. In August, the EEOC recruited approximately 60 employee volunteers from all grade levels across the agency to help with employee engagement.

On September 16, 2020, OPM launched the fiscal year 2020 FEVS, which was scheduled to run through October 28, 2020. To encourage maximum participation, the EEOC disseminated information to all employees prior to the launch. The information emphasized the theme for the 2020 OPM FEVS, "Empowering Employees, Inspiring Change," and assured employees that by completing the survey their voices would be heard and results of the survey would influence positive change in the agency. OPM is expected to release the fiscal 2020 FEVS results by the second quarter of fiscal year 2021. Once the results are received, volunteers will be divided into sub-workgroups, conduct analyses, collect additional data through focus groups, make recommendations, and help develop plans for the top five improvement/challenge areas. Actionable recommendations for improvement will be provided to the Chair by June 2021.



Performance Measure 10

Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.	
	FY 2019
Target	<p>Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary.</p> <p>Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.</p>
Results	<p>The EEOC received the TMF award in January 2020 and assembled user requirements workgroups to help develop a new case management system for the agency. The agency later conducted a feedback survey of internal users about the functionality/efficiencies of the current legacy system to compare to the new system once in use. Additionally, the EEOC sought/received feedback from FEPA users in a “Tell Us About Your Experience” feedback format.</p> <p>The agency held internal discussions and established a new TMF project internal feedback option to solicit comments and ideas related to development of the modernized charge/case management system.</p> <p>The annual ADR satisfaction survey was not administered in FY 2020 due to the pandemic, which necessitated a shift by the agency to the development of an electronic survey for use beginning in FY 2021.</p> <p>The EXCEL conference surveys are still under review.</p>
<input checked="" type="checkbox"/>	Target Met

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

The fiscal year 2020 target for this measure was to continue to implement feedback surveys and related mechanisms from the public and targeted audiences the Commission serves to adjust the measures and targets, as necessary, set goals for improvement or maintenance of the agency’s service delivery, and increase accessibility annually. During the second quarter of fiscal year 2020, and as part of the Technology Modernization Fund (TMF) modernization project, the agency held feedback discussions with each district regarding current challenges with the legacy IMS system and received ideas about ways the new case management system could be enhanced. The agency also established a new TMF project internal feedback option — a tracking tool — via email to continue to receive ideas on how to create a new case management system. In addition, several small workgroups of internal users (including the Office of Field Programs (OFP), the Office of the General Counsel (OGC) and the Office of Enterprise Data and Analytics (OEDA)), external FEPA users, and others around the country participated in requirements meetings for the new system with the Office of Information Technology (OIT) team.

Also, during the fiscal year, the agency developed and deployed a feedback survey to gather the baselines upon which the EEOC will compare user feedback regarding the old versus the new case management system. The agency received 46 percent survey participation and learned that 63 percent of users cannot efficiently organize their workload tasks in the current system; and only 42 percent believed they could run reports that met their needs in the current system. In addition, the agency received feedback from FEPAs about the current system through a “Tell Us About Your Experience” feedback format with similar responses about the limited functionality of the current system.

The annual in-person distribution of the ADR satisfaction survey was cancelled for fiscal year 2020 due to the COVID-19 pandemic. Instead, efforts focused on the development and testing of a parallel remote e-survey and e-link distribution process, which will be finalized in 2021.

In addition, the agency held its 23rd annual EXCEL Training Conference using a virtual platform. The EXCEL Conference Surveys were adjusted and utilized to assess the virtual training conference approach. Post-conference feedback from workshops revealed significant satisfaction ratings from participants. The feedback will be used to design next year’s conference.

The Chair’s Vulnerable Workers Task Force, discussed below in more detail in the section “The Chair’s Priorities for 2020,” developed and deployed internally the Vulnerable Workers Needs Assessment to help gain a better understanding of the current practices and methods our 53 Offices use to serve vulnerable workers. Through the Needs Assessment, EEOC employees shared the strategies used to reach vulnerable workers, the challenges faced, and provided recommendations for program improvements. The Task Force will use this information, along with other research, to evaluate and make recommendations to improve the agency’s identification, reach, and service to vulnerable workers.

Performance Measure 11

Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.	
	FY 2020
Target	Set goals for increasing the number/percentage of fully digital charge and case files from FYs 2019–2022. Report on progress quarterly and adjust the plan, as necessary.
Results	TMF funding was received in January 2020 and, thereafter, supported the technical and management programs. Because the funding was four months later than planned, the TMF Board approved a commensurate change in the program’s dates. The EEOC met with and provided program oversight briefings to the TMF/GSA project team monthly and to the TMF Board each quarter. The agency hosted a US Digital Services Discovery Sprint review of its TMF program. The agency also received approval from the TMF Board to move the FEPA development efforts to coincide with the EEOC Private development/deployment efforts. The Private/FEPA applications are targeted for delivery late Spring 2021.
<input checked="" type="checkbox"/>	Target Met



Performance Measure 11 allows the agency to track and assess progress on migration to a fully digital charge/complaint environment. The benefits of such modernization include improved collaboration and knowledge sharing, enhanced data integrity, reduced paper file storage or manual archiving/disposition requirements, and a more mobile workforce. Streamlined services and increased responsiveness to customers throughout the process are regularly evaluated. The fiscal year target for Performance Measure 11 was to set goals for increasing the number/percentage of fully digital charge and case files from fiscal years 2019–2022 and to regularly report on the progress and adjust the plan, as necessary.

In January 2020, TMF funding was received and the EEOC assembled user workgroups from field offices and headquarters to develop and review requirements. The workgroups held over 60 requirements gathering sessions and the program team conducted more than 20 requirements review sessions with program office stakeholders. Also, significant technical progress toward the modernized charge/case management system were made, including the deployment of the Employer Master List (EML) Common Service in February 2020. The current plan projects the deployment of the new Private Sector Charge System, supporting both EEOC and FEPA offices, in the first half of 2021. Following this deployment, development will shift to modernizing Federal Sector and Litigation Services for delivery in 2022 — successfully meeting this performance measure.

Additionally, the fiscal year 2020 target for Performance Measure 11 required the agency to provide quarterly progress reports on the number/percentage of fully digital charge and case files from fiscal year 2019–2022; adjusting the plan, as necessary. As of fiscal year-end, the number of inquiries received via the Online Inquiry and Scheduling System was in line with the prior year, with only a modest decrease due to external factors. The agency attributes this to COVID–19 as thousands of workers became unemployed due to the pandemic, while thousands made major shifts in their work life. All charges taken by the agency since March 2020 are digital.

BUDGETARY RESOURCE ALIGNMENT:

The Commission has worked to communicate across the agency a common understanding of how the strategic priorities direct efforts of staff. Accordingly, with direction from the Chair, budget submissions prepared by each program office explain how the allocated resources implement the strategies and goals of the Strategic Plan. The Chair examines the budget requests and allocates or re-allocates resources, as needed, to align the agency’s budget with the Strategic Plan and Strategic Enforcement Plan in each fiscal year.



Performance Measure 12

The EEOC's budgetary resources for FY 2018–2022 align with the Strategic Plan.	
	FY 2020
Target	As part of an overall increase in budget development transparency, produce an annual congressional budget justification and operating plan that reflects strategic enforcement and management priorities as approved by agency head. Meet all submission deadlines.
Results	The EEOC's FY 2021 Congressional Budget was submitted to Congress on February 10, 2020. The EEOC's final FY 2020 Operating Plan was approved by the Chair on January 31, 2020. The EEOC's FY 2022 Performance Budget was submitted to OMB on September 14, 2020.
<input checked="" type="checkbox"/>	Target Met

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

The fiscal year 2020 targets for Performance Measure 12 were to submit the *EEOC's FY 2021 Congressional Budget Justification* and the 2020 Operating Plan, and prepare the *EEOC's FY 2022 Performance (OMB) Budget* that aligns resources with the Strategic Plan. The final fiscal year 2020 Operating Plan was approved by the Chair and transmitted to all offices on January 31, 2020. The agency's fiscal year 2021 Congressional Budget Justification was submitted to Congress on February 10, 2020. The fiscal year 2022 *Performance Budget* was submitted to OMB on September 14, 2020.

RELATED PROGRAM RESULTS AND ACTIVITIES

THE CHAIR'S PRIORITIES FOR 2020

At the beginning of 2020, Chair Dhillon announced her 2020 Priorities for the Commission. The Chair's Priorities are rooted in the Commission's Mission to "Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace" and its Vision of "Respectful and inclusive workplaces with equal employment opportunity for all." The Chair's Priorities build on the EEOC's proud legacy of civil rights accomplishments and share the common themes of excellence, strategic innovation, and collaboration. The Chair's Priorities were integral to the Commission's accomplishments under the agency's Strategic Objectives.



I. CHAIR'S PRIORITY NO. 1 — CONTINUING TO PROVIDE EXCELLENT CUSTOMER SERVICE

In fiscal year 2020, the EEOC continued to build upon our work to reduce backlogs across all program offices and provide excellent customer service to all members of the public who seek assistance from the agency. This priority recognizes that to ensure quality service, it is critical that federal and private sector complaints and charges are handled promptly and fairly. By effectively managing the private sector and federal sector workloads despite the challenges of the pandemic, the EEOC was able to continue to successfully provide excellent customer service to the public in fiscal year 2020.

A. Providing Customer Service through the Information Intake Group

The Information Intake Group (IIG)—in its twelfth year of operation—is the agency's point of contact for members of the public who use the agency's toll-free number, e-mail address, and direct video service for general inquiries. The IIG received almost 470,000 phone calls, approximately 800 calls through an American Sign Language videophone line, and more than 37,300

emails in fiscal year 2020. Approximately 45 percent of the callers used the Interactive Voice Response System to find answers to their inquiries, without further assistance from the Intake Information Representatives (IIRs). The rest of the callers are assisted by IIRs using an extensive knowledge database to respond, in both English and Spanish, to these calls and e-mails. In fiscal year 2020, approximately 75 percent of calls and emails answered by the IIRs were fully resolved without being referred to other staff in EEOC field offices. The EEOC continues to be one of few federal agencies providing direct video service for the Deaf and Hard of Hearing community. The IIG also uses an interpretation service so that EEOC can assist our constituents in over 200 languages.

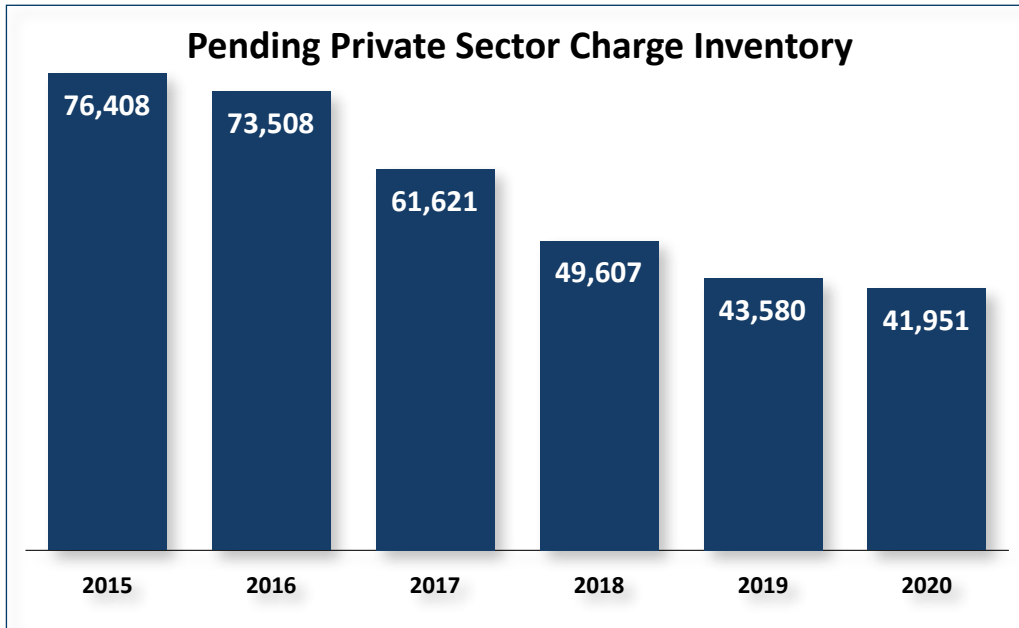
B. Continued Success in Reducing the Private Sector Charge Workload

In fiscal year 2020, the EEOC continued to prioritize reaching a manageable and sustainable private sector inventory to focus on charges with merit and provide improved customer service. As in previous years, the EEOC successfully addressed hundreds of thousands of calls, inquiries, and charges from workers in the private and public sectors seeking assistance with potential complaints of discrimination. For example, in fiscal year 2020, the EEOC received almost 470,000 calls to the toll-free number, more than 37,300 emails, and over 187,00 inquiries in field offices, including 122,775 inquiries through the online intake and appointment scheduling system. Overall, this resulted in 67,448 charges being filed. With a focus on inventory reduction strategies and priority charge handling procedures, technological enhancements, and front-line staff hired in fiscal years 2018 through 2020, the agency was able to make significant progress managing our pending workload of charges. As a result, in fiscal year 2020 the EEOC reduced the charge workload by 3.7 percent to 41,951, which builds on the 12.1 percent decline in inventory realized in fiscal year 2019. Additionally, the merit factor rate increased to 17.4 percent and over \$333.2 million in monetary benefits was secured for victims of discrimination in private sector and state and local government workplaces through mediations and settlements during the administrative process.

Overall, the EEOC's technological advances — including the Public Portal, Respondent Portal, and the entire Digital Charge System (DCS) — have greatly improved private sector efficiency and customer service, while requiring fewer resources. The DCS allows potential charging parties to answer a series of questions leading to a self-screen (to determine if the EEOC is the proper agency to address their concern), as well as obtain referrals to other agencies, as appropriate, and to allow them to schedule an initial interview prior to filing a charge. The DCS provides an accessible and customer-friendly approach and reflects the value of providing greater access for the public to speak with a member of our enforcement staff prior to filing a charge of discrimination. As a result, 122,775 Potential Charging Parties (PCPs) initiated inquiries through the system. Of these portal inquiries, 30,294 were formalized into charges of discrimination (which was in line with the 30,759 portal inquiries in fiscal year 2019).

These technological advances also allowed the agency to further emphasize the EEOC's priority charge handling procedures to manage the pending inventory, including pre-charge counseling and pre-determination interviews. Effective pre-charge counseling ensures that individuals make informed decisions about whether to file a charge of discrimination and the pre-determination interview allows the EEOC to communicate the basis for our decisions to the parties. Both are essential for good customer service and effective charge processing. Coupling pre-charge counseling with the online system's elimination of a paper intake questionnaire contributed to a 7.2 percent reduction in charge receipts in fiscal year 2020. There was also a 6.7 percent reduction in the number of inquiries filed, 13,388 less than the prior year. Additionally, increased focus on the reassessment of charges as soon as new evidence is obtained enables staff to make the critical decision as to whether additional investigation is likely to result in a cause finding.





C. Continued Success in Reducing the Federal Sector Inventories

In addition to our private sector enforcement activities, the Commission has adjudicatory responsibilities in the federal EEO complaints process. This involves hearings before administrative judges on complaints of discrimination by federal employees or applicants, as well as adjudication of appeals from federal agency final decisions on employment discrimination complaints. Charges of discrimination in our federal workplaces are no less important than in the private sector and reducing the pending inventory in the federal sector was also a priority for the agency during fiscal year 2020.

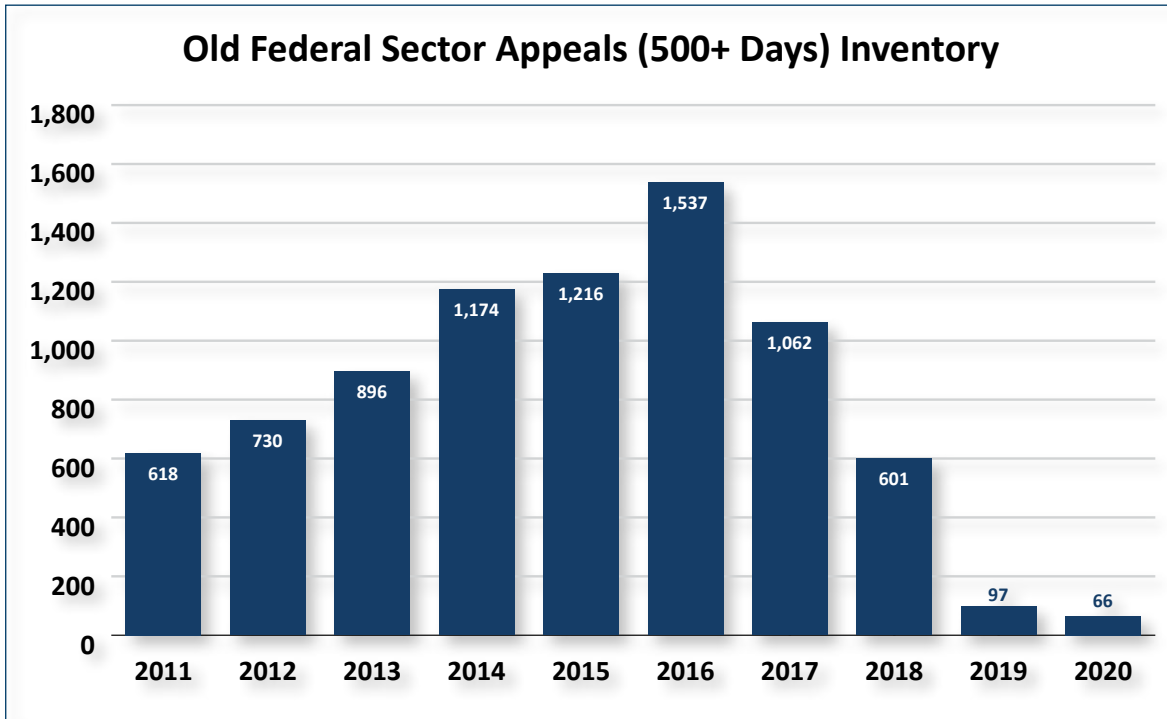
In fiscal year 2020, the federal sector hearings program continued making major strides in managing its inventory of hearing requests. The EEOC successfully decreased the pending inventory of hearing receipts for the third consecutive year — a reduction of 15.7 percent, from 12,933 in fiscal year 2019 to 10,905 in fiscal year 2020. By developing and implementing strategies to increase efficiency, the hearings program resolved 9,897 hearing requests in fiscal year 2020, securing more than \$84.0 million in benefits. The hearings program focused on resolving older cases in the inventory and utilized case management strategies to balance field inventories through the resolution of older cases and the closure of incoming cases. As a result, aged inventory was reduced by 11.6 percent.

To maintain quality while also addressing the inventory management of federal hearings, the agency continued to use metrics to assess and measure quality, which were originally implemented in fiscal year 2019. Additionally, the online portal deployed nationwide in fiscal year 2019 continued to yield efficiencies in case processing in the federal sector because complainants can use the portal to submit their hearing requests, upload documents, view the status of their complaints, and file appeals. The EEOC Public Portal also allows federal sector complainants to indicate their interest in alternative dispute resolution to resolve their complaint.

In fiscal year 2020, EEOC was also focused on resolving the oldest federal sector appeals as well as those that vindicate employees’ legal rights or preserve their access to the EEO complaint process. The EEOC resolved 4,308 federal sector appeals and secured \$12.2 million in monetary relief in the EEOC’s federal sector appellate decisions in fiscal year 2020. While federal sector receipts increased by 9 percent, appellate resolutions increased by 5 percent, and the EEOC ended the fiscal year with



an inventory of 3,381 pending appeals, which was slightly higher than the inventory of 3,073 pending appeals at the end of fiscal year 2019. Resolutions resulted in an 89 percent reduction in the pending cases that were more than 500 days old, from 601 appeals at the start of fiscal year 2019 to 66 by the end of fiscal year 2020. Cases over 500 days old now comprise less than 2 percent of the total pending inventory. Another result of the focus on aged cases was the reduction in the average age of the overall pending appellate inventory by 6 percent over last year to 220 days by the end of the fiscal year.



At the same time, over 1,000 of the total appeal resolutions were issued within 180 days of their receipt. These resolutions included 779 initial appeals from procedural dismissals that terminated complainants’ participation in the EEO process, reversing nearly 33 percent of those dismissals with an order to the agency to continue processing the EEO complaint. Quickly addressing appeals involving procedural dismissals of complaints has been critical to effectively preserving access to the EEO complaint process.

The federal sector program also vigorously implemented case management strategies to more effectively allocate resources. These strategies allowed for the screening and categorization of cases early in the appellate process, including cases determined to have significant impact. This early screening process was greatly aided by the full implementation of the FedSEP digital portal, in which agencies can upload the documentation necessary to process an appeal, as well as the public portal that was initially deployed during fiscal year 2019 and enabled complainants to request appeals, upload selected documents, and manage their personal and representative’s contact information. In addition, through training and educational outreach, the EEOC has partnered with federal agencies to speed up record submissions, perfect defective records, and reduce wasted efforts spent on records not ripe for adjudication. These technological innovations make the appellate process more transparent for all parties and will reduce EEOC’s reliance on and costs for support staff to prepare and scan paper documentation received from the parties.



D. Continued Use of Technology to Improve Services to the Public

The EEOC's commitment to building a digital workplace to increase its efficiency and providing timely service to the public became even more vital to the agency's ability to provide excellent customer service during fiscal year 2020. The EEOC's Public Portal proved to be a critical factor in the agency's ability to provide services to both private and public sector parties during the COVID-19 pandemic. To further improve telework capabilities and ensure the agency was able to efficiently serve the public, the EEOC deployed Microsoft Teams enterprise-wide. Deploying Teams rapidly helped transform the way the EEOC communicates and collaborates, both internally and externally. The EEOC also procured Zoom for Government licenses for specific purposes, including providing "break-out" room capabilities during remote mediations, conciliations, settlements, and hearings.

Within the private sector component of the Public Portal, the agency served 59,663 charges electronically in fiscal year 2020 (up from 48,876 the prior year). As a conservative estimate, this saved the agency over \$37,000 in printing, postage, and related costs. Electronic service also resulted in savings for the field offices' clerical staff, freeing each enforcement office automation assistant from more than eight days of work to perform other tasks. Also, in fiscal year 2020, 122,775 potential charging parties initiated inquiries through the Public Portal. Of these, 30,294 were formalized into charges of discrimination (relatively steady with the 30,759 formalized in fiscal year 2019). In each of these instances, agency personnel were relieved of the task of data entry. Conservatively, the EEOC estimates that this saved over 41,000 hours of investigator time (almost two weeks per investigator) in fiscal year 2020, doubling our initial savings estimate.

In the Strategic Plan, the EEOC also committed to "complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management systems." To meet this goal the agency engaged in a year-long effort with the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make limited funds available to federal agencies for technology improvements consistent with the President's Management Agenda. In late fiscal year 2019, the TMF Board awarded the agency \$4 million dollars, providing the EEOC with the resources to modernize the legacy technology and data structure of its 18-year old Integrated Mission System (IMS) over a two-year period. The TMF funds were received in January 2020 and initial development is well underway with the milestone of delivering a new Private Sector Charge Management application to both the EEOC and its Fair Employment Practice Agency (FEPAs) partners in mid-2021.

E. Improvements to the EEOC's Data Capabilities

In fiscal year 2020, the EEOC continued to revamp and improve the agency's data analytics capabilities. Across the federal government, agencies are recognizing 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's Data Governance Board and the expanded role of the Chief Data Officer, were designed to 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.

In fiscal year 2020, the Office Enterprise Data and Analytics' (OEDA) transformation to a 21st century data and analytics organization was solidified with the launch of several state-of-the-art products and services, including the EEOC Data and Analytics Modernization Program portfolio to support data-driven decision-making by clients and customers inside and outside of government. OEDA also adopted industry best practices and hired skilled data scientists, which was evidenced by the successful completion and closure of the findings by the EEOC's Office of Inspector General in its 2018 report *Evaluation of the EEOC's*



Data Analytics Activities (OIG Rpt. No. 2017–02–EOIG). In addition, the agency was designated by the Federal Chief Data Officers Council as a data and analytics model for small agencies implementing the Foundations for Evidence-Based Policymaking Act.

F. Enhance Transparency of Commission’s Activities

To increase the transparency of the Commission’s activities, the Chair instituted the practice of posting the Commission’s votes on the EEOC’s public website, so that all stakeholders can easily access the Commission’s actions and Commissioners’ voting records.

Moreover, to provide additional information to all stakeholders, a detailed description of the Commissioner Charge and Directed Investigation processes were posted to the EEOC’s website. The agency also plans to publish a webpage explaining Systemic Enforcement, so that stakeholders have a better understanding of what is considered systemic and the impact of that.

In a further effort to enhance transparency, and pursuant to Executive Order 13891 and OMB Memorandum M–20–02, the EEOC created a single, searchable, indexed database that provides links to all EEOC sub-regulatory and technical assistance documents currently in effect. This searchable database, which became available on February 28, 2020, can be accessed here: <https://www.eeoc.gov/guidance>.

The Commission also adopted new procedures for its guidance documents, effective December 2, 2020, that make guidance documents readily available to the public, ensure that guidance is treated as non-binding and does not overstep legal authority, require a notice and public comment period for significant guidance, and establish a public petition process for the issuance, amendment, or repeal of guidance. See 29 CFR Part 1695.

II. CHAIR’S PRIORITY NO. 2 — CONTINUING TO PROVIDE ROBUST COMPLIANCE ASSISTANCE

The first word in the EEOC’s mission statement is “prevent,” and all agency staff contribute to the goal of preventing discrimination in the workplace. In fiscal year 2020, the Commission continued to focus on the following: providing high-quality, easy to understand education and outreach in the private, public, and federal sectors; prioritizing outreach to the small business community; continuing to build strong partnerships with employer and advocacy groups; updating our guidance and technical assistance documents (where appropriate) to ensure that they represent a clear explanation of the law, and rescinding those documents that are out-of-date, raise the potential for confusion among our stakeholders, or exceed the Commission’s statutory authority.

In fiscal year 2020, the agency also modernized its ten-year-old external website, www.eeoc.gov. The new website is based on secure open-source technologies and improves our constituents’ experience, better promotes the agency’s message, integrates more effectively with our social media activities, supports multi-language capabilities, provides a mobile responsive platform for easier viewing on phones and tablets, and fully supports modern accessibility standards. Additionally, this effort partially resolved an open OIG finding regarding “out-of-date infrastructure supporting legacy EEOC systems and services.”

A. Continued Emphasis on Outreach and Education in the Private Sector

Outreach and education are a major component of the Chair’s priority to provide robust compliance assistance to the public. In fiscal year 2020, the EEOC’s ability to provide outreach and education to members of the public depended on the agency successfully adapting to the COVID–19 pandemic. Prior to the pandemic, most outreach events were



conducted in person; however, after mid-March 2020, all outreach sessions were conducted remotely. Staff who conducted outreach utilized the Microsoft Teams platform and Zoom for Government to hold meetings, conferences, and webinars. From mid-March through the end of the fiscal year — a time during which the majority of staff teleworked — EEOC remotely conducted 1,085 outreach events, reaching 127,769 individuals.

Due to the need to provide the public with crucial information on the interplay between COVID-19 issues and employment discrimination laws, EEOC prioritized COVID-19 related outreach. During this period, the agency conducted 365 outreach events related to COVID-19, reaching 51,419 individuals. Additionally, EEOC updated the COVID-19 question and answer document, What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws, eight times in fiscal year 2020. The document received more than 1 million visits on the website.

EEOC also prioritized outreach, education, and technical assistance to underserved segments of the employer community, including small and new businesses. Given their size and limited resources, these businesses are often less able to take advantage of commercial training programs and less likely to have in-house human resources professionals to assist them with compliance. The EEOC's education and outreach programs to small and new businesses teach and promote prevention by emphasizing the importance of deterring employment discrimination before it occurs. Approximately 16 percent of outreach conducted is to small employers. In fiscal year 2020, agency offices conducted 422 outreach events directed toward small businesses, reaching 18,393 small business representatives.

Under this priority, the EEOC promoted its public website containing the online Small Business Resource Center, a one-stop source of information created to give small businesses the tools to understand federal anti-discrimination laws and to prevent employment discrimination in their workplaces. It also provides quick access to the names and contact information of the EEOC's Small Business Liaisons in our field offices. These liaisons answer questions from small business owners as they institute policies and practices to comply with the law.

The online material in the Small Business Resource Center is geared toward small businesses who need answers fast. In addition to giving clear, general information on the EEOC's laws and on ways the EEOC can assist small businesses, the site features answers to frequently asked questions, guidance for making employment decisions in common scenarios, and pointers for developing good workplace policies. It also has tips for small businesses on a variety of potential workplace discrimination issues to aid businesses to avert problems before they arise.

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 to Congress gave the EEOC an "A" rating across-the-board — the highest rating possible — reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. The EEOC expects to again receive an "A" rating when the Report for fiscal year 2019 is published.

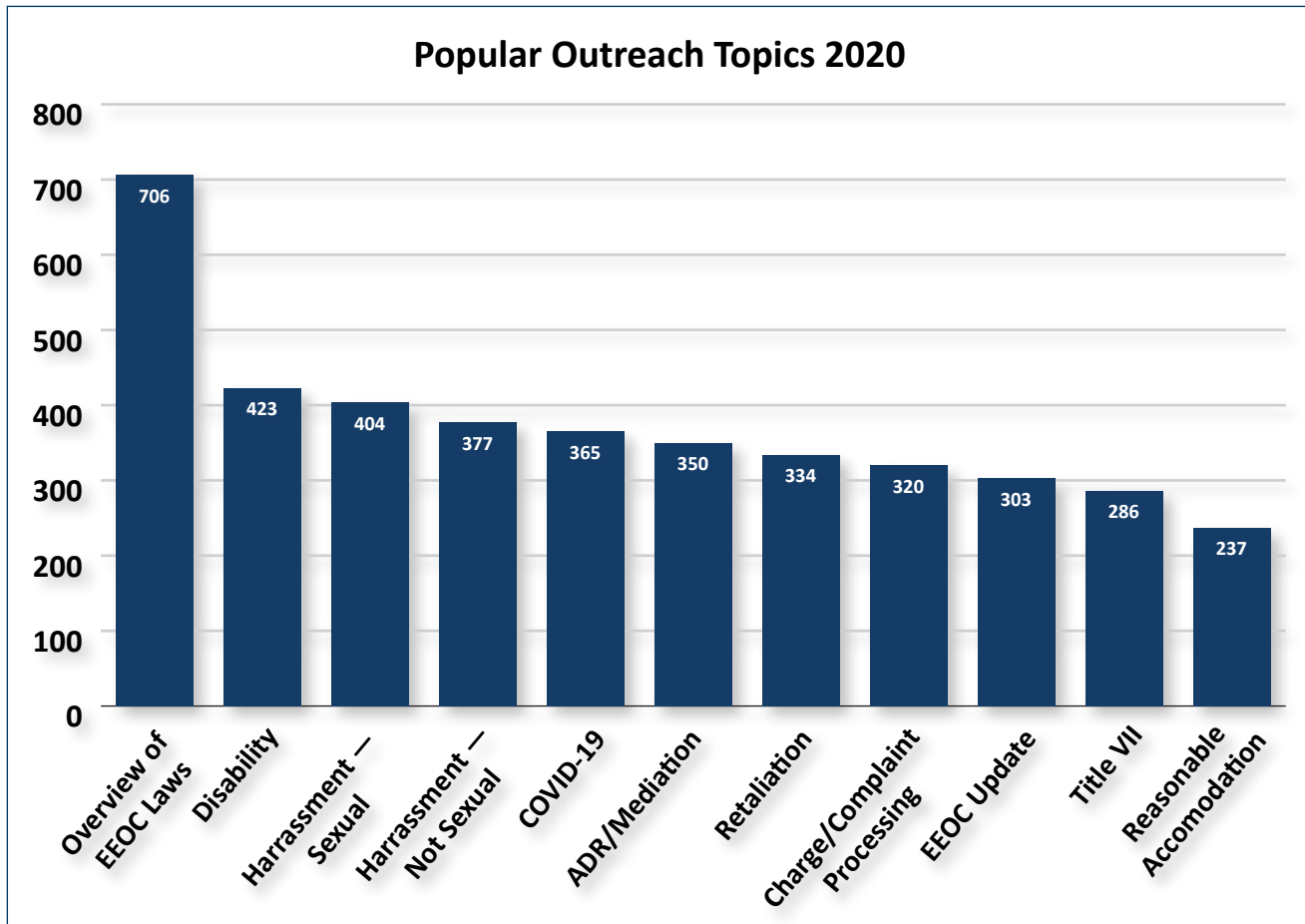
In addition to developing and maintaining national and significant partnerships, we prioritized outreach related to the White House's and Commission's focus areas as well as areas particular to the specific jurisdictions and demographics of each District. Working with other enforcement agencies and stakeholder communities is a vital strategy that enhances EEOC's mission to stop and remedy employment discrimination. It allows the EEOC to incorporate diverse perspectives, achieve savings efficiencies, eliminate duplication of efforts, and pursue shared enforcement objectives.

The EEOC supported the Presidential Interagency Task Force to Monitor and Combat Trafficking in Persons and the Senior Policy Operating Group on Trafficking in Persons during fiscal year 2020. As part of these efforts, the agency contributed to



numerous reports published by federal interagency groups and other federal agencies including, for example, The National Action Plan to Combat Human Trafficking and the United States Advisory Council on Human Trafficking Annual Report 2020.

In fiscal year 2020, the EEOC also supported the White House Initiative on Historically Black Colleges and Universities (WHIHBCU) and the White House Initiative on Asian Americans and Pacific Islanders (WHIAPPI). There were 107 outreach events with 5,175 attendees involving the WHIHBCU initiative and there were 80 outreach events with 12,026 attendees supporting the WHIAPPI initiative.



In fiscal year 2020, the EEOC also focused outreach and education on priorities identified in the agency’s Strategic Enforcement Plan (SEP) for fiscal years 2017–2021.

National Priorities	Events	Attendees
Recruitment/Hiring	471	92,255
Vulnerable Workers (includes immigrant/migrant farmworkers, human trafficking, limited English proficiency, re-entry, youth and other vulnerable workers)	905	94,180
Emerging/Developing Issues	587	130,658



Disability Issues	411	114,281
Accommodating Pregnancy Related Restrictions	198	29,425
LGBT	230	20,585
Complex Employment Relationships	84	4,349
Backlash Discrimination	81	3,709
Equal Pay	310	45,505
Access to Legal System (includes retaliation, recordkeeping violations, waivers, mandatory arbitration)	503	134,771
Systemic Harassment (includes non-sexual and sexual harassment)	844	111,237

B. Leveraging Partnerships to Maximize Strategic Enforcement

The EEOC takes seriously its role of enhancing public awareness about emerging issues of employment discrimination in America’s workplaces. The EEOC leverages interactive collaborative relationships with internal and external stakeholders in its efforts to prevent and remedy employment discrimination. Through strategic partner engagement the agency has formed interactive partnerships with community organizations, particularly those that represent vulnerable or underserved workers, and associations or organizations that represent employers to achieve sustained benefits for the communities we serve.

Working in partnership with other enforcement agencies and stakeholder communities allows the EEOC to incorporate diverse perspectives, achieve savings and efficiencies, eliminate duplication of efforts, and avoid conflicting enforcement objectives. The EEOC continues to partner with the Department of Labor, Office of Federal Contracts Compliance Program, the Small Business Administration, Department of Justice, Department of Veteran Affairs, National Science Foundation, state and local Fair Employment Practices Agencies and Tribal Employment Rights Offices.

For example, in fiscal year 2020, the EEOC responded to a request from the Department of Labor, Office of Federal Contracts Compliance Program (OFCCP) to provide background information regarding the development of EEOC’s ADR program. The EEOC also commenced discussions with the OFCCP regarding review of its Memorandum of Understanding (MOU) with OFCCP. The EEOC continued its coordination with the Department of Justice’s (DOJ) Civil Rights Division under the MOU executed in fiscal year 2019. Under the MOU, the EEOC and the DOJ have worked to enhance the effectiveness of the nation’s equal employment opportunity enforcement in the state and local government sector to ensure the efficient use of resources and a consistent enforcement strategy. The MOU provides for the expedited coordination of any charge involving state or local government employers where the EEOC’s preliminary investigation of a charge reveals that immediate action is needed to prevent further harm. In those cases, the EEOC will provide the Department of Justice with the information necessary to obtain an injunction, temporary or preliminary relief, in federal court for the affected employees, pending the final outcome of the charge.

C. Providing Employers and Employees with Education and Technical Assistance

The EEOC Training Institute (the Institute) provides fee-based training and technical assistance to stakeholders in the private and public sectors. The Institute is funded through the EEOC’s Revolving Fund, established by Congress in 1992 to enable the EEOC to charge “reasonable fees” for specialized products and services developed and delivered as part



of the Commission's training and technical assistance efforts. In fiscal year 2020 the training platform changed from in-person to virtual due to the COVID-19 pandemic.

In fiscal year 2020, the EEOC's Revolving Fund Program, through its Training Institute, trained over 11,200 individuals at more than 252 sessions, including 13 one- or two-day Technical Assistance Program Seminars (TAPS), 18 half-day workshops, 42 federal courses, and 184 on-site trainings (customer-specific training delivered at the workplace for private sector employers and federal agencies), which includes 82 in-person trainings and 102 virtual trainings. The half-day, one- and two-day TAPS seminars are responsive to employers' needs and address respective rights and obligations in the workplace. The programs provide detailed information about applicable laws, potential liabilities, and activities that relate to employment discrimination, with the aim of helping participants identify, address, and prevent workplace discrimination. Additionally, the Institute provided fee-based Respectful Workplace, Leading for Respect, and Compliance Training to over 2,120 individuals this fiscal year.

In July 2020, the agency held its twenty-third annual EXCEL Training Conference directed at both federal sector and private sector EEO practitioners. This fiscal year, the EEOC successfully migrated its national conference for stakeholders to a virtual platform. The conference opened with a message from Chair Janet Dhillon, and included a dynamic keynote address from Mr. Johnny C. Taylor, Jr., President and CEO of the Society for Human Resources Management (SHRM), who also serves as a member of the White House American Workforce Policy Advisory Board and Chairman of the President's Advisory Board on Historically Black Colleges and Universities.

This year's training conference offered separate tracks for the more than 670 federal sector and private sector attendees. The conference featured 28 workshops and four discussion forums that covered a wide array of subjects of interest to EEO practitioners. The three days of employment courses served to enhance attendees' knowledge, skills, and abilities while the EEO "Hot Topic" forums heightened interaction and communication amongst attendees. Also, in the evenings and at the close of EXCEL, attendees had the opportunity to view sessions they may have missed, eliminating the restriction of having to select between courses of interest. The event had over 700 attendees from private and federal sectors and the evaluations showed that the EXCEL conference was well received in this virtual environment.

D. Continued Emphasis on Outreach and Education in the Federal Sector

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 and enhance the agency's service to the public. In fiscal year 2020, 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 education and outreach activities.

In response to the COVID-19 pandemic, EEOC's federal sector staff revised 10 in-person fee-based training courses to virtual training platforms. As a result of the expedited course revisions, EEOC staff delivered and produced 42 virtual trainings reaching over 2,000 federal partners. Furthermore, the transition of our full catalog of federal sector courses for online delivery was in direct response to increased customer demand during the COVID-19 pandemic and resulted in a 47 percent increase in course enrollment. In addition, EEOC staff prepared and delivered 53 customer specific virtual trainings to federal agencies across the country, reaching approximately 2,120 attendees.

During fiscal year 2020, EEOC federal sector staff coordinated, attended, or hosted 83 no-cost outreach events, reaching 6,225 federal partners. EEOC staff also participated in several key federal partner conferences and events, including an

EEOC Townhall at the Federal Dispute Resolution (FDR) Conference and delivering several EEO workshops at conferences for the League of United Latin American Citizens, Federally Employed Women, and Blacks In Government.

The EEOC also produced a weeklong virtual event in support of the White House Initiative on HBCU's including the complete buildout of the Commission's presence on the host platform, the production of videos to be shared during the event, the creation of promotional media, and the creation and daily production of a standalone platform to be linked to the event's host platform.

Additionally, the EEOC continued to leverage new technology to strengthen and expand the impact of its training and outreach activities. EEOC federal sector staff delivered 8 webinars on strategic priorities. These webinars saw an average increase in participation by 10 percent. In addition, EEOC staff hosted seven "First Fridays with OFO," which are popular online information sessions that attracted an average of 150 attendees per event.

In fiscal year 2020, the EEOC engaged in a new outreach effort to reach federal employees in Puerto Rico. EEOC staff worked closely with the Puerto Rico Chapter of the Federal Executive Association to host a well-attended two-day virtual training event for federal employees. The event was bilingual — offered in English and Spanish — and open to federal leaders and employees. Attendees received instruction and guidance on the intersection of the Rehabilitation Act and COVID-19 as well as other EEO training.

In fiscal year 2020, the EEOC also continued liaising with other agencies and stakeholders to form strategic partnerships and engage in outreach activities. For example:

- The EEOC manages an interagency consortium with the Department of Labor and Office of Personnel Management, the Federal Exchange of Employment and Disability (FEED). Through FEED, the EEOC and partner agencies conducted quarterly events for federal sector disability practitioners, including an event celebrating the 30th anniversary of the Americans with Disabilities Act.
- EEOC staff actively participated as Advisory Board members for the FDR Conference. In this role, the EEOC provided strategic guidance and direction in the creation of the EEO track at FDR's annual conference.
- The EEOC hosted a newly established Annual Meeting with Agency General Counsel across the federal government. This meeting was attended by approximately 200 individuals and served as a gateway to strengthen outreach and communication between EEOC and agency counsel who regularly represent the federal government during the EEO process.
- The EEOC hosted its first membership drive through its EEO Education Consortium (EdCon), introducing federal agencies to the benefits of membership. The event attracted approximately 80 federal employees and resulted in 28 federal agency representatives seeking EdCon membership. Moreover, the EdCon committees published an EEO Director's toolkit online and identified parameters for an EdCon sponsored Speakers Bureau.
- Recognizing that smaller agencies have limited resources and different challenges from larger agencies, EEOC continued its efforts to meet with the Small Agency Council to address the unique needs of small federal agencies.

E. Providing Strong Leadership and Oversight for Federal Agencies

The EEOC provides leadership and guidance to federal agencies on all aspects of their equal employment opportunity (EEO) programs. As part of this role, the EEOC ensures federal agency and department 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, during fiscal year 2020, the EEOC continued and enhanced its practice of providing technical assistance to agencies on a routine basis, before problems arose. In fiscal year 2020, the EEOC established a goal to conduct 55 technical assistance visits with agencies and issue a feedback letter within 180 days of each visit. During fiscal year 2020, the EEOC conducted 65 technical assistance visits with agencies and timely issued all feedback letters to federal agencies. As discussed above, under Performance Measure 4 of the EEOC's Strategic Plan, the EEOC also proactively worked with agencies to ensure that they adopt compliant reasonable accommodation procedures and compliant anti-harassment policies by the end of fiscal year 2020.

In keeping with its mission of advancing equal employment opportunity in federal agencies through data dissemination and analytics, program evaluations, and technical assistance, the EEOC currently is finalizing an evaluation of a large cabinet level agency as well as closing out the monitoring of a large federal agency's corrective action plan, as the latter agency has implemented the majority of EEOC's suggestions. In fiscal year 2020, the EEOC finalized a program evaluation related to conflict case processing across the federal government and has also begun a new program evaluation for a federal agency. Moreover, the EEOC finalized its first Model Employer program evaluation recognizing a federal agency for the timeliness and efficiency of its EEO program.

In addition, the EEOC produced two reports for stakeholders that incorporate MD-715 and Form 462 data from fiscal year 2018 — the fiscal year 2018 Annual Statistical Report on the Federal Workforce — and a specialized research report on younger federal workers as a vulnerable population in the federal sector. In addition to these reports, the EEOC has published on the EEOC's website fiscal year 2018 Form 462 data, which gives the public immediate access to these data prior to the release of the fiscal year 2018 Annual Report.

In fiscal year 2020, the EEOC also expanded the publicly available Root Cause Analysis Tool for federal agencies. The new tool assisted agencies' assessments of potential barriers in separations. The tool now includes recruitment, hiring, promotion, and separation modules.

EEOC also published quarterly issues of the Digest of EEO Law in fiscal year 2020. This publication is a summary of important EEOC cases and generally contains an article on a topic of interest for federal sector EEO programs. In fiscal year 2020, the EEO Digest included an article on fragmentation of harassment claims, as well as an article on national origin discrimination in the federal sector. The resource is published on the EEOC's website, so all interested parties have access to the summaries and links to the full decisions.

F. Emphasis on Clear and Accurate Guidance

Outreach and education are critical tools to prevent discrimination, and the EEOC works with hundreds of thousands of employees and employers every year to educate them on their legal rights and responsibilities. As part of these efforts, the EEOC is committed to providing guidance and information to our stakeholders that is current, accurate, and clear.



In fiscal year 2020, the EEOC provided high-quality, easy to understand education and outreach in the private, state and local, and federal sectors in response to the pandemic. This included:

- A question and answer document, [What You Should Know About COVID–19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#), last updated on September 8, 2020.
- Updated guidance entitled [Pandemic Preparedness in the Workplace and the Americans With Disabilities Act \[PDF version\]](#) that can help employers implement strategies to navigate the impact of COVID–19 in the workplace. This pandemic publication, written during the prior H1N1 outbreak, is still relevant today and identifies established ADA and Rehabilitation Act principles to answer questions frequently asked about the workplace during a pandemic. It has been updated to address examples and information regarding COVID–19; the new information appears in bold.
- A pre-recorded webinar addressing questions arising under any of the Federal Equal Employment Opportunity Laws and the COVID–19 pandemic. The EEOC’s [COVID webpage](#) includes a [transcript](#) of the webinar and a hyperlink to the [YouTube video](#).
- The EEOC’s Office of Federal Operations (OFO) issued [instructions](#) on April 6, 2020, regarding the processing of federal sector EEO complaints covered by 29 CFR Part 1614. Those [instructions were revised on July 27, 2020](#), to allow the issuance of agency final actions. We do not intend this guidance to require any task that would increase risks to the health or safety of federal employees.

The EEOC also addressed the ADA and the use of opioids in fiscal year 2020. On August 5, 2020, the EEOC issued two informational factsheets: [Use of Codeine, Oxycodone, and Other Opioids: Information for Employees](#) and [How Health Care Providers Can Help Current and Former Patients Who Have Used Opioids Stay Employed](#). Both documents are posted on the EEOC’s website.

The Commission also approved two [formal opinion letters](#) in fiscal year 2020. Formal opinion letters represent the Commission’s official position on matters raised and reliance upon a letter may provide a defense to liability. A formal opinion letter is approved by a vote of the Commission and is signed by the Commission’s Legal Counsel on behalf of and as approved by the Commission. The formal opinion letters approved by the Commission in fiscal year 2020 concerned the [Federal Work Opportunity Tax Credit Form 8850](#) and the [interpretation and enforcement of § 707\(a\) of Title VII](#).

In addition, the EEOC reviewed older guidance in fiscal year 2020. The agency began issuing guidance documents in the 1980s and, since then, there have been many changes in the laws enforced. Some of EEOC’s guidance and technical assistance documents have been superseded by legislation, court decisions, or newer and more complete guidance. Other guidance documents have become outdated because they were limited to narrow fact patterns that now rarely arise. An internal work group reviewed the EEOC’s guidance and technical assistance documents with these criteria in mind and identified candidates for updating or rescission. The Commission then rescinded select guidance documents and, for others, the EEOC is working on updating several guidance documents for consistency with current statutory requirements and court decisions. These efforts will continue in fiscal year 2021. Also, the EEOC modernized the guidance page on the website, adding a search mechanism and information about whether each item was approved by Commission vote.

The EEOC took the following significant regulatory and survey actions in fiscal year 2020:

Action	Description	Location
Notice of Proposed Rulemaking and second comment period on Official Time in the Federal Sector EEO Process	This NPRM proposes to provide greater clarity to federal agencies and unions who represent federal employees on what aspects of the availability of union official time for the EEO process need to be addressed during the collective bargaining process.	84 Federal Register 67683 (Dec. 11, 2019) 85 Federal Register 33049 (June 1, 2020)
Notice of Proposed Rulemaking on the Conciliation Process	This NPRM proposes to revise the EEOC’s private sector procedural regulations to enhance the effectiveness of the charge conciliation process and provide greater clarity for all stakeholders.	85 Federal Register 64079 (Oct. 9, 2020)
Final Rule on Revision of Federal Sector Regulation on Time Limits for Filing a Civil Action	This final rule conformed the EEOC’s federal sector procedures with the decision in <i>Bullock v. Berrien</i> , 688 F.3d 613 (9th Cir. 2012) about when a complainant has exhausted administrative remedies, and thus has the right to file a civil action, even though the complainant has filed an appeal with the EEOC.	85 Federal Register 35558 (June 11, 2020)
Final Rule Updating Private Sector Charge Procedures	This final rule updated private sector charge procedures to explicitly include digital transmission of documents, to clarify the process for deferral to state and local agencies, to update no cause determination procedures, and to correct typographical and textual errors.	85 Federal Register 65214 (Oct. 15, 2020)
Final Rule on the Issuance of Guidance	This rule establishes procedures for issuing guidance, in compliance with the requirements of Executive Order 13891.	85 Federal Register 69167 (Nov. 2, 2020)
30–day Paperwork Reduction Act Notice for the EEO–1 Demographic Survey	The Commission submitted for approval to the Office of Management and Budget (OMB) a request for final PRA clearance for the demographic part of the EEO–1 (“Component 1”).	85 Federal Register 16340 (March 23, 2020) (notice of submission to OMB and 30–day notice). On June 12, 2020, OMB gave the EEOC final approval to collect EEO–1 demographic data (EEO–1 Component 1 data) for calendar years 2020, 2021, and 2022.

III. CHAIR’S PRIORITY NO. 3 — ENHANCING OUR EFFORTS TO REACH VULNERABLE WORKERS

The EEOC is focusing its efforts to reach and serve vulnerable workers throughout the nation. To do so, the EEOC continued to prioritize outreach to vulnerable populations and build strong partnerships with employer and advocacy groups that work with vulnerable workers. Outreach and Education Coordinators and other staff traveled to communities where no EEOC office is located or where certain communities are reluctant to come forward to complain about employment



discrimination. By leveraging technology and our partnerships, the EEOC quickly converted in-person outreach to virtual platforms during the pandemic to assist in reaching vulnerable workers. Immigrant, migrant and farm worker communities, young workers, and persons with limited English proficiency were educated about their rights under the laws the EEOC enforces. Strategically utilizing our employer and advocacy partners, the EEOC was successful in reaching vulnerable populations and addressing the issues they confront in the workplace. In fiscal year 2020, there were over 905 outreach events that were attended by vulnerable workers and representatives of stakeholder groups that represent their interests, with over 94,180 individuals in attendance.

A. Vulnerable Workers Task Force

In fiscal year 2020, the Chair established the Vulnerable Workers Task Force to re-examine the agency's practices and make recommendations to ensure that the agency effectively identifies, reaches, and serves vulnerable workers throughout the nation. The Task Force — consisting of several work groups — is analyzing issues involving outreach and education, strategic partnerships, research and data, accessibility, and internal collaboration and support. As part of its efforts, the Task Force developed and deployed internally the Vulnerable Workers Needs Assessment to help gain a better understanding of the current practices and methods our 53 Offices use to serve vulnerable workers. Through the Needs Assessment, EEOC employees shared the strategies used to reach vulnerable workers, the challenges faced, and provided recommendations for program improvements. The Task Force also conducted an analysis of outreach events over a two-year period to determine district activity in reaching and serving target vulnerable populations. Other analyses include, but are not limited to, how to improve the collection and use of data to better serve vulnerable workers as well as enhancing resources to decrease language barriers and for expanded presence programs to increase the agency's geographical reach. The Task Force will use this information, in addition to other research, to evaluate and make recommendations to improve outreach to and resources to investigate charges and pursue litigation on behalf of vulnerable workers.

B. Efforts to Bring Awareness to and Combat Human Trafficking

In addition to the interagency efforts to bring awareness to and combat human trafficking that were discussed above, the EEOC also held and/or participated in 120 outreach events with 12,020 attendees that addressed human trafficking issues. Moreover, in fiscal year 2020, the EEOC recognized the 20th anniversary of the Trafficking Victims Protection Act of 2000 and implemented a social media campaign that recognized and brought awareness to the 20th anniversary, National Slavery and Human Trafficking Prevention Month, and Wear Blue Day.

IV. CHAIR'S PRIORITY NO. 4 — STRATEGICALLY ALLOCATING COMMISSION RESOURCES

In fiscal year 2020, the EEOC continued prioritizing the allocation of resources to tasks that will have the maximum impact on fulfilling our mission. Through the strategic use of resources, the EEOC secured more than \$535.4 million for victims of discrimination in private, state and local government, and federal workplaces. This included:

- Approximately \$333.2 million for victims of employment discrimination in private sector and state and local government workplaces through mediation, conciliation, and settlements.
- \$106 million for individuals through litigation; and
- \$96.2 million for federal employees and applicants.



Importantly, in each of these categories, the agency also obtained substantial changes to discriminatory practices to remedy violations of equal employment opportunity laws and prevent future discriminatory conduct in the workplace.

Under this priority, the EEOC has continued to build on our successful mediation program in the private and federal sectors and made a renewed commitment to meaningful and effective conciliation efforts in all private sector matters (both are discussed in more detail below). The EEOC continued this important work during fiscal year 2020, despite the challenges of the pandemic.

The agency also engaged in efforts to control administrative costs whenever possible to reinvest those resources in activities that are most impactful in fulfilling the agency's mission. For example, in fiscal year 2020, by prioritizing transition to the Enterprise Infrastructure Solutions (EIS) Contract, the EEOC is expected to reduce the agency's annual data communications costs by nearly 40 percent. The savings achieved are being re-invested in increased network bandwidth, better enabling agency personnel to communicate with voice, video, and data from all locations. In recent [Congressional testimony](#) before the Government Operations Subcommittee of the House Committee on Oversight and Reform, GSA highlighted the EEOC as one of three agencies that made the most measurable progress in transitioning to the EIS. Further, the agency's early transition to EIS allowed the EEOC to support fulltime telework during the COVID-19 pandemic.

The EEOC began fiscal year 2020 with plans to continue its implementation of unified communications to replace and consolidate telephone systems in use by the EEOC headquarters and field offices. As the pandemic forced the agency into full-time telework, the EEOC responded by deploying Microsoft Teams Phone Services to all offices that had no other agency-provided means with which to communicate with the public. By the end of fiscal year 2020, the EEOC successfully deployed Microsoft Teams Phone Services to 42 Field Offices. Phone deployments, including delivering physical phones as offices reopen, will be completed in fiscal year 2021. Completing the migration to Teams Phone Services will save the agency nearly \$1.2 million annually, which will be reinvested in other needed IT services to improve the agency's service to the public.

A. Continued Focus on Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) is an effective and efficient tool to resolve charges of discrimination. The EEOC's ADR program provides an opportunity for complainants and employers to convene and discuss their respective positions with a neutral mediator. Successful mediations resolve charges early in the process, benefiting both workers and employers. In fiscal year 2020, the agency successfully resolved 6,272 of the 9,036 mediations conducted, resulting in over \$156.6 million in benefits to charging parties. Notably, mediators in the EEOC's ADR program also conducted 766 federal sector mediations, which contributed to efforts to reduce the federal sector inventory. Moreover, the program continues to receive overwhelmingly positive feedback from participants.

EEOC continued to provide mediation services during the pandemic. Prior to the health crisis, mediation sessions were conducted in-person. However, this was inconsistent with safety guidelines implemented during the pandemic. In mid-March, offices began conducting mediation sessions by telephone and by video, when available, to continue providing this necessary service in resolving employment discrimination charges. By early April, the EEOC integrated its internal Microsoft Teams platform externally within its ADR program so that parties could participate in mediations via an on-line, secure environment. In late-August 2020, the Commission began to integrate and employ Zoom for Government as its primary platform for conducting mediation sessions to allow mediators to use private virtual rooms with parties.

On July 6, 2020, the EEOC launched a mediation pilot program to build on our successful ADR program. The ACT (Access, Categories, Time) Pilot expanded the categories of charges available for mediation and increased opportunities for



resolutions by offering ADR processes as charges progress through EEOC’s administrative processes. The Pilot applies to all charges filed on or after the July launch date, and was originally planned to be in effect for six months.



Additionally, during fiscal year 2020, efforts to maintain an increased employer participation rate in mediations were successful. Results show that the respondent participation rate was 31.7 percent in fiscal year 2020, achieving a 3.3 percent increase in the rate of participation from fiscal year 2019, which was 30.7 percent.

During fiscal year 2020, offices continued their focus on delivering outreach to respondents to highlight the benefits of the ADR program. Offices conducted a total of 269 ADR employer events, which far-exceeded the announced goal of 83 events.

B. Continued Focus on Conciliation

The EEOC’s conciliation efforts are another vital means to promote voluntary compliance with federal employment discrimination laws. When the EEOC determines that there is reasonable cause to believe discrimination has occurred, the agency invites the parties to join the EEOC in seeking to settle the charge through an informal and confidential process known as conciliation. Conciliation is a voluntary process and the parties must agree to the resolution. The EEOC has a statutory obligation to attempt to resolve findings of discrimination on charges through conciliation before the agency considers the matter for litigation.

In fiscal year 2020, the EEOC launched a six-month conciliation pilot that seeks to drive greater internal accountability and improve the EEOC’s implementation of existing practices. The pilot’s sole change is a requirement that conciliation offers be approved by the appropriate level of management before they are shared with respondents. It is also part of our broader effort to emphasize the importance of conciliation as a tool for remedying complaints of discrimination. The pilot recommitments EEOC to resolving charges through conciliation as one of the most effective means for bringing employers into compliance with the statutes the agency enforces. With the launch of the pilot, the agency rolled out refresher training that renewed its commitment to full communication between the EEOC and the parties, which has been the agency’s expectation for many years.

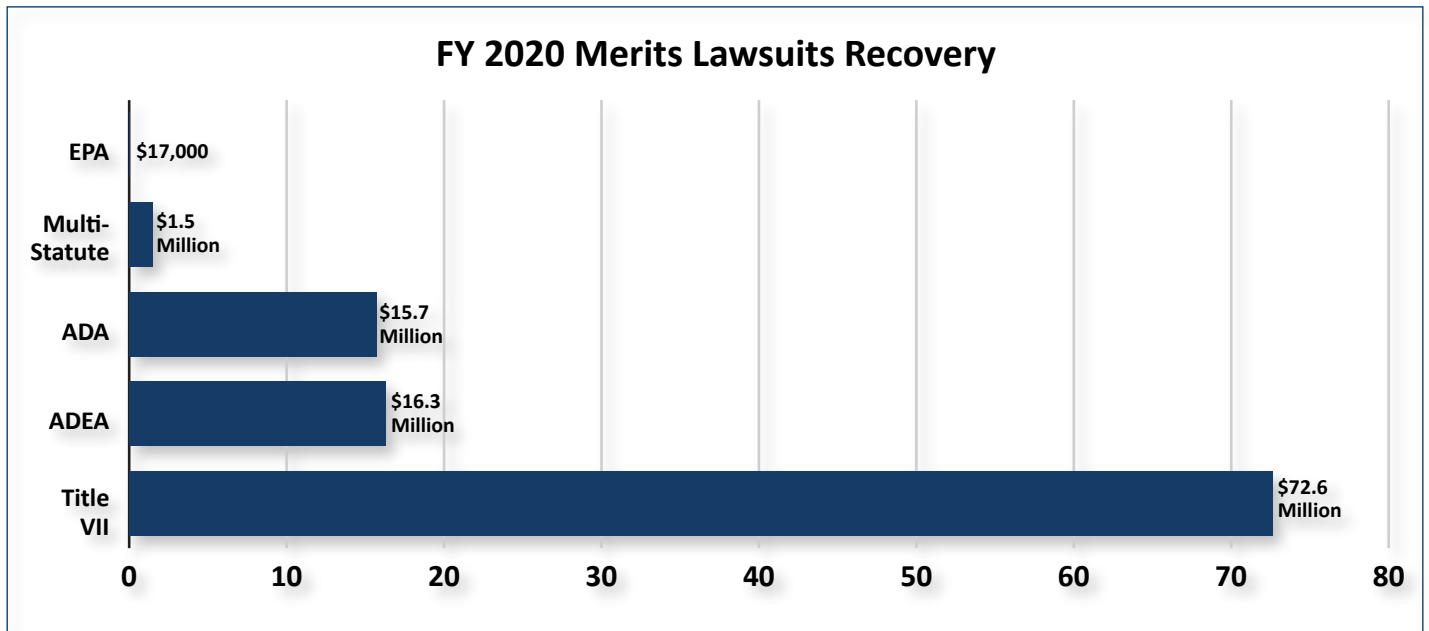
Under this priority, the agency continued its efforts to conciliate a greater percentage of cases — with successful conciliations rising from 27 percent in fiscal year 2010 to 43.6 percent in fiscal year 2020. The success rate for conciliation

of systemic charges was 64 percent in fiscal year 2020, up from 56 percent in fiscal year 2019. In total, the EEOC recovered \$38.8 million for victims of discrimination through conciliation in fiscal year 2020.

C. Challenging Discrimination in Federal District Court

In fiscal year 2020, EEOC field legal units filed 93 merits lawsuits, including 69 suits on behalf of individuals, 12 non-systemic suits with multiple victims, and 13 systemic suits. The Commission voted to approve 34 of these lawsuits, and the General Counsel authorized the remaining 59 suits. Merits lawsuits are direct suits or interventions alleging violations of the substantive provisions of the statutes enforced by the EEOC and suits to enforce administrative settlements. These merits filings alleged violations covering a wide variety of bases, including disability (29), sex (37), retaliation (26), race (13), religion (5), age (7), and national origin (4). The issues raised most frequently in these suits were discharge (59), harassment (36), reasonable accommodation (19), and hiring (14). At the end of fiscal year 2020, the EEOC had 201 cases on its active district court docket, of which 31 (15.4 percent) were non-systemic multiple victim cases and 59 (29.3 percent) involved challenges to systemic discrimination.

In fiscal year 2020, EEOC’s legal staff resolved 165 merit lawsuits in the federal district courts for a total monetary recovery of just over \$106 million. The EEOC’s total monetary recovery for charging parties and other aggrieved individuals through litigation represents the largest recovery amount through the EEOC’s litigation program in the past 16 years. The EEOC achieved a favorable result in 96 percent of all district court resolutions, and a total of 25,925 individuals received monetary relief as a direct result of EEOC lawsuit resolutions. The EEOC’s success rate in fiscal year 2020 is the highest success rate on record. Favorable results include cases decided by court order and concluded through a consent decree or a settlement agreement in litigation. In fiscal year 2020, the Office of General Counsel conducted two jury trials. The EEOC won one and lost one of these trials.



Note: Monetary benefits recovered in suits filed under multiple statutes are counted separately and are not included in the tally of suits filed under any particular statute.



The 13 systemic lawsuits filed by the EEOC in fiscal year 2020 comprise 13.9 percent of all merit suits filed. These new suits challenge a variety of types of systemic discrimination, including: ADA policy claims; hiring claims based on race and sex; systemic harassment based on race, national origin, and sex; equal pay claims; and pregnancy accommodation claims. At the end of fiscal year 2020, a total of 41 cases on the active docket were systemic cases, accounting for 20.3 percent of all active merit suits. This past fiscal year, the EEOC also resolved 33 systemic cases — eight of which included over 100 victims of discrimination each — and obtained \$69.9 million in relief for 25,000 victims of systemic discrimination. The EEOC’s litigation program achieved a 100 percent success rate in its systemic case resolutions in fiscal year 2020.

Combatting all forms of workplace harassment has been a top priority of the agency. In fiscal year 2020, the EEOC filed 33 lawsuits challenging workplace harassment. Twenty-four cases raised claims of hostile work environment based on sex, eight raised claims of hostile work environment based on race, and one raised claims of hostile work environment based on national origin. Twenty harassment suits were individual cases, 12 were class cases, and one was a systemic case. In all, just over one-third of all lawsuits filed by the agency included an allegation of harassment. The EEOC successfully resolved 62 harassment suits in fiscal year 2020. Seven of these resolutions involved allegations of systemic harassment. The EEOC recovered about \$84.4 million for 902 victims of harassment through its litigation program.

The EEOC resolved a number of cases involving a hostile work environment based on sex in fiscal year 2020. For example, in *EEOC v. Sierra Creative Systems, Inc. d/b/a Addressers*, No. 2:18-cv-05185 (C.D. Cal. Mar. 2, 2020), EEOC alleged that a supervisor in the production department of a printing, mailing, and fulfillment company regularly harassed female employees with sex-based comments, unwelcome touching, comments about their bodies, propositions, and offers of additional hours or overtime in exchange for submitting to his demands. The case was resolved by consent decree for \$690,000 to 40 victims. In *EEOC v. United Airlines*, No. 5:18-cv-00817 (W.D. Tex. Jan. 3, 2020), EEOC alleged that an airline discriminated against a female flight attendant by permitting a male pilot to subject her to a hostile environment based on her sex. After the flight attendant ended her consensual relationship with the pilot in 2006, the pilot refused to stop posting sexually explicit images of her online. In May 2015, the FBI arrested the pilot and charged him with cyber stalking the flight attendant. Defendant was aware of the FBI’s involvement when it granted the pilot long-term disability leave in January 2016 and allowed him to retire with full benefits in July 2016. The case was resolved by consent decree for \$321,000 to the charging party.

In fiscal year 2020, the EEOC also resolved lawsuits involving a hostile environment based on race and/or national origin. In *EEOC v. DH San Antonio Management, et al.*, No. 5:18-cv-09990 (W.D. Tex. Oct. 30, 2019), the EEOC alleged that the former owner and management company of a luxury resort subjected 25 employees to discrimination and harassment based on their national origin (Hispanic) and retaliation when it implemented an unwritten English-only policy directed at only Hispanic banquet workers. The employees were also subjected to verbal abuse and ridicule based on their accents and national origin. After employees complained about their treatment the policy was enforced more harshly and workers were disciplined, demoted, constructively discharged, and/or discharged. The case resolved by consent decree for \$2,625,000 to 26 victims. In *EEOC v. Air Systems, Inc.*, No. 5:19-cv-07574 (N.D. Cal. Aug. 20, 2020), the EEOC alleged that African American employees working for an electrical contractor were subjected to racially offensive conduct from coworkers that included: racist graffiti, racist taunting, threats of lynching, and display of a noose. The case was resolved by consent decree for \$1.25 million to eight victims. In *EEOC v. Fidelity Home Energy, Inc., NorCal Home Systems, Inc.*, No. 4:19-cv-01231 (N.D. Cal. Jan. 14, 2020), the EEOC alleged that a provider of home improvement and solar energy installation services subjected



an employee to a hostile environment and constructive discharge due to her national origin, Afghani. Defendant did not realize the employee was Middle Eastern when it hired her and during her first week, her supervisor stated defendant did not service Middle Eastern or Indian clients and instructed her to deny service to such leads. The employee complained about the discriminatory practices and resigned after they persisted. The case resolved by consent decree for \$350,000.

In fiscal year 2020, lawsuits alleging disability discrimination accounted for 34.4 percent of total filings and 35.1 percent of total resolutions. Thirty-three resolutions (56.8 percent) involved denials of reasonable accommodation. A number of disability discrimination resolutions were significant. For example, in *EEOC v. FedEx Ground Package System, Inc.*, No. 2:15-cv-00256 (W.D. Pa. May 11, 2020), the EEOC alleged that a nationwide package delivery service failed to provide deaf and hard-of-hearing applicants with reasonable accommodations during the hiring process; failed to provide deaf and hard-of-hearing package handlers with reasonable accommodations for safety and operational meetings, training, and workplace communications; and failed to modify equipment to ensure the workers could perform essential job functions, meet production quotas, and receive safety notifications. The case resolved by consent decree for \$3.3 million to 229 victims. In *EEOC v. Norfolk Southern Corp. and Norfolk Southern Railway Co.*, No. 2:17-cv-01251 (W.D. Pa. July 27, 2020), the EEOC alleged that a railroad disqualified individuals from employment based on actual, record of, or regarded as disabilities disclosed during medical evaluations and denied reasonable accommodations to individuals with disabilities. Defendants' medical department applied blanket exclusionary policies to disqualify individuals using certain medications or with certain conditions. The case resolved by consent decree for \$2.5 million to 37 victims. In *EEOC v. Crossmark, Inc.*, No. 3:18-cv-01760 (S.D. Ill. Nov. 20, 2019), the EEOC alleged that a company that provides food demonstrators to retailers and warehouse stores did not accommodate, and instead discharged, qualified individuals with disabilities who required sitting accommodations beyond 10 minutes in a two-hour period. The case resolved by consent decree for \$2,650,000 to 200 victims. In *EEOC v. Union Pacific Railroad Company*, No. 1:19-cv-06021 (N.D. Ill. June 2, 2020), the EEOC alleged that a railroad denied a material handler a disability accommodation and discharged her due to her disability. When the employee sought to return to work after approved leave for surgery and radiation treatment due to a brain tumor, defendant placed her on restrictions even though she had full medical releases. The unneeded restrictions excluded the employee from all available positions. The case resolved by consent decree for \$260,000 to the victim.

This fiscal year, the EEOC also obtained significant relief in cases alleging age discrimination. In *EEOC v. Jet Propulsion Laboratory*, No. 2:20-cv-03131 (C.D. Cal. June 9, 2020), the EEOC alleged that a provider of research on space and earth science missions for NASA laid off, forced into retirement, and denied rehire to employees age 40 and over due to their ages. The case resolved by consent decree for \$10 million to 45 claimants. In *EEOC v. Baltimore County et al.*, No. 07-cv-2500 (D. Md. April 24, 2020), the EEOC alleged that a Maryland county maintained a defined benefit pension plan based in part on employee contributions deducted from each paycheck. The rates of required employee contributions to the pension plan were based on age at the time of enrollment, with older employees paying higher rates than younger employees for the same benefits. The case resolved by consent decree for \$5.39 million in compensatory damages to more than 2,000 affected employees and retirees. In *EEOC v. Tucoemas Federal Credit Union*, No. 1:19-cv-00986 (E.D. Cal. Dec. 12, 2019), the EEOC alleged that a credit union failed to promote three employees because of their sex (female) and ages. In 2015, defendant selected a younger male from outside the company as CEO. Notes and comments from board members reveal they wanted a young CEO. The case resolved by consent decree for \$450,000 to three victims.

There were other significant resolutions in cases alleging sex, race, national origin, religious, and pregnancy discrimination. For example, in *EEOC v. Walmart, Inc.*, No. 6:20-cv-00163 (E.D. Ky. Sept. 9, 2020), the EEOC alleged that a retail corporation



utilized a physical ability test for order-filler positions at grocery distribution centers that had a disparate impact on a class of female applicants, resulting in the denial of employment opportunities because of their sex. The case resolved by consent decree for \$20 million to 12,000 victims. In *EEOC v. Dolgencorp., LLC d/b/a Dollar General*, No. 1:13-cv-04307 (N.D. Ill. Nov. 18, 2019), the EEOC alleged that a merchandise retailer subjected a class of black applicants and conditional hires to discrimination by utilizing criminal background checks that were not job-related or consistent with business necessity and that had a disparate impact based on race. The case resolved by consent decree for \$6 million for 10,000 victims. In *EEOC v. Jackson National Life Insurance Company, Jackson National Life Distributors, LLC and Jackson National Life Insurance Company of New York*, No. 16-cv-02472 (D. Colo. Jan. 7, 2020), the EEOC alleged that providers and sellers of insurance and financial products discriminated against employees based on race (black), color, sex (female), and national origin (African/Ethiopian), and retaliated against employees who filed charges or opposed the discrimination. The discrimination and retaliation claims involved promotions, terms and conditions of employment, harassment, compensation, discipline, discharge, and constructive discharge. The case resolved by consent decree for \$20,500,000 to 21 victims. In *EEOC v. Life Care Centers of America, Inc. and South Hill Operations LLC d/b/a Life Care Center of South Hill*, No. 2:18-cv-01411 (W.D. Wash. Dec. 23, 2019), the EEOC alleged that a network of geriatric health care service providers refused to accommodate the pregnancy-related lifting restrictions of female employees while accommodating the work restrictions of nonpregnant employees. The case resolved by consent decree for \$170,000 to one victim.

D. Challenging Discrimination in the Federal Appellate Courts

In addition to its nationwide litigation program at the district court level, the EEOC maintains an active appellate program in the federal courts of appeal. One of the most notable appellate decisions in fiscal year 2020 is *EEOC v. Vantage Energy Services*, 954 F.3d 749 (5th Cir. 2020) (pet. for cert. filed), where the Fifth Circuit agreed with the EEOC that it was not required to “plead with specificity that [the charging party] timely filed his charge or that the EEOC provided Vantage notice of the charge” because Federal Rule of Civil Procedure 9(c) permits conditions precedent to be pled generally. The court also confirmed that *Federal Express Corp. v. Holowecki*, 552 U.S. 389 (2008), an ADEA case, applies to Title VII and the ADA. The court then found that the charging party’s intake questionnaire “easily satisfied” the minimal requirements of 29 C.F.R. § 1601.12(b), and it “satisfie[d] Holowecki’s additional request-to-act condition” because the charging party had checked “Box 2,” indicating that he wanted to file a charge of discrimination.

The Supreme Court’s decision in *Bostock v. Clayton County, Ga.*, 140 S. Ct. 1731 (2020) — which represented the court’s consolidated ruling in three cases — affirmed the Sixth Circuit’s ruling in favor of the EEOC in *EEOC v. Harris Funeral Homes*, as well as the Second Circuit’s ruling in favor of the position advanced by the EEOC at the appellate level as amicus curiae in *Zarda v. Altitude Express*. The Supreme Court, in a 6–3 opinion, held that Title VII’s proscription against employment discrimination “because of . . . sex” forbids termination based on an employee’s sexual orientation or transgender status, concluding, “[A]n employer who fires an individual merely for being gay or transgender defies the law.” The Court acknowledged that the drafters of Title VII may not have anticipated this result but found the statute “clear,” stating that “the written word is the law, and all persons are entitled to its benefit.” In reaching its decision, the Court adopted several of the arguments the EEOC has advanced in developing and litigating the issue.

Represented by the Solicitor General, the EEOC filed an amicus brief in the U.S. Supreme Court in *Our Lady of Guadalupe v. Morrissey-Berru*, 140 S. Ct. 2049 (2020), on the issue of whether the First Amendment permits courts to intervene in employment disputes involving teachers at religious schools who are entrusted with the responsibility of instructing their



students in the faith. The Supreme Court, agreeing with the government’s amicus brief filed in that Court, held that the First Amendment precluded such intervention.

At the end of fiscal year 2020, EEOC was handling 7 appeals in EEOC enforcement actions and participating as amicus curiae in 23 cases on appeal in private suits.

V. CHAIR’S PRIORITY NO. 5 — CONTINUING EEOC’S EFFORTS TO BE A MODEL WORKPLACE

The EEOC can best accomplish our mission with a productive, inclusive, and diverse workforce. In fiscal year 2020, the EEOC continued to fully embrace the principles of equal employment in our own workplace, recognizing that doing so creates an environment that enhances the EEOC’s overall effectiveness by fostering a culture of inclusion and respect, supporting collaboration and strategic innovation among all employees, and supporting agency employees by providing them with the tools and resources they need to be successful in their jobs.

The EEOC fostered a culture of inclusion and respect, and supported collaboration and strategic innovation among all employees by:

- Providing guidance on how best to have inclusive remote webinars and meetings. For example, the agency provided two documents to employees with information and best practices for hosting inclusive remote meetings and webinars for deaf and hard-of-hearing participants.
- Ensured that materials circulated internally, and shared externally, were Section 508 compliant. This included working with Microsoft to produce an accessible Quick Start guide for Microsoft Teams. Issues identified by EEOC’s accessibility coordinator were reported to Microsoft’s Disability Answer Desk and, as a result, Microsoft produced a revised guide that is fully accessible and now available to the federal community.

The Commission also continued hiring a diverse workforce throughout the pandemic. The Office of the Chief Human Capital Officer, the Office of Information Technology, the Office of the Chief Financial Officer, and the District Resources Managers in Field Offices worked with hiring managers to bring on new staff and ensure they have human resources information, technology, and credentials to do their jobs. For fiscal year 2020, the agency filled 156 positions, which included internal and external selections.

In fiscal year 2020, the EEOC also continued to provide employees with the tools and resources they need to be successful in their jobs, including:

- Flexible and alternative schedules during the pandemic for employees who needed them.
- A Maxi-Flex COVID–19 Emergency Pilot Program to provide employees who voluntarily participated in the program additional flexibilities to complete basic work requirements.
- Consistent and transparent communication with staff concerning the pandemic through the establishment of the COVID–19 SharePoint Site and regular email updates.

One of the management challenges associated with the COVID–19 pandemic was providing laptops and support to the 250–plus interns that were preparing to on-board during the summer. Understanding the importance of the program to the agency and the interns, and the time constraints related to their service, the EEOC developed and provisioned



a secure Windows Virtual Desktop (WVD) environment for interns' use in less than one month. WVD allowed interns to securely connect to EEOC systems and services from their personal laptop at their remote location. While primarily implemented in response to the pandemic, this solution is expected to continue to provide EEOC interns and Continuity of Operations staff with reliable, secure, and cost-effective remote access. Using the EEOC's Azure cloud infrastructure, WVD services can be ramped up or down to more efficiently and cost effectively meet these needs.

A. Investing in the Agency of the Future

The EEOC began making the critical investments needed to focus the Commission on addressing the needs and challenges of the workforce of the future. In doing so, the agency has made maximum use of our resources to achieve the greatest return on the investment of taxpayer dollars. The EEOC's employees are highly committed to the mission of the agency and look forward to fulfilling the promise of the laws we are charged with enforcing. The mission of the EEOC remains the same, but we continue to innovate and motivate our employees to maximize resources, improve performance management, and provide excellent service to our stakeholders and the public.

The EEOC has streamlined the recruitment process to improve time-to-hire rates. As of September 30, 2020, the agency filled 156 positions, all of which were made within the 78-day deadline. This includes the 50 hires that entered on duty after October 1, 2019. Managers are encouraged to establish and recruit for developmental positions to support workforce and succession planning initiatives.

In fiscal year 2020, the EEOC also developed a new Agency Attorney Hiring Plan to meet the requirements of title 5, Code of Federal Regulations (CFR), part 302.301, which requires agencies to establish rules for accepting applications for employment in positions in the excepted service. Attorneys present a unique hiring challenge, as OPM does not issue qualification standards for these positions and expects agencies to establish their own requirements.

In fiscal year 2020, the Office of the Chief Human Capital Officer also sponsored several leadership, supervisory, executive, professional, and career development programs. In total, 23 internally-sponsored training workshops were offered to over 1,000 EEOC employees.

B. Improving Hiring and Position Management in the EEOC

The EEOC plays a critical role in demonstrating the value of diversity and inclusion in the workplace. Living out the concepts and principles of equal employment is essential — not only to serve as a model — but also to strengthen the workplace to accomplish more for its customers and stakeholders. The EEOC is working to ensure that the agency's positions are appropriately structured and staffed with a high quality, diverse workforce to effectively accomplish the agency's mission.

In fiscal year 2020, the EEOC increased the number of persons with disabilities in its own workforce. This past fiscal year, 23.4 percent of the workforce identified as individuals with disabilities and approximately 6 percent (5.64%) with targeted disabilities. The agency benchmark for individuals with disabilities and targeted disabilities is 12 percent and 2 percent, respectively. The EEOC also has the highest percentage among federal agencies of veterans that are classified as 30 percent or more disabled. As of the end of fiscal year 2020, approximately 40 percent of the agency's employees (1,964) were veterans. Of those, 779 veterans, 48 percent (375) are disabled. Of the disabled veterans, 74 percent (278) are classified as 30 percent or more disabled veterans. This data indicates consistent and tremendous progress in the implementation of the agency's affirmative action plan.



The EEOC also increased the presence of individuals with disabilities through the agency's Information Intake Group (IIG) operations. The agency employs seven individuals as Information Intake Representatives (IIRs) who were hired in coordination with the National Telecommuting Institute (NTI), a non-profit organization whose mission is to identify and develop work-at-home jobs for home-based individuals who are physically disabled. These employees are part of the Social Security Administration's Ticket to Work Program and were hired with the provision that they could perform their work 100 percent remotely.

C. Performance Management

Accountability remained the focus of performance management in fiscal year 2020. We conducted numerous training sessions for EEOC employees and managers on performance related topics, with the objective of promoting and sustaining a high-performance culture and meeting EEOC organizational goals.

For the first time in the agency's history, the Office of the Chief Human Capital Officer (OCHCO) implemented a performance rating-based cash/time-off and contribution awards program, per OMB and OPM M-19-24. The program created a balance between performance/rating-based awards and contribution awards that supports the strategic use of awards and recognition throughout the year and addresses workforce challenges by allocating rating-based awards in a manner that recognizes high-performing employees. The rating-based award process reflects meaningful distinction and pay differentiation based on levels of performance to ensure employees with higher ratings of record receive larger monetary awards.

For fiscal year 2020, employees were provided performance standards and progress reviews were completed. The EEOC continues to provide supervisor and employee training in this area. The agency uses tools that provide the functionality to address employee development and performance throughout the employee lifecycle.

D. Employee and Labor Relations

The EEOC opened all Articles of the current CBA between the EEOC and the National Council of EEOC Locals, No. 216. Contract negotiations commenced on October 29, 2019 and were completed by the end of fiscal year 2020. Opening the Contract guaranteed the EEOC's ability to comply with Executive Orders 13836 (Collective Bargaining), 13837 (Official Time), and 13839 (Removal Procedures). The parties negotiated and ultimately reached agreement on 48 Articles, which were consistent with the provisions of the Executive Orders.

In accordance with Executive Order 13839, the agency has made significant improvements to its performance management systems and processes. Moreover, the agency has implemented more clearly measurable metrics for performance assessments that promote employee accountability. The agency has completed the fiscal year 2019 rating cycle under the performance management program and the requirements of the automated USA Performance Management System. Employees were rated at the end of the cycle in a timely manner.





OTHER INFORMATION

OTHER INFORMATION

MAJOR MANAGEMENT CHALLENGES

As this report highlights, the EEOC tracks progress toward successful completion of the agency's strategic objectives. Many of the performance measures identified in the agency's strategic plan and discussed throughout this report address the agency's efforts to deliver greater impact through innovation, increasing effectiveness and efficiency, and providing better customer service.

Additionally, each year, the Office of Inspector General (OIG) reports on what it has determined are the most serious management and performance challenges facing the EEOC. For a full description of the challenges identified by the OIG and the response thereto, please see the agency's [Fiscal Year 2020 Agency Financial Report](#).

OIG's fiscal year 2020 Management Challenges Report identified four challenges facing the agency: Coronavirus 2019 (COVID-19); Mission-Critical Data System Modernization; Digital Records Management; and Strategic Performance Management. The EEOC implements remedial actions in response to the recommendations of the OIG. Described below is the progress the agency has made in addressing the major management challenges identified by the OIG.

Coronavirus 2019 (COVID-19)

As the Inspector General noted, the EEOC made significant efforts to move the agency to a virtual environment during the pandemic, communicate regularly and be transparent, and continue to successfully provide services to the public. Additionally, the agency planned for the eventual return to our office space across the country. The written plan, which has been shared with staff and posted to the internal COVID-19 SharePoint, sets forth several phases that govern when and how staff will return to office space. The plan is fundamentally based on keeping our staff, and the public we serve, safe and healthy. It is also a flexible framework that will continue to evolve as the conditions around the pandemic change.

Mission-Critical Data System Modernization

Over the past six years, the EEOC has been moving its paper-based processes to online transactions and digital systems. Importantly, these efforts enabled the agency to carry out its mission during the COVID-19 pandemic. The legacy technology and action code structure of the agency's nearly 20-year-old Integrated Mission System (IMS) slowed our efforts to transition to fully digital charge/case processing, however. The agency also suffered from a lack of resources to address the myriad needs and opportunities for process and technology improvements our staff and customers deserve.

The EEOC's current strategic plan requires that we "complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management systems." The effort to meet this goal led the agency to engage with the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make limited funds available to federal agencies for technology improvements consistent with the President's Management Agenda.

The agency submitted an initial two-page proposal in December 2018, and, in the second phase, we developed a complete project proposal, with a 13-page narrative, high-level project plan, technical architecture, and a full business case. In July 2019, EEOC staff presented the proposal to the Federal CIO and the TMF Board.

In late 2019, the TMF Board awarded the agency \$4 million dollars — providing the EEOC with the resources to modernize the legacy technology and data structure of its IMS system over a two-year period. The agency received the TMF funds



in January 2020 and initial development is well underway with the milestone of delivering a new Private Sector Charge Management application to both the EEOC and its Fair Employment Practice Agency (FEPA) partners in mid-2021. For the first time in years, the agency has the resources to systematically undertake a complete overhaul of our internal digital systems. Removing the considerable barriers of old technology, transforming the EEOC to support fully digital services, and providing staff and partners with a modern system will better enable the agency to carry out its critical mission.

In addition to the significant work on TMF-related efforts, the agency implemented numerous enhancements to the legacy IMS, Public and Respondent Portals, and FEDSEP applications during fiscal year 2020. Many of these enhancements were in response to the COVID-19 pandemic and enabled the agency to meet its mission goals while working remotely.

Digital Records Management

In fiscal year 2020, the agency continued its efforts to transition to electronic records and develop internal guidance for records management.

In April 2020, agency leadership designated a new office of primary responsibility for records management that includes a dedicated and experienced records management staff. The agency's subject-matter experts in records management are working closely with the Office of Information Technology to ensure that records management requirements and the digital records management needs of internal stakeholders and program offices will be incorporated in existing and future software development projects. The records management staff also took steps to re-establish the agency's relationship with NARA, the National Archives and Records Administration.

In fiscal year 2021, management anticipates continuing to take steps to support the agency's records management program, including but not limited to updating the agency's records control schedules, developing updated records management guidance based on the revised records control schedules, and continuing to work collaboratively with agency executives and internal stakeholders to provide guidance regarding records management issues and processes.

The transition to electronic records also benefits the EEOC's Freedom of Information Act (FOIA) program, which manages agency records disclosure pursuant to the FOIA's statutory mandate. Although the EEOC's FOIA program has itself been entirely digital for several years and is now implementing a new and improved software system, not all of the agency's records are digital. This causes delays in responding to FOIA requests, as staff must sometimes physically locate and scan paper records. In fiscal year 2020, this challenge was exacerbated by COVID-19 and the agency's telework status. The agency is taking steps to reduce its FOIA inventory and has instituted inventory reduction goals in appropriate performance plans to drive accountability.

In addition, a detailed analysis by EEOC field offices of the FOIA backlog is underway. The purpose of the assessment is to identify unused capacity in field offices with minimal backlog. When new FOIA requests originate in field offices where a backlog exists and the files are electronic, the FOIA request will be reassigned to an office with excess capacity, preempting further bottlenecks. In field offices with backlogs, focus will be on the oldest requests, thereby working both ends of the problem simultaneously. Additionally, assessment of FOIA personnel staffing in EEOC field offices is underway.

Leadership in the Office of Field Programs will also focus attention on the FOIA backlog in its monthly district director calls and will message that FOIA — a statutory construct — remains a mission-essential task.

Strategic Performance Management

While the EEOC encountered continuing challenges in creating a scientifically sound outcome measure focused on the rate of employment discrimination, the agency began to explore the feasibility of creating statistically robust intermediate outcome measures which — when viewed together — could potentially be useful in assessing the EEOC’s impact in reducing employment discrimination.

Specifically, the agency reviewed the recommendations in the Urban Institute’s report *Evaluation of EEOC’s Performance Measures* (OIG Project Number #2012–10–PMEV) and determined that the following options should be evaluated more thoroughly as potential intermediate outcome measures by the EEOC’s data scientists and statisticians:

- Number of charges that led to a resolution that discrimination had occurred or for which mediation led to some form of relief being provided; and,
- The extent to which demographic groups of concern to the EEOC in the national workforce reflect the actual composition of the U.S. working population.

These options were chosen for initial exploration as the data necessary to construct statistically and methodologically valid measures and evaluate their measurement properties are available to agency data scientists and statisticians, either within the agency data system or through publicly available files. Additionally, this measure development and testing work can be conducted using current resources. All other options require extensive new data collection.

CROSS-AGENCY COLLABORATIONS

During fiscal year 2020, the EEOC’s cross-agency collaboration efforts continued to expand across program offices within the EEOC as well as other federal agencies.

The agency continued to fulfill the leadership role with the EEO Special Tabulation Consortium and oversaw the execution of the current multi-year Interagency Agreements with the U.S. Census Bureau (USCB). Authorized under 13 U.S.C. §§ 141 and 193, the USCB collects survey data through the American Community Survey (ACS). The ACS is the largest general-purpose demographic survey in the United States and includes questions on individuals’ occupations in combination with other demographic characteristics, such as the individual’s race, sex, national origin, age, educational attainment, and income. The EEOC has found that the U.S. Census Bureau and its staff are the best entity that can provide the required services. The ACS is the only source that can provide this information. This ongoing EEO project will use the ACS 5–year data from the 2014–2018 ACS surveys to produce a custom tabulation, and then disseminate the tabulated data for the consortium agencies. In working with USCB, the EEOC joins a consortium of over 40 Subject Matter Experts from the Department of Justice, the Department of Labor, and the Office of Personnel Management that will use the summarized data to monitor and enforce civil right laws and regulations in employment. OEDA, with input from the Office of Federal Operations, continued to chair the Consortium and manages quarterly meetings with the U.S. Census Bureau.

PROGRAM EVALUATIONS

Program evaluation is an important component of the EEOC’s effort to assure that its programs are operating as intended and achieving results. Program evaluation is a thorough examination of program design and operational effectiveness

that uses rigorous methodologies and statistical and analytical tools. These evaluations also utilize expertise internal and external to the agency and the program under review to enhance the analytical perspectives and lend credence to the methodologies employed, the evaluation processes and findings, and any subsequent recommendations.

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

Consistent with the agency's focus on improving the effectiveness of government through rigorous evaluation and evidence-based policy initiatives, the EEOC will continue to consider appropriate program areas for evaluation each year. This will ensure that the agency's efforts align with its budget and other programmatic priorities.

In fiscal year 2020, the agency continued its work on the Conciliation Project and initiated three new evaluation projects: The Impact of COVID–19 on the EEOC's Mission Project; the Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO–1 Project; and the Mediation Survey Modernization Project.

The Conciliation Project is designed to address Congressional and stakeholder interest and to provide the agency with valuable information about one of its most important statutory functions — the conciliation of charges of discrimination in which cause has been found. The long-term evaluation project is being undertaken by a cross-section of agency staff with expertise in a number of areas and will provide a review of the conciliation process with comparative results across districts.

The Impact of COVID–19 on the EEOC's Mission Project is a research study being conducted by the Office of Enterprise Data and Analytics (OEDA) to determine whether there may be a correlation or causal relationship between unemployment during economic downturns and EEOC charge filings, and how EEOC charge filings may be affected by the economic downturn related to COVID–19. The study is divided into two phases. Phase I included literature review and data and descriptive analytics. Phase II is focused on model development and charge projections.

The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality and Utility of Compensation and Hours Worked Data Collected from U.S. Employers by the EEOC through the EEO–1 Project will review the EEOC's methodology for collecting compensation data through the EEO–1 data collection process. The EEOC's large scale collection of pay information between July 15, 2019 and February 14, 2020 affords an opportunity to review the methods used and the circumstances of the collection, document lessons learned, and identify ways to improve potential future collections. The panel will consider existing data quality and data utility frameworks to assess the data collected and will issue a report with conclusions and recommendations to inform the EEOC's assessment of fitness for use of the data as required by the Information Quality Act and approach to future data collections.

Mediation Survey Modernization Project. Beginning in fiscal year 2020, EEOC mediation participants will be able to share their perceptions by completing a survey electronically, in English or Spanish. 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. Due to the pandemic, the mediation program has conducted only telephone or video mediations



since March 2020. The Survey was successfully launched September 2020. To date, the e-survey has been sent to 350 mediation participants with a 79 percent response rate.

DATA VALIDATION AND VERIFICATION

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

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

Recent implementation of the Federal Sector EEO Portal, which enables all federal agencies to electronically submit annual equal employment opportunity statistics (EEOC Form 462 and MD-715), continues to improve the quality and timeliness of the information received electronically. We continue to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our mission data on charge intake, investigation, mediation, litigation, and outreach functions into a single shared information system. IMS includes many automated edit checks and rules to enhance data integrity. Because several performance measures require data to assess our achievements, it is significant that we can now obtain this data much more quickly and with greater accuracy.

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



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EVIDENCE BUILDING

EVIDENCE BUILDING

The EEOC is committed to building our capacity to provide viable evidence and better integrate our information and data policy into budget, performance, and management decision making. As a basis for this emphasis, we are guided by the agency's Strategic Plan and its prioritization across the EEOC's long-term strategic goals and objectives.

In 2015, the EEOC issued a plan to examine the data currently maintained by the EEOC, and how to use that data more efficiently and effectively. The EEOC's Office of Inspector General also assessed the agency's knowledge and use of data analytics strategies and capabilities and identified improvements, opportunities, and best practices for the EEOC's data analytics activities. In November 2017, the agency hired its first Chief Data Officer (CDO) who was charged with the responsibility of developing an enterprise-wide data analytics strategy which not only supports the mission of the EEOC, but also makes agency data readily available and easily accessible to those within the agency, as well as the public. Beginning in fiscal year 2018, the EEOC revamped and upgraded the agency's data analytics capabilities. Additionally, in April 2018, the agency created its first Data Governance Board (DGB) chaired by the CDO.

The creation of the Office of Enterprise Data and Analytics (OEDA), the Data Governance Board, and the expanded role of the CDO, were designed to 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. OEDA's new and additional functions are intended to help the EEOC achieve its mission, as well as allow OEDA to provide greater and improved services to customers both inside and outside of the agency. Beginning in fiscal year 2018, OEDA began to fill vacant positions and hired new employees with data analytics and data modeling experience to provide a solid foundation on which to build a new agency-wide data analytics organization. The upgrade of the EEOC's data capabilities through the creation of OEDA has already resulted in significant agency-wide data modernization and innovation. These strategies will further develop the EEOC's capacity to use evidence, evaluation, and data tools to improve program outcomes.

The EEOC continues to make great strides with its Enterprise Data and Analytics Program. Beginning in fiscal year 2018 through 2020, and continuing into fiscal year 2021, the goals of the program align directly with the Foundations for Evidence-Based Policymaking Act of 2018 and the Federal Data Strategy, and include enhancing the transparency of agency functions and operations, reducing burden on our stakeholders, augmenting agency use of modern data analytics to drive data-driven decision making, and promoting greater public access to the data. Specific initiatives in phase one of the EEOC's Data and Analytics Modernization Program include:

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

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 in collaboration with NORC at the University of Chicago is establishing a modern, secure, and privacy protected data enclave to ensure access to protected data for

external researchers. The EEOC Data Enclave replaces the agency's use of the Intergovernmental Personnel Act (IPA) federal hiring authority previously utilized to allow researchers to access the EEOC's restricted, privacy protected data. The previous process — a two-decades old process — did not comply with the requirements of FISMA 2014 and presented data protection issues that had to be addressed. It was discontinued in January 2018. The EEOC successfully conducted and concluded a pilot test for a secure data enclave built by NORC in fall of 2019. The EEOC is working on updating its policy guidance on the access to restricted data for research and statistical purposes.

Create and Disseminate Public Use Files and User-Friendly Data Query and Visualization Tool (EEOC Explore).

This project enhances the transparency of agency functions and operations by facilitating and simplifying access to publicly releasable aggregate data by creating easily accessible public use files, documentation, and a state-of-the-art consumer-friendly data visualization and mapping tool. The initial public launch that displays two years of EEO-1 aggregated files is planned for release on the EEOC's public website in December 2020. Additional data will be added as appropriate.

Data Inventory. As part of the EEOC's ongoing collaboration with NORC at the University of Chicago to design and build an EEOC Data Enclave, the agency will be constructing a comprehensive and thorough agency Data Inventory. In fiscal year 2020, a draft Data Source Inventory file was delivered to the EEOC and will be updated continuously by NORC for the duration of the Data Enclave contract (through fiscal year 2023).

Data Visualizations for Internal and External Customers. 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 first major new type of data product in over 20 years. These data visualizations illustrate statistics for employment discrimination charges and resolutions for the general public as well as specialists in anti-discrimination law and are part of the agency's broader effort to bring greater transparency to the EEOC's operations. The agency also is creating customized visualizations for use by internal stakeholders in each district to support enforcement and outreach functions of the agency. For example, one application of the visualizations will be to identify demographic characteristics and counties of residence of populations vulnerable to workplace discrimination.

Improvements to Collection and Dissemination of Internal Data. The EEOC is leading the 396 Modernization Project, a robust internal evaluation of the 396 data collection and reporting process. The project is designed to explore opportunities to add efficiencies and innovation to the 396 process, which has largely remained unchanged and unassessed for the past 20 years. As part of this evaluation, the EEOC conducted key informational interviews, cross-agency focus groups, and an agency-wide survey. The final report will provide a summary of the evaluation findings and recommendations for improvements.

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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APPENDICES

APPENDIX A: ORGANIZATION AND JURISDICTION

The U.S. Equal Employment Opportunity Commission is a bipartisan Commission comprised of five presidentially appointed members, including the Chair, and four Commissioners. The Chair is responsible for the administration and implementation of policy and the financial management and organizational development of the Commission. The Commissioners participate equally in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of certain lawsuits. In addition to the Commissioners, the President appoints a General Counsel to support the Commission and provide direction, coordination, and supervision to the EEOC's litigation program. A brief description of major program areas is provided on the following pages.

When the Commission first opened its doors in 1965, it was charged with enforcing the employment provisions of the landmark Civil Rights Act of 1964. The EEOC's jurisdiction over employment discrimination issues has since grown and now includes the following areas:

- **Title VII of the Civil Rights Act of 1964**, which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin.
- **Pregnancy Discrimination Act**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat pregnancy and pregnancy-related medical conditions as any other medical disability with respect to terms and conditions of employment, including health benefits.
- **Equal Pay Act of 1963 (included in the Fair Labor Standards Act)**, which prohibits sex discrimination in the payment of wages to men and women performing substantially equal work in the same establishment.
- **Age Discrimination in Employment Act of 1967**, which protects workers 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. ADEA also prohibits the termination of pension contributions and accruals on account of age and governs early retirement incentive plans and other aspects of benefits planning and integration for older workers.
- **Title I and Title V of the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008**, which prohibits employment discrimination by private sector respondents and state and local governments against qualified individuals on the basis of disability.
- **Section 501 of the Rehabilitation Act of 1973**, which prohibits employment discrimination on the basis of disability in the federal government.
- **Title II of the Genetic Information Nondiscrimination Act**, which prohibits employment discrimination on the basis of an applicant's or employee's genetic information (including family medical history), generally prohibits acquisition of genetic information from applicants and employees, and requires covered entities to keep such information confidential.
- **Lilly Ledbetter Fair Pay Act of 2009**, which overturned adverse Supreme Court precedent and restored the EEOC's long-held position on the timeliness of pay discrimination claims.

The **Office of Field Programs**, the **Office of General Counsel**, and **53 field offices**, ensure that EEOC effectively enforces the statutory, regulatory, policy, and program responsibilities of the Commission through a variety of resolution

methods tailored to each charge. Staff is responsible for achieving a wide range of objectives, which focus on the quality, timeliness, and appropriateness of individual, multiple victim, and systemic charges and for securing relief for victims of discrimination in accordance with Commission policies. The responsibility for conducting hearings of federal sector complaints also is performed in field offices under the oversight of the Office of Field Programs. Staff also counsel individuals about their rights under the laws enforced by the EEOC and conduct outreach and technical assistance programs. The **Office of General Counsel** conducts litigation in federal district courts and in the federal courts of appeals.

Additionally, through the **Office of Field Program's State, Local, and Tribal Program**, the EEOC maintains work sharing agreements and a contract services program with 92 state and local **Fair Employment Practices Agencies (FEPAs)** for the purpose of coordinating the investigation of charges dual-filed under state and local laws and federal law, as appropriate. The EEOC partners with more than 60 **Tribal Employment Rights Offices (TEROs)** to promote equal employment opportunity on or near Indian reservations.

The **Office of Legal Counsel** develops policy guidance, provides technical assistance to employers and employees, and coordinates with other agencies and stakeholders regarding the statutes and regulations enforced by the Commission. The Office of Legal Counsel also fulfills in-house counsel functions by conducting or coordinating defensive litigation on behalf of the Commission and advising agency officials on administrative issues such as contracts, disclosures, ethics, fiscal law, and recordkeeping matters. The Office of Legal Counsel also provides in-house counsel services related to the Freedom of Information Act and Records Management.

Through its **Office of Federal Operations**, the EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. This office ensures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials and conducts training for stakeholders, provides guidance and assistance to EEOC administrative judges who conduct hearings on EEO complaints, and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints.

The EEOC receives a congressional appropriation to fund the necessary expenses of enforcing civil rights legislation, as well as prevention, outreach, and coordination of activities within the private and public sectors. In addition, the EEOC maintains a **Training Institute** for technical assistance programs. These programs provide fee-based education and training relating to the laws administered by the Commission.

APPENDIX B: ADDITIONAL INFORMATION ON EEOC INVESTIGATIONS AND LITIGATION REQUESTED BY CONGRESS

INVESTIGATIONS

The number of investigations initiated in fiscal year 2020 based on a directed investigation or Commissioner charge and the nature of the alleged discrimination:

In fiscal year 2020, the EEOC approved 3 investigations by Commissioner charges. Some Commissioner charges alleged multiple issues. The issues were:

- failure to hire based on race, sex, national origin;
- benefits/wages based on sex;
- constructive discharge, discharge, harassment, intimidation, sexual harassment, terms/conditions based on sex;
- constructive discharge, discharge, harassment, intimidation, sexual harassment, terms/conditions in retaliation for engaging in protected activity.

In fiscal year 2020, the EEOC initiated 33 directed investigations. These investigations alleged age discrimination in advertising, hiring, discharge, terms/conditions of employment, a recordkeeping violation, and unequal pay and benefits based on sex.

The number of ongoing investigations in fiscal year 2020, initiated by a directed investigation or Commissioner charge and the nature of the alleged discrimination:

At the close of fiscal year 2020, there were 33 ongoing investigations initiated by a Commissioner charge. These investigations alleged:

- failure to hire on the basis of race, sex, national origin, religion, disability, genetic information, color, and in retaliation for protected activity;
- discriminatory terms and conditions of employment based on national origin, race, sex, color, religion, and in retaliation for protected activity;
- intimidation based on race, sex, and in retaliation for protected activity,
- harassment based on sex, race, national origin, and in retaliation for protected activity;
- sexual harassment based on sex and in retaliation for protected activity;
- assignment based on race, sex, national origin, and in retaliation for protected activity;
- discipline on the basis of race, sex, national origin, disability, and in retaliation for protected activity;
- discharge based on sex, race, national origin, disability, color, religion, and in retaliation for protected activity;
- constructive discharge on the basis of sex and in retaliation for protected activity;
- testing which discriminates on the basis of race, national origin and disability;
- referring applicants and employees in ways that discriminate on the basis of race, sex, national origin, religion, color, disability, and in retaliation for protected activity;



- failing to promote based on race, sex, national origin, and color;
- paying wages on the bases of sex, race, national origin, and in retaliation for protected activity;
- segregated facilities on the basis of race, sex, and national origin;
- medical inquiries prohibited by the ADA and GINA including medical exams;
- failure to accommodate disabilities;
- exclusion on the basis of sex;
- waivers that retaliate against employees for engaging in protected activity.

At the close of fiscal year 2020, there were 27 ongoing investigations initiated by a directed investigation. These investigations alleged age discrimination in advertising, hiring, assignment, promotion, discharge, wages, benefits, testing, demotion, terms and conditions, qualifications, recall, and unequal pay based on sex.

LITIGATION

The number of lawsuits filed in fiscal year 2020 based on a directed investigation or Commissioner charge:

The EEOC filed and resolved one lawsuit based on a Commissioner charge along with a group of ten individual charges. In *EEOC v. Dillard's*, 4:20-cv-1152 (E.D. Ark.), filed September 29, 2020, EEOC alleged that the Defendant failed to promote Black employees into management or supervisory positions based on race. The case resolved by consent decree on October 8, 2020, for \$900,000 in monetary relief for 32 charging parties and other aggrieved individuals, substantial promotion policy modifications, and other equitable relief.

Final attorneys' fees awarded against the EEOC in which the defendant prevailed on the merits:

In *EEOC v. Mathews Ford Marion, Inc.*, No. 3:16-cv-2406 (N.D. Ohio), the district court awarded \$36,397 in attorneys' fees against the agency following a bench trial in favor of the Defendant.

The statutes enforced by the EEOC do not permit the award of fees to the agency when it prevails on the merits of a matter.

Attorneys' fees awarded as a discovery sanction:

EEOC received an award of attorneys' fees in connection with discovery disputes in three cases:

EEOC v. Spencer Gifts, LLC, No. 5:18-cv-155 (W.D.N.C.) (awarding \$1,950 in attorneys' fees to EEOC under Fed. R. Civ. P. 37(a)(5)(A) relating to motions to compel discovery; court had previously awarded \$1,474.18 in fees and costs relating to defense counsel's failure to show for an agreed-upon entry on land).

EEOC v. Chalfont & Associates Group, Inc. d/b/a McDonalds, No: 6:19-cv-1304 (M.D. Fla.) (awarding \$4,175 in attorneys' fees to EEOC under Fed. R. Civ. P. 37(a)(5)(A) relating to motions to compel discovery).

EEOC v. M1 5100 Corp. d/b/a Jumbo Supermarket, Inc., No: 19-cv-81320 (S.D. Fla.) (granting EEOC's motion for attorneys' fees pursuant to Fed. R. Civ. P. 37(a)(5)(A) relating to a motion to compel discovery; case resolved before amount was quantified and without payment).

EEOC paid an award of attorneys' fees in connection with a discovery dispute in one case:

EEOC v. Loflin Fabrications, LLC, No. 1:18-cv-813 (M.D.N.C.) (awarding \$4,100 in attorneys' fees to defendant pursuant to Fed. R. Civ. P. 37(a)(5)(B) relating to a motion to compel discovery).

The number of cases of systemic discrimination brought in court by the EEOC under section 706 or 707 of the Civil Rights Act of 1964:

The EEOC initiated 13 systemic suits in fiscal year 2020:

Army Fleet Support, M.D. Ala., No. 1:20-cv-00234, filed April 6, 2020 — Alleging that Defendant maintained a drug reporting policy that screened out individuals with disabilities taking certain medications, prohibited employees from taking disability-related medication, and failed to provide reasonable accommodation.

Personnel Staffing Group, N.D. Ill., No. 1:20-cv-02683, filed June 24, 2020 — Alleging that Defendant failed to assign or refer employees and applicants and subjected employees/applicants to unequal terms and conditions based on race and sex (black, female).

Wal-Mart DC 6097, E.D. Ky., No. 6:20-cv-00163, filed August 3, 2020 — Alleging that Defendant subjected a nationwide class of female grocery order-filler applicants to physical ability testing that has a disparate impact on females and resulted in them being denied employment opportunities because of their sex.

LTI Services, N.D. Ind., No. 3:20-cv-00304, filed April 9, 2020 — Alleging that Defendant failed to hire qualified females for a client seeking to staff warehouse receiving positions.

Jet Propulsion Laboratory, C.D. Cal., No. 2:20-cv-03131, filed April 3, 2020 — Alleging that Defendant discriminated against employees age 40 and older in layoffs and in rehire decisions.

Hathaway Dinwiddie, C.D. Cal., No. 2:20-cv-06741, filed July 28, 2020 — Alleging that Defendant subjected black and Hispanic employees to harassment based on race and national origin and discharged employees who complained about it.

Helados La Tapatia, Inc., E.D. Cal., No. 1:20-cv-00722, filed May 22, 2020 — Alleging that Defendant discriminated in recruitment and hiring for unskilled entry-level positions based on national origin (non-Hispanic) and race (white, black, and Asian), and discharged charging party because of his race and/or national origin, non-Hispanic white.

Dillard Department Store, E.D. Ark., No. 4:30-cv-01152, filed September 29, 2020 — Alleging that Defendant did not promote African American employees into managerial positions because of their race and did not recruit African American college students into its Executive Development Program.

White River Health System, E.D. Ark., No. 3:20-cv-00049, filed February 26, 2020 — Alleging that Defendant discharged employees from their jobs as van drivers because of their ages, over 72.

Rural Metro, M.D. Fla., No. 6:20-cv-01678, filed September 14, 2020 — Alleging that Defendant discriminated against a female EMT by not providing her with light duty for her pregnancy-related disability even though it provided light duty to non-pregnant employees with an occupational injury or an injury accepted by its worker's compensation carrier.

Aspire Health Partners, M.D. Fla., No. 6:20-cv-01603, filed September 1, 2020 — Alleging that Defendant did not hire Charging Party because of a worker's compensation claim she filed during her prior stint of employment and that



Defendant's consideration of prior worker's compensation claims operates as a qualification standard or selection criteria that screens out individuals with disabilities.

Yale School of Medicine, D. Conn., No. 3:20-cv-00187, filed February 2, 2020 — Alleging defendant discriminated against healthcare professionals and all applicants over age 70 by requiring neuropsychological and ophthalmic testing as a condition of hospital privilege retention which violates the ADEA, interferes with ADA rights, and subjects current employees to prohibited medical examinations.

Scottsdale Healthcare, D. Ariz., No. 2:20-cv-01894, filed September 29, 2020 — Alleging defendant refused to provide reasonable accommodations to individuals with disabilities and instead discharged or constructively discharged them because of their disabilities and/or need for accommodation.

The EEOC's success rate at the appellate level in fiscal year 2020:

On merits cases, the EEOC prevailed in one appeal and did not prevail in one appeal.



APPENDIX C: BIOGRAPHIES OF THE CHAIR, VICE CHAIR, COMMISSIONERS AND GENERAL COUNSEL



Janet Dhillon, Chair

Janet Dhillon was sworn in as Chair of the U.S. Equal Employment Opportunity Commission on May 15, 2019. She is the 16th Chair of the EEOC. Dhillon was first nominated by President Trump on June 29, 2017 and confirmed on May 8, 2019. Her term will end on July 1, 2022.

For more information about Chair Dhillon, please see: www.eeoc.gov/eeoc/dhillon.cfm.



Keith E. Sonderling, Vice Chair

Vice Chair Keith E. Sonderling was nominated by President Trump on July 17, 2019, and was confirmed on September 22, 2020, for a term expiring July 1, 2024. Sonderling was also designated by President Trump to serve as Vice Chair of the Commission.

For more information about Vice Chair Sonderling, please see: <https://www.eeoc.gov/keith-e-sonderling-vice-chair>.



Victoria A. Lipnic, Former Commissioner/Former Acting Chair

Victoria A. Lipnic was first named to the Commission by President Obama in 2010, when she was confirmed by the U.S. Senate for a five-year term. In 2015 she was re-nominated and confirmed by the U.S. Senate for a second five-year term. On January 25, 2017, she was named Acting Chair of the Commission by President Donald J. Trump, a position she held for nearly two and a half years until the confirmation and swearing in of Chair Dhillon. Commissioner Lipnic's term ended on October 9, 2020.



Charlotte A. Burrows, Commissioner

Charlotte A. Burrows was initially nominated to serve as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC) in 2014 by President Obama and then re-nominated in 2019 by President Trump. By unanimous vote, the U.S. Senate confirmed her to a second term ending in 2023.

For more information about Commissioner Burrows, please see: www.eeoc.gov/eeoc/burrows.cfm.



Jocelyn Samuels, Commissioner

Jocelyn Samuels was nominated by President Trump on March 16, 2020, and was confirmed on September 23, 2020, to serve as Commissioner, for a term expiring July 1, 2021.

For more information about Commissioner Samuels, please see: <https://www.eeoc.gov/jocelyn-samuels-commissioner>.



Andrea R. Lucas, Commissioner

Andrea R. Lucas was nominated by President Trump on March 16, 2020 and was confirmed on September 22, 2020, to serve as Commissioner, for a term expiring July 1, 2025.

For more information about Commissioner Lucas, please see:

<https://www.eeoc.gov/andrea-r-lucas-commissioner>.



Sharon Fast Gustafson, General Counsel

Sharon Fast Gustafson was nominated to serve as the General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC) by President Trump on March 20, 2018. She was confirmed by the U.S. Senate on August 1, 2019, for a term ending in 2023.

For more information about General Counsel Gustafson, please see:

<https://www.eeoc.gov/eeoc/gustafson.cfm>.



APPENDIX D: EEOC GLOSSARY OF TERMS

ADA Americans with Disabilities Act of 1990

ADEA Age Discrimination in Employment Act of 1967

ADR Alternative Dispute Resolution

AJ Administrative Judge

CFO Chief Financial Officer

CHCO Chief Human Capital Officer

DMS Document Management System

EEO Equal Employment Opportunity

EEOC Equal Employment Opportunity Commission

EPA Equal Pay Act of 1963

EXCEL Examining Conflicts in Employment Laws

FEPA Fair Employment Practice Agency

FMFIA Federal Managers Financial Integrity Act

FOIA Freedom of Information Act

GINA Genetic Information Nondiscrimination Act of 2008

GSA General Services Administration

IIG Intake Information Group

OFO Office of Federal Operations

OFPP Office of Field Programs

OGC Office of General Counsel

OIG Office of Inspector General

OMB U.S. Office of Management and Budget

OPM U.S. Office of Personnel Management

PCHP Priority Charge Handling Procedures

TAPS Technical Assistance Program Seminar

TERO Tribal Employment Rights Offices

UAM Universal Agreement to Mediate



APPENDIX E: INTERNET LINKS

EEOC: <https://www.eeoc.gov/>

ADA 30th Anniversary: <https://www.eeoc.gov/ada30-americans-disabilities-act-1990-2020>

EEOC FY 2020 Performance Budget:

<https://www.eeoc.gov/fiscal-year-2020-congressional-budget-justification-us-equal-employment-opportunity-commission>

EEOC Statistics: <https://www.eeoc.gov/statistics>

EEOC Strategic Plan: https://www.eeoc.gov/eeoc/plan/strategic_plan_18-22.cfm

Meetings of the Commission: <https://www.eeoc.gov/eeoc/meetings/index.cfm>

Newsroom: <https://www.eeoc.gov/eeoc/newsroom/index.cfm>

Past EEOC Performance Budgets: <https://www.eeoc.gov/eeoc-budget-archives>

Past EEOC Performance and Accountability Reports: <https://www.eeoc.gov/eeoc/plan/archives/annualreports/index.cfm>

Report of the Select Task Force for the Study of Harassment: https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm

Small Business Resource Center: <https://www.eeoc.gov/employers/smallbusiness/index.cfm>

Strategic Enforcement Plan for FY 2017-2021: <https://www.eeoc.gov/eeoc/plan/sep-2017.cfm>

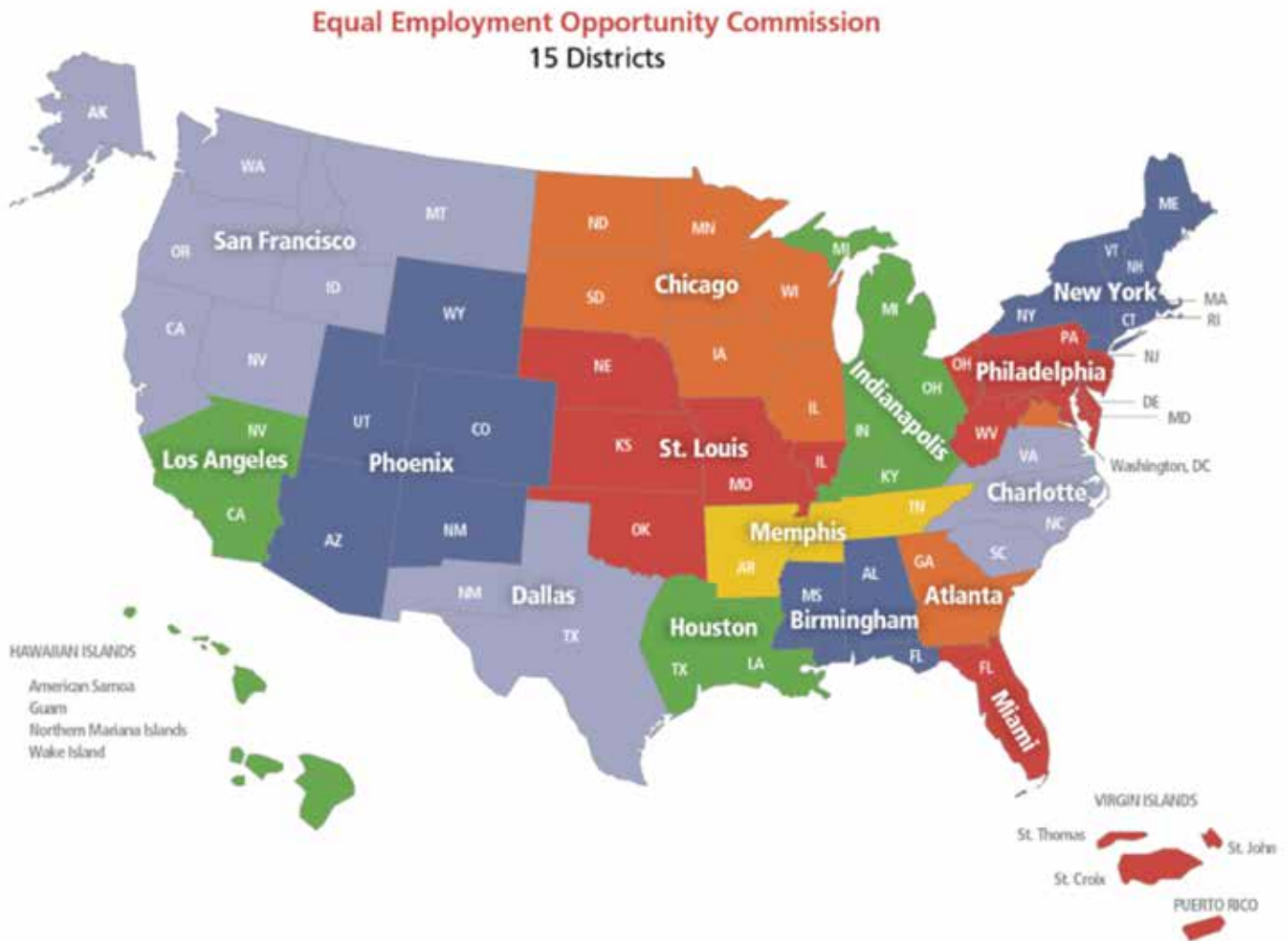
Vulnerable Workers Task Force: <https://www.eeoc.gov/vulnerable-workers-task-force>

Youth@Work: <https://www.eeoc.gov/youthwork>



APPENDIX F: EEOC FIELD OFFICES

For a list of EEOC offices and a zip-code based office locator, please see: <https://www.eeoc.gov/field/index.cfm>.



The background features a dark blue gradient with two faint, light blue classical columns on either side of the text. The columns have fluted shafts and papyrus capitals. The overall design is clean and professional.

ACKNOWLEDGMENTS

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The EEOC's fiscal year 2020 Annual Performance Report is a collaborative endeavor on the part of many EEOC employees. The Commission would like to acknowledge and thank them for their hard work and commitment in successfully preparing this report.

WE WELCOME YOUR COMMENTS

Thank you for your interest in the EEOC's fiscal year 2020 Annual Performance Report. We welcome your comments on how we can make this report more informative for our readers. Please send your comments to:

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