



FY 2021

ANNUAL PERFORMANCE REPORT

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HOW THIS REPORT IS ORGANIZED

This *Fiscal Year 2021 Annual Performance Report* (APR) presents the U.S. Equal Employment Opportunity Commission's (the EEOC or Agency) program results and management challenges. The APR presents the Agency's fiscal year 2021 information in the following sections:

- **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:** Contain information on EEOC's organization, jurisdiction, leadership, and performance information specifically requested by Congress, as well as a glossary of the acronyms used in the report.

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MESSAGE FROM THE CHAIR



I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC) Annual Performance Report (APR) for fiscal year 2021. Since becoming Chair of the EEOC in January 2021, I have had the honor of leading the agency's dedicated employees as we seek to advance equal opportunity for all in America's workplaces. The Annual Performance Report provides an overview of the agency's work during fiscal year 2021 to create an America where all have a fair chance to work, provide for their families, and contribute to our economy.

While fiscal year 2021 was a year of both challenges and opportunities, the EEOC repeatedly rose to the occasion. The myriad civil rights challenges of the COVID-19 pandemic—including its disproportionate impact on women, people of color, immigrants, people with disabilities, and so many others—underscored the importance of the EEOC's work to build respectful and inclusive workplaces.

As the primary federal agency that enforces laws against employment discrimination, the Commission plays a critical role in advancing equal opportunity in the workplace. The EEOC has numerous tools to combat discrimination, including outreach and education, technical assistance, and enforcement. In fiscal year 2021, the agency used all of these tools to achieve change on a broad scale. Among other accomplishments, the agency secured more than \$485 million in monetary relief for over 15,000 victims of employment discrimination, resolved 138 merit lawsuits and achieved a favorable result in 95.7% of all district court resolutions, educated 254,830 individuals nationwide about employment discrimination and their workplace rights and responsibilities, and achieved a 9.1% reduction in the aged inventory in federal sector appellate cases.

The EEOC also continued its outreach, education, and technical assistance to promote inclusive workplaces and prevent employment discrimination before it occurs. In fiscal year 2021, despite the challenges of the pandemic, the EEOC worked to focus its outreach and education programs to reach vulnerable workers and underserved communities, including immigrant and farmworker communities as well as other communities where individuals are reluctant to come forward to complain about employment discrimination. The EEOC also increased its outreach to small businesses, conducting 460 outreach events and reaching 27,495 small business representatives.

During the past fiscal year, the agency prioritized tackling systemic discrimination in all forms and on all bases, promoting racial justice and equity in the workplace, preventing and remedying pay discrimination, and addressing the civil rights impact of the pandemic. As detailed in this report, although the pandemic posed additional challenges for our work, the agency realized significant accomplishments in each of these priority areas in fiscal year 2021. For instance, the EEOC held its first-ever, all virtual public hearing by videoconference to examine the workplace civil rights implications of the pandemic, provided extensive technical assistance to employers and employees on COVID-19-related employment issues, and published a plain-language fact sheet for workers explaining the EEO rights of individuals during a pandemic. The EEOC also played a critical role in advancing diversity, equity, inclusion, and accessibility as part of the Biden Administration's whole-of-government approach to addressing systemic discrimination and advancing equal opportunity. And the EEOC resolved significant individual and systemic cases involving race-based discrimination and compensation discrimination based on sex and race.

The successes of fiscal year 2021 were in part made possible through efforts to rebuild and strengthen the agency. In fiscal year 2021, the EEOC was fortunate to hire more than 450 predominately front-line positions to begin replacing staff departures in recent years, thereby strengthening our ability to fulfill the agency's vital role in preventing and remedying employment discrimination. The addition of these new employees is a down payment on what I hope will be a long-term investment to ensure that the EEOC has resources commensurate with its task.

The EEOC was created as a result of a strong national commitment to civil rights and continues to serve as tangible proof that the causes of justice and equality are greater than hatred, division, and bigotry. That legacy and our work are critically important to the American people and to this administration as we rebuild the economy to work for everyone and fulfill our nation's promise of equal justice for all.

A handwritten signature in black ink, reading "Charlotte A. Burrows".

Charlotte A. Burrows
Chair



MISSION, MAJOR PROGRAMS, AND ORGANIZATIONAL STRUCTURE

The Equal Employment Opportunity Commission's Annual Performance Report (APR) provides performance results that enable the President, Congress, and the public 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 for fiscal year 2021. 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.

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

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

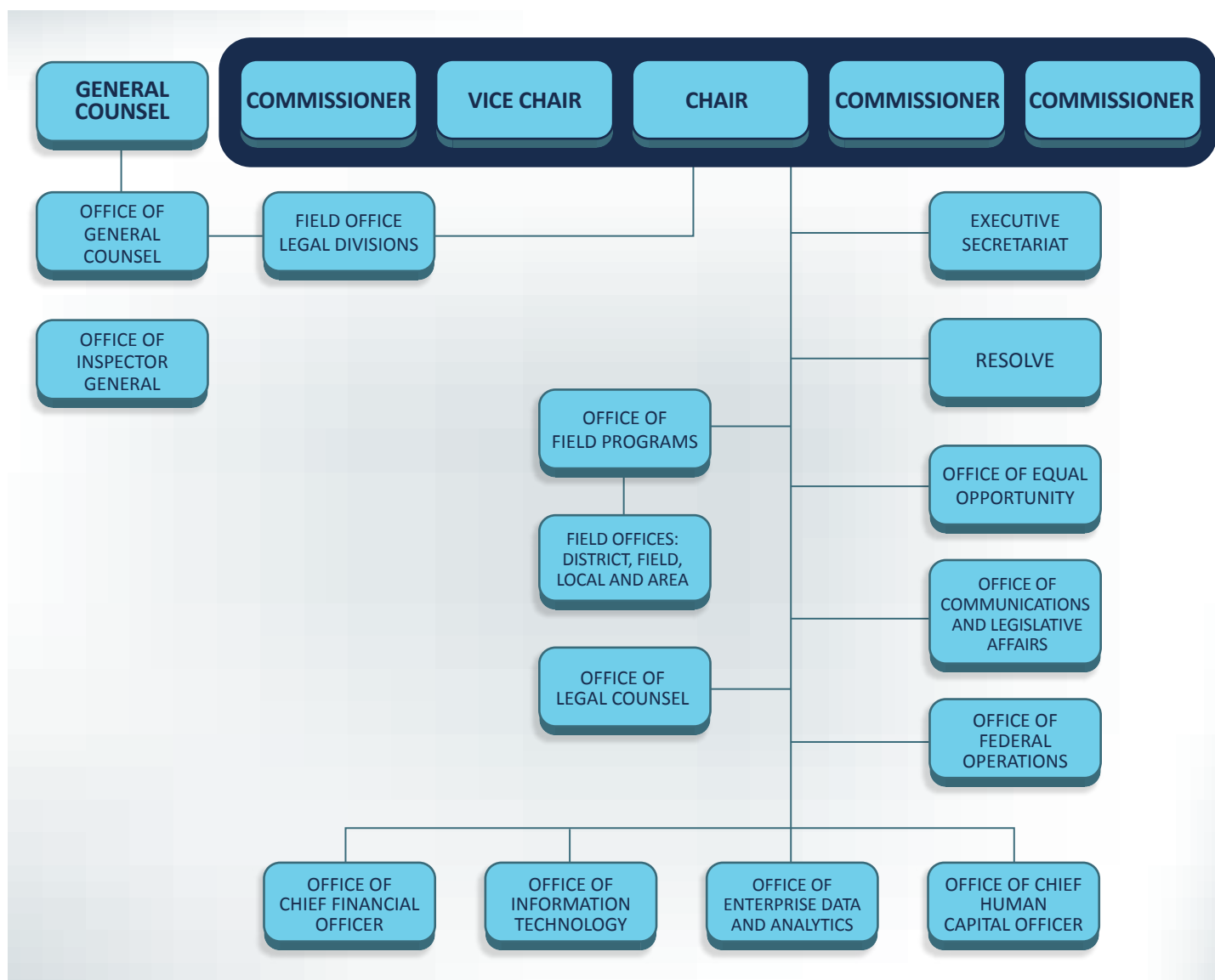
The EEOC is a bipartisan Commission comprised of five presidentially appointed members, including the Chair, Vice Chair, and three Commissioners. No more than three Commissioners (including the Chair and Vice Chair) may be from the same political party. The Chair is responsible for the administration and implementation of policy and the enforcement program, financial management, and day-to-day operations of the Commission. The Vice Chair and the Commissioners participate equally in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of lawsuits and amicus curiae briefs. 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.

The Commissioners and General Counsel	Term Expires
CHAIR CHARLOTTE A. BURROWS	2023
VICE CHAIR JOCELYN SAMUELS	2026
COMMISSIONER JANET DHILLON	2022
COMMISSIONER KEITH E. SONDERLING	2024
COMMISSIONER ANDREA R. LUCAS	2025
GENERAL COUNSEL VACANT*	

*EEOC's previous General Counsel Sharon Fast Gustafson left the agency in March 2021. Gwendolyn Young Reams served as acting General Counsel from March 12, 2021 through December 30, 2021.

ORGANIZATION

The EEOC accomplishes its mission through component offices that administer various programs. The EEOC maintains work sharing agreements and contract services with 91 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. The EEOC also contracts with 61 Tribal Employment Rights Organizations (TEROs) to assist them in protecting the employment rights of Native Americans working on or near Indian land.



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.



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 associated goals:

- **Strategic Objective I: Combat and prevent employment discrimination through the strategic application of EEOC's law enforcement authorities.** The associated 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 associated 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 associated 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 2021.

EEOC FY 2021 Performance			
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.

SUMMARY OF FISCAL YEAR 2021 ACHIEVEMENTS IN PRIORITY AREAS

The Biden Administration has called for a whole-of-government approach to addressing systemic discrimination and advancing equal opportunity, and the EEOC has a critical role in achieving that vision. In fiscal year 2021, the EEOC focused on the following broad areas — addressing systemic discrimination in all forms and on all bases, promoting racial justice, preventing and remedying discrimination in pay, addressing the civil rights impact of the pandemic, and strengthening and rebuilding the agency to ensure it has the resources needed to effectively enforce the law. Below are a few highlights of the agency's accomplishments in each of these areas.

The EEOC addressed systemic discrimination in all forms and on all bases by:

- Resolving 342 systemic investigations on the merits and obtaining more than \$24.4 million in monetary benefits for victims of discrimination.

- In addition to providing monetary relief to charging parties and other aggrieved individuals, these resolutions include targeted equitable relief designed to change employment practices, prevent future discrimination, and bring employers into compliance with the law. The EEOC secured targeted equitable relief in 100% of successful systemic conciliations.
- Resolving 26 systemic lawsuits, obtaining over \$22.7 million for 1,671 individuals and significant equitable relief.
- Filing 13 new systemic lawsuits.
 - The allegations in these lawsuits involve challenges to employment policies that limit the rights of individuals with disabilities, sex-based failure to hire, harassment based on sex and pregnancy, discharge based on race and national origin, and age-based layoffs.
- Playing a critical role in advancing diversity, equity, inclusion, and accessibility as part of the Biden Administration's whole-of-government approach to addressing systemic discrimination and advancing equal opportunity by:
 - Serving on the White House Gender Policy Council and contributing to the first-ever U.S. Government National Strategy on Gender Equity and Equality to address longstanding gender discrimination and systemic barriers faced by women and girls and advance equal opportunity for all people.
 - Working closely with the administration in the implementation of [Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility \(DEIA\) in the Federal Workforce](#).
 - In conjunction with the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM), conducting outreach and assisting agencies in implementing Executive Order 14035.
 - Collaborating with the White House Domestic Policy Council, OMB, OPM, and the Department of Justice to serve on the implementing committees for [Executive Order 13988: Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#).
 - Providing consultation in support of [Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#). For example, EEOC provided training and outreach on how Executive Order 13985 interacts with other executive orders and memoranda.
 - Partnering with the White House National Security Council to serve as subject matter experts assisting with the implementation of the Diversity, Equity, Inclusion, and Accessibility provisions of the Presidential Memorandum of February 4, 2021: [Revitalizing America's Foreign Policy and National Security Workforce, Institutions, and Partnerships](#).

The EEOC advanced racial justice during fiscal year 2021 in the following ways:

- Resolving 21 lawsuits alleging race or national origin discrimination for approximately \$15 million in monetary relief benefiting 798 individuals.
- Filing 9 new systemic or class cases alleging race discrimination (7 alleging race-based harassment, 1 alleging disparate pay based on race, and 1 involving an English-only rule) and another 14 individual cases alleging race or national origin discrimination.
- Resolving significant race cases during the administrative process, including:
 - Successfully conciliating a case against a major U.S. employer which found evidence of discrimination in promotion on the basis of race against Black employees and resolving the case for over \$10 million in relief, substantial changes to policies and practices, and requiring reporting to the EEOC to make sure that the employer remains in compliance with the law.
 - Successfully resolving a systemic investigation involving discriminatory client preferences in assignments that discriminated against Black workers. This investigation resolved for over \$100,000 in monetary relief for the charging party and other impacted workers and targeted equitable relief designed to end assignments based on race.

- Successfully resolving a systemic investigation involving discriminatory discipline, termination, and promotion on the basis of race, Black. As part of the resolution for this investigation, the respondent agreed to make mentorship, training, development, and networking opportunities available to Black employees and participate in community organizations that promote hiring and development of Black employees and managers.
- Through education and outreach, the EEOC continued to play a pivotal role in promoting racial justice and confronting systemic barriers in the workplace, including by:
 - Conducting 261 outreach sessions involving issues related to race, which were attended by 35,162 individuals, and 245 sessions on national origin discrimination, with 16,521 attendees.

The EEOC prevented and remedied discrimination in pay by:

- Resolving significant compensation discrimination cases during the administrative process, including:
 - Resolving a systemic investigation alleging Black employees were discriminated against in wages based on race for over \$200,000, which included monetary relief for the charging party and a class, and targeted equitable relief designed to change the discriminatory wage practices and prevent future discrimination.
- Successfully resolving 10 compensation discrimination lawsuits for approximately \$1 million benefiting 51 individuals.
- Filing five lawsuits involving compensation discrimination, four of which were based on sex and one based on race.
- Conducting 124 outreach sessions, which 24,248 individuals attended, involving issues related to equal pay.

During fiscal year 2021, the EEOC addressed the civil rights impact of the pandemic by:

- Holding the Commission's first-ever, all virtual public hearing by videoconference to explore the workplace civil rights implications of the COVID-19 pandemic. Over 2,000 members of the public tuned in to hear testimony from a wide range of experts about how the pandemic is harming already vulnerable populations.
- Providing numerous resources to assist employers and employees as they grapple with pandemic-related issues, including:
 - *What You Should Know about COVID-19 and the ADA, Rehabilitation Act, and Other EEO Laws*. The EEOC released approximately 20 updates to this technical assistance document, including by adding a new section to the document on vaccinations.
 - To specifically address the needs and concerns of workers, the agency also published a plain-language COVID-19 fact sheet for employees explaining the Equal Employment Opportunity (EEO) rights of individuals during a pandemic.
 - Developed informational scripts to answer COVID-19 related questions raised by callers to the agency's toll-free number for the public.
- Addressing the intersection of COVID-19 and federal employment discrimination laws, the agency conducted 313 outreach events related to COVID-19 that reached 39,827 individuals.
- Unanimous approval of a resolution condemning the recent violence, harassment, and other acts of bias against Asian Americans and Pacific Islanders (AAPIs) in the United States that arose in response to COVID-19. The resolution reaffirms the Commission's commitment to combat all forms of harassment and discrimination against members of AAPI communities and to ensure equal opportunity, inclusion, and dignity for all in the workplace.
- In response to the spike in violence and harassment against Asian American and Pacific Islander communities related to COVID-19 misconceptions and bias, the agency facilitated the exchange of information across district offices, coordinated community engagement efforts with other federal agencies, and collaborated with the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI), including:

- Working with the WHIAANHPI Regional Network to address specific community needs through regional roundtables, technical assistance programs, resource-sharing, virtual convenings, and webinars, including hosting a series of listening sessions with AAPI stakeholders across the country on national origin discrimination and harassment in the workplace.
- Processing 3,631 charges alleging COVID-19-related discrimination.
- Filing three lawsuits involving discrimination related to the COVID-19 pandemic:
 - *EEOC v. ISS Facility Services*, No. 1:21-cv-3708 (N.D. Ga. Sept. 7, 2021), alleging a facility management company denied a health, safety, and environmental quality manager with chronic lung disease and a high risk of contracting COVID-19 the reasonable accommodations of working from home two days per week and frequent breaks while on site, and then discharged her because of her disability and in retaliation for requesting an accommodation;
 - *EEOC v. 151 Coffee*, No. 4:21-cv-01081 (N.D. Tex. Sept. 24, 2021), alleging that early in the pandemic, a coffee shop refused to provide two baristas reasonable accommodation for their disabilities, multiple sclerosis and pulmonary valve stenosis, and discharged both because of their disabilities based on a policy of not allowing employees with certain disabilities to return to work until a COVID-19 vaccine was developed; and
 - *EEOC v. U.S. Drug Mart, Inc., d/b/a Fabens Pharmacy*, No. 3:21-cv-00232 (W.D. Tex. Sept. 24, 2021), alleging that after a pharmacy technician requested to wear a mask because his asthma made him more susceptible to COVID-19, the head pharmacist subjected him to a hostile work environment, including threats of termination, resulting in the clerk's constructive discharge.

The EEOC rebuilt and strengthened the enforcement capacity of the agency in the following ways:

- Ensuring that the agency had sufficient staff to address its expanding workload by filling 450 positions and ending the year with more than 2,100 employees.
 - The majority of these positions were front-line staff (investigators, investigative support assistants, mediators, and attorneys, among other positions).
- Ensuring that enforcement staff received critical training, including:
 - Holding two-week intensive training sessions for 132 newly hired investigators;
 - Providing training on the interplay of COVID-19 and employment discrimination laws; and
 - Delivering a series of four training sessions for all enforcement staff nationwide on identifying, investigating and conciliating systemic discrimination.
- Enhancing service to the public and affording staff additional time and resources to devote to developing and resolving meritorious charges of discrimination. As a result, the EEOC resolved an increased percentage of charges with outcomes favorable to the charging party, also known as merit resolutions, with 19.2% of such resolutions in fiscal year 2021 compared to 17.4% in fiscal year 2020; secured over \$350.7 million in monetary relief for individuals during the administrative process; and obtained targeted, equitable relief in 92.6% of all conciliation agreements in the administrative process.

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 from 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 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 realize the Commission's vision of "Respectful and inclusive workplaces, with equal employment opportunity for all."

The Strategic Plan established three overarching strategic objectives, and 12 performance measures to gauge the agency's progress in meeting these objectives. 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 Annual Performance Report, which is 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 2021 UNDER THE STRATEGIC PLAN PERFORMANCE MEASURES

Overview of the Strategic Plan and Performance Measures

The agency engaged in a comprehensive assessment of its programs and priorities when developing the Strategic Plan. Under the Strategic Plan, the EEOC has worked steadfastly to achieve its mission and vision by focusing on the following three strategic objectives:

- **Strategic Objective I**, to combat and prevent employment discrimination through strategic application of EEOC's law enforcement authorities, reflects the EEOC's primary mission of preventing unlawful employment discrimination through mechanisms Congress entrusted to the agency: 1) administrative (investigation and conciliation) and litigation mechanisms with regard to private employers, labor organizations, employment agencies, and state and local government employers; and 2) adjudicatory and oversight mechanisms with regard to federal employers. 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; and
- *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	4	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 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 2021
Target	85–87%
Results	93.6%
	Target Exceeded

An important activity undertaken by both the EEOC and state and local Fair Employment Practices Agencies (FEPA) 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 2021 target for Performance Measure 1, Sub-Measure 1a was for at least 85–87% of the EEOC's enforcement resolutions to contain targeted, equitable relief. Targeted, equitable relief means any non-monetary and non-generic relief (other than the posting of notices in the workplace about the case and its resolution), which addresses the alleged discriminatory employment practices and provides remedies to individuals harmed or prevents future, similar violations. 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 781 administrative and legal resolutions with targeted equitable relief out of a total of 834 resolutions, or 93.6%.

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

Sub-Measure 1b.: By FY 2022, 17–19% of FEPA resolutions contain targeted, equitable relief.


	FY 2021
Target	16.5–18.5%
Results	20.9%
	Target Exceeded
	Overall Targets Exceeded

The fiscal year 2021 target for Performance Measure 1, Sub-Measure 1b was that at least 16.5–18.5% of FEPA resolutions contain targeted equitable relief. At fiscal year-end, the FEPAs had well exceeded the targeted range, reporting 1,064 FEPA merit resolutions with targeted equitable relief out of 5,085 merit resolutions, or 20.9%.

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 individuals. 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% of the agency's enforcement lawsuits.	
	FY 2021
Target	90%
Results	95.7%
	Target Exceeded

Performance Measure 2 places a premium on maintaining the high level of successful resolutions in the EEOC's litigation program. Successful resolutions include cases decided by favorable court order and those concluded through a consent decree or a settlement agreement. Achieving success for this measure ensures that the EEOC continues to exercise its prosecutorial discretion responsibly, while allowing us to take on challenging issues and litigate complex cases, including cases of systemic discrimination. As stated in the Strategic Enforcement Plan 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 Strategic Enforcement Plan is often challenging and resource intensive, especially in cases involving emerging or developing issues and systemic cases.

The fiscal year 2021 target for Performance Measure 2 was for the agency to favorably resolve 90% of its enforcement lawsuits. By fiscal year end, the agency had exceeded the target with 132 out of 138, or 95.7% of its enforcement lawsuits resolved favorably.

Performance Measure 3


Each year through 2022, the EEOC reports on its efforts to identify and resolve systemic discrimination.	
	FY 2021
Target	Report issued
Results	The report was issued on October 19, 2021.
	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 has posted specific information concerning its systemic program for fiscal years [2019, 2020, and 2021 on its website](#). 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, preliminary information about systemic activity was collected, tabulated, and reported to the Commission in Strategic Enforcement Plan 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 2021
Target	<p>75% of federal agencies have compliant reasonable accommodation procedures.</p> <p>65% of federal agencies have a compliant anti-harassment policy.</p> <p>65% of recommendations made in agency program evaluations completed in FY 2019 are substantially implemented.</p>
Results	<p>79.4% of federal agencies have compliant reasonable accommodation procedures.</p> <p>68.7% of federal agencies have a compliant anti-harassment policy.</p> <p>Two program evaluations were initiated in FY 2019 but were not completed by the end of that fiscal year. Therefore, no program evaluations were finalized in FY 2019 that would contain recommendations to be implemented in FY 2021.</p>
	Target Partially Met*

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

Performance Measure 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 jobseekers.


The fiscal year 2021 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, 135 out of 170 agencies, or 79.4% of federal agencies receiving feedback from the EEOC, had compliant reasonable accommodation procedures. Also, as of September 30, 2021, 68.7%, or 134 out of 195 federal agencies that received EEOC feedback had compliant anti-harassment policies. During the fiscal year, to ensure that 65% of federal agencies substantially implemented agency recommendations in program evaluation reports, the EEOC had to review compliance and record successful completion of targets based on prior recommendations. Despite initiating two program evaluations in fiscal year 2019, due to the scope of the evaluations involving large departments, the EEOC did not complete the evaluations until fiscal year 2020. Consequently, there were no recommendations to implement in fiscal year 2021, as the recommendation and implementation cycle spans a two-year period.

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 2021
Target	87%
Results	90.9%
	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 Strategic 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. The fiscal year 2021 target for Performance Sub-Measure 1a was for 87% of the EEOC's charge investigations and conciliations to meet criteria established in the QEP.

Due to agency-wide telework related to COVID-19, the agency conducted 20 technical assistance visits virtually, reviewing 1% of the agency's closed file inventory for quality criteria. A total of 710 closed charge files were reviewed, including 332 conciliations. Overall, the agency exceeded its fiscal year 2021 target of 87% of investigations meeting established standards, with 90.9% of charge files reviewed meeting the criteria established in the QEP; an increase of 3.9% from fiscal year 2020. In the review of conciliation resolutions, 97.2% of the criteria in closed conciliations met established quality standards, which is an increase of 4.6% from fiscal year 2020.

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

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

	FY 2021
Target	88.5%
Results	91.8%
	Target Exceeded
	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% of the files to meet the quality standards. The fiscal year 2021 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 88.5%. After identifying the metrics to evaluate the quality of decisions and selected cases in fiscal year 2021, the EEOC reviewed approximately 10% of closed hearings files and 3.1% of appeals, which resulted in 88.8% of federal sector hearings cases reviewed and 94.8% of federal appeals reviewed meeting the quality standards. The combined overall results were 91.8%, 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; and
- *Outcome Goal II.B:* Employers, unions, and employment agencies (covered entities) prevent discrimination, effectively address EEO issues, and support more inclusive workplaces.

The EEOC 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.

Associated 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 2021
Target	Report on user experience surveys. Identify and increase access to information in at least two additional priority areas.
Results	<p>The EEOC finalized work toward implementing a survey tool for the website — utilizing the GSA-sponsored tool — to establish a baseline on the number of user responses.</p> <p>The EEOC increased access to information by implementing social media public education campaigns regarding retaliation, gender-based pay disparities, and gender discrimination based on sexual orientation and gender identity.</p>
	Target Partially Met*


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

Performance Measure 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. The fiscal year 2021 target for Performance Measure 6 was for the EEOC to report on the user experience surveys and increase access to information in at least two additional priority areas.

In fiscal year 2021, the agency continued to build upon the effort to employ customer experience surveys on the website, most notably by implementing the plan that was developed in fiscal year 2020. The EEOC selected the General Services Administration's (GSA) Touchpoints tool, designed the survey — including choosing the appropriate pages on the website to place the survey — and submitted a request for Paperwork Reduction Act (PRA) approval to the Office of Management and Budget (OMB) in August 2021. While the package was not cleared by OMB in time for posting of the survey questions in fiscal year 2021, it was approved early in fiscal year 2022.

Additionally, the agency conducted three new social media campaigns during the fiscal year: 1) Increasing awareness of workplace retaliation through an interactive campaign on Facebook; 2) Increasing awareness of gender-based pay disparities through a coordinated effort on Twitter; and 3) Increasing awareness of workplace protections against sexual orientation and gender identity discrimination, including an [explainer video](#). The explainer video was the first time the EEOC has used this method to communicate with the public.

Performance Measure 7


By FY 2022, the EEOC leverages collaborations with significant partner organizations to assist in reducing and eliminating employment barriers.	
	FY 2021
Target	Maintain the FY 2019 baseline measure of 70 events held.
Results	The agency maintained the number of significant partners nationwide and increased the number to 131 joint partnership events with employer and employee groups.
	Target Exceeded

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

The fiscal year 2021 target for Performance Measure 7 was to maintain the fiscal year 2019 baseline measure of 70 joint partnership events held. The agency maintained the number of significant partners and increased the number of joint events with employer and advocacy groups to 131 events — a significant increase over the fiscal year 2019 achievement. All district offices maintained the number of significant partners and contributed to the overall results.

A program reassessment launched in fiscal year 2020 was completed in fiscal year 2021 to determine the baseline measure for fiscal year 2022.

Performance Measure 8

By FY 2022, the EEOC updates existing guidance and training materials, and creates new, user-friendly resource tools to address and prevent workplace discrimination.	
	FY 2021
Target	Produce or update at least two resource or guidance documents on the updated priority list.
Results	The agency produced and/or updated more than two resource or guidance documents that had been prioritized, including three new subregulatory documents, two formal opinion letters, and five existing subregulatory documents.
	Target Met

Performance Measure 8 ensures that the EEOC's subregulatory 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, subregulatory materials provide more tangible assistance to those with rights and responsibilities under such laws. These materials may or may not require a vote of the Commission and may include a range of guidance material, best practices, Q&A's, and fact sheets.

The fiscal year 2021 target for Performance Measure 8 was for the EEOC to produce or update at least two resource or guidance documents on the agency's updated priority list that focuses on the most critical for action. The subregulatory documents drafted and issued in fiscal year 2021 include the following: 1) [Federal Laws Protect You Against Employment Discrimination During the COVID-19 Pandemic | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); and 2) [Protections Against Employment Discrimination Based on Sexual Orientation or Gender Identity | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#).

Documents updated during fiscal year 2021 include at least the following five subregulatory documents: 1) [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#) (updated several times in fiscal year 2021—the most recent version of each individual question is identified in the document on the EEOC's website); 2) [EEOC Efforts for Veterans with Disabilities | U.S. Equal Employment Opportunity Commission](#); 3) [Veterans and the Americans with Disabilities Act: A Guide for Employers | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); 4) [Veterans | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); and 5) [Section 12: Religious Discrimination | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#). Additionally, the following Formal Opinion Letters were completed during the fiscal year: 1) [Opinion Letter on Individual Coverage Health Reimbursement Arrangements and the ADEA](#); and 2) [Opinion Letter on the Older Workers Benefit Protection Act](#).

MANAGEMENT OBJECTIVE: Achieve Organizational Excellence

The agency adopted two outcome goals to further the objective:

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




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	4	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 9


The EEOC's performance improves with respect to employee engagement and inclusiveness.	
	FY 2021
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>Due to the COVID-19 Pandemic, the FY 2020 FEVS results were not released until May 2021.</p> <p>In June 2021, EEOC reestablished the Building Employee Satisfaction Together (BEST) Workgroup to address the results of the FY 2020 FEVS.</p> <p>In September 2021, the BEST Workgroup developed recommendations for the Chair based on FY 2020 FEVS results.</p>
	Target Met

Performance Measure 9 takes a holistic approach to assessing and strengthening the agency's efforts to improve employee engagement and inclusiveness. Improving FEVS scores is only one snapshot of agency performance. Annual focus groups and climate assessments conducted with a broad range of groups throughout the agency provide an ongoing feedback mechanism to engage with staff and seek their input on solutions to agency challenges.

The fiscal year 2021 targets for this measure were to conduct annual focus groups and climate assessment(s) with employees for feedback on agency culture and implement plans, as necessary, to maintain or increase the EEOC's FEVS scores. Baseline FEVS scores on EEOC employee engagement and inclusiveness quotients (IQ) were established in fiscal year 2018 and increased by 4% in fiscal year 2019. However, due to the COVID-19 pandemic, the fiscal year 2020 FEVS results were not released by OPM until May 2021.

In June 2021, the EEOC re-established the BEST Workgroup and corresponding sub-workgroups to address five focus areas. Through these workgroups, the EEOC will analyze the fiscal year 2020 FEVS results, collect additional focus group data, make recommendations, and help develop plans for the top five challenge areas. In September 2021, the BEST Workgroup developed recommendations for the Chair based on the fiscal year 2020 FEVS results.

Performance Measure 10


Feedback surveys and other mechanisms provide baseline measures of services provided to those with whom the EEOC interacts.	
	FY 2021
Target	Continue to implement feedback surveys and other mechanisms, adjusting the measures and targets, as necessary. Set goals for improvement or maintenance at the beginning of each fiscal year and review results at the end.
Results	A variety of feedback surveys and other mechanisms were utilized throughout fiscal year 2021, including workgroup sessions, demonstrations of applications, electronic survey reviews, and an annual conference to generate feedback necessary to support continued access to EEOC services provided to the public. These surveys were designed to address the goal of enhanced public service with a particular emphasis on virtual and online interactions necessitated by the pandemic; feedback received during the year was reviewed to identify enhancements for fiscal year 2022.
	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 EEOC serves to allow for better measurement of the agency's service delivery and increased accessibility.

The fiscal year 2021 target for this measure was to continue to implement feedback surveys and related mechanisms from the public and targeted audiences the EEOC serves to adjust the measures and targets, as necessary; set goals for improvement or maintenance of the agency's service delivery; and increase accessibility annually. As part of the annual assessment of the ADR program, an e-survey was issued at the end of fiscal year 2021 to provide an assessment of participant satisfaction on the adaptation to remote mediation sessions. Results are expected in fiscal year 2022. Also, during the fiscal year, the Revolving Fund utilized revised survey measures to secure feedback from attendees at all workshops, customer specific trainings, and the annual EXCEL Conference. The fiscal year 2021 EXCEL conference design and presentations were modified based on fiscal year 2020 conference feedback and the agency plans to build on feedback received from the fiscal year 2021 conference to make further enhancements in fiscal year 2022.

Additionally, the agency held listening sessions to gather feedback from the public concerning the quality of services provided under maximum telework during the pandemic. The feedback will be used to determine if there are practices deployed during the pandemic that should be continued in some form after staff reentry to physical office space.

Performance Measure 11

Monitor yearly progress on modernization of charge/case management systems for program offices until completed in 2022.	
	FY 2021
Target	Report on progress quarterly and adjust the plan, as necessary.
Results	The EEOC continued to deliver program oversight briefings to the Technology Modernization Fund (TMF)/General Services Administration (GSA) project team, senior agency managers, and the TMF Board throughout the fiscal year. By year-end, the system was completing final user acceptance testing with a plan for roll-out of the first phase in early fiscal year 2022.
	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 users throughout the process are regularly evaluated. The fiscal year 2021 target for Performance Measure 11 was to report on progress quarterly and adjust the plan, as necessary.

During fiscal year 2021, the modernization team defined and developed an end-to-end charge management solution for the agency's private sector processes and the accompanying processes for its FEPA partners. Over 200 requirements workgroup meetings, requirement reviews, and demonstrations were conducted in support of this program. These requirement efforts were critical to the development of nine common services, which are the foundation of the modernized system, and 20 app modules, which are the enabling tools for private sector and FEPA processes. The private sector component of the modernized system, now branded as the Agency Records Center (ARC), was deployed on January 18, 2022 to 145 EEOC and FEPA offices, with demonstrations of the system and training for staff before full implementation. Development of ARC now is shifting to modernizing the litigation and federal sector services components of the agency's charge management system.

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

BUDGETARY RESOURCE ALIGNMENT

The EEOC 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 2021
Target	<p>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 the agency head.</p> <p>Meet all submission deadlines.</p>
Results	<p>The EEOC's final FY 2021 Operating Plan was approved by the Chair on March 8, 2021.</p> <p>The EEOC's FY 2022 Congressional Budget Justification was submitted to Congress on May 28, 2021.</p>
	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 achieves 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 2021 targets for Performance Measure 12 were to submit the EEOC's Fiscal Year 2022 Congressional Budget Justification and the 2021 Operating Plan and prepare the EEOC's Fiscal Year 2023 Performance (OMB) Budget that aligns resources with the Strategic Plan. These documents were all submitted in a timely manner and clearly explained how resources aligned with strategic priorities. The final fiscal year 2021 Operating Plan was approved by the Chair on March 8, 2021. The agency's Fiscal Year 2022 Congressional Budget Justification was submitted to Congress on May 28, 2021. The Fiscal Year 2023 Performance Budget was submitted to OMB on September 13, 2021.

RELATED PROGRAM RESULTS AND ACTIVITIES

I. Strategic Objective I: Combat and Prevent Employment Discrimination Through the Strategic Application of the EEOC's Law Enforcement Authorities.

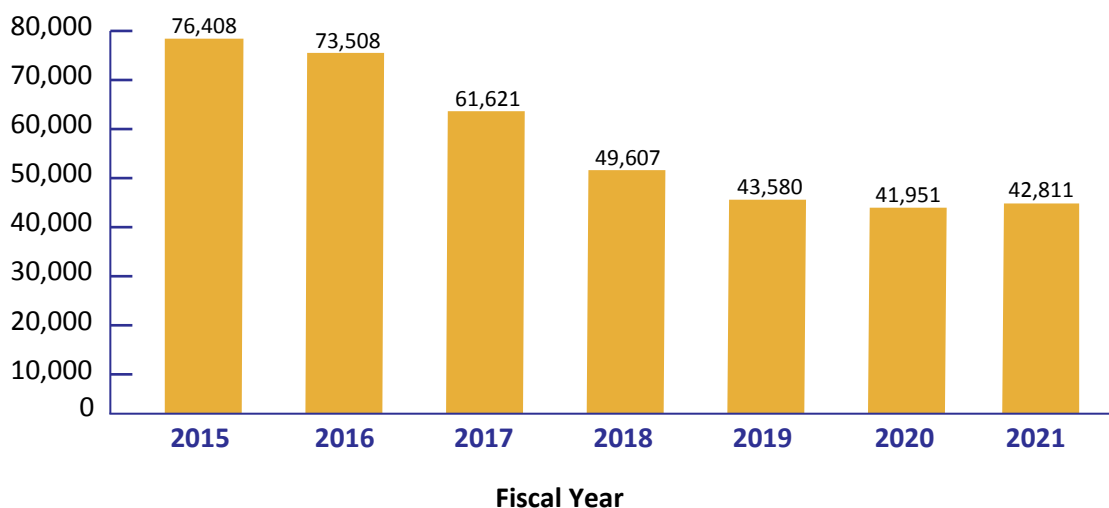
A. Providing Public Service through the Information Intake Group

The Information Intake Group (IIG) 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 400,000 phone calls, approximately 835 calls through an American Sign Language videophone line, and more than 52,000 emails in fiscal year 2021—a significant increase over the approximately 37,300 emails received in fiscal year 2020. Approximately 40.5% 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 were assisted by IIRs using an extensive knowledge database to respond, in both English and Spanish, to these calls and e-mails. In fiscal year 2021, approximately 70% 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 the EEOC can assist our constituents in over 200 languages.

B. Strengthening the Enforcement Capacity of the Agency in the Private Sector

As discussed in more detail later in this report, in fiscal year 2021, the agency prioritized ensuring that it had sufficient resources and tools to continue to prevent and remedy employment discrimination. First and foremost, that required ensuring that the agency had sufficient staff necessary to address its expanding workload. As noted above, during fiscal year 2021, the agency filled more than 450 positions and ended the year with over 2,100 employees. Notably, the majority of positions were filled by individuals who were new to the agency and predominately front-line staff (investigators, investigative support assistants, mediators, and attorneys, among other positions). As a result of this hiring effort, EEOC was able to address critical service and morale issues by restoring staffing losses in key areas. These hires also better position the agency to provide quality service to the public and ensure timely and appropriate resolution of discrimination charges. For example, in fiscal year 2021, the pending inventory level was maintained in a range that provides a manageable workload, with 42,811 charges in the private sector, a slight increase over fiscal year 2020 levels, but below pre-pandemic levels.

PENDING PRIVATE AND PUBLIC SECTOR CHARGE INVENTORY*



*The private and public sector charge inventory includes charges filed against covered private companies, state or local government agencies, employment agencies, and labor unions.

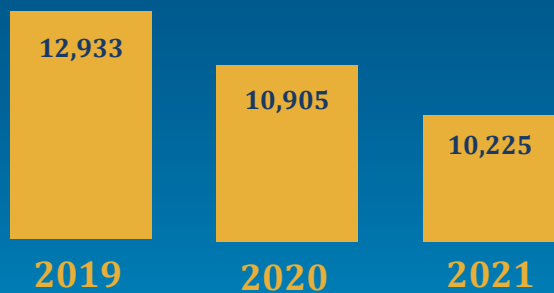
Having additional staff to focus on inventory management enhances service to the public and allows staff additional time and resources to devote to developing and resolving meritorious charges of discrimination. As a result, the agency resolved an increased percentage of charges with outcomes favorable to a charging party, also known as merit factor resolutions (19.2% in fiscal year 2021, compared to 17.4% in fiscal year 2020). In addition, the EEOC resolved 62,187 charges, secured over \$350.7 million in monetary relief for individuals during the administrative process, and obtained targeted, equitable relief in 92.6% of all conciliation agreements in the administrative process.

With the additional staff hired in fiscal year 2021, the agency was also better equipped to successfully address the hundreds of thousands of calls, inquiries, and charges from workers seeking assistance with potential complaints of discrimination. In addition to the calls and emails received by the IIG discussed above, in fiscal year 2021, the EEOC received over 173,000 inquiries in field offices, including 116,953 inquiries through the online intake and appointment scheduling system. In total, 61,331 charges were filed in fiscal year 2021, which was a 9.1% decrease from last fiscal year's level of 67,448. Of the total charges received in fiscal year 2021, 3,631 of those alleged discrimination related to COVID-19.

C. Strengthening the Enforcement Capacity of the Agency in the Federal Sector

In addition to our private sector enforcement activities, the EEOC 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. Strengthening the agency's ability to effectively combat employment discrimination in the federal government was also a priority for the agency during fiscal year 2021.

The EEOC successfully decreased the pending inventory of hearing receipts for the third consecutive year — a reduction of 6.2%, from 10,905 in fiscal year 2020 to 10,225 in fiscal year 2021.



In fiscal year 2021, the federal sector hearings program continued making 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 6.2%, from 10,905 in fiscal year 2020 to 10,225 in fiscal year 2021. By developing and implementing strategies to increase efficiency, the federal hearings program resolved 9,082 hearing requests in fiscal year 2021, securing more than \$89.7 million in benefits for federal workers. 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. Resolutions resulted in a 68% reduction of pending cases that were more than 300 days old. The focus on aged cases also resulted in a 13% reduction in the average age of the overall pending federal hearings inventory.

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.

The EEOC's federal sector appellate program adjudicates appeals from federal agency final decisions on employment discrimination complaints, including those following a decision by an EEOC administrative judge. It ensures agency compliance with orders issued on those appeals. The EEOC also adjudicates appeals from decisions made in federal

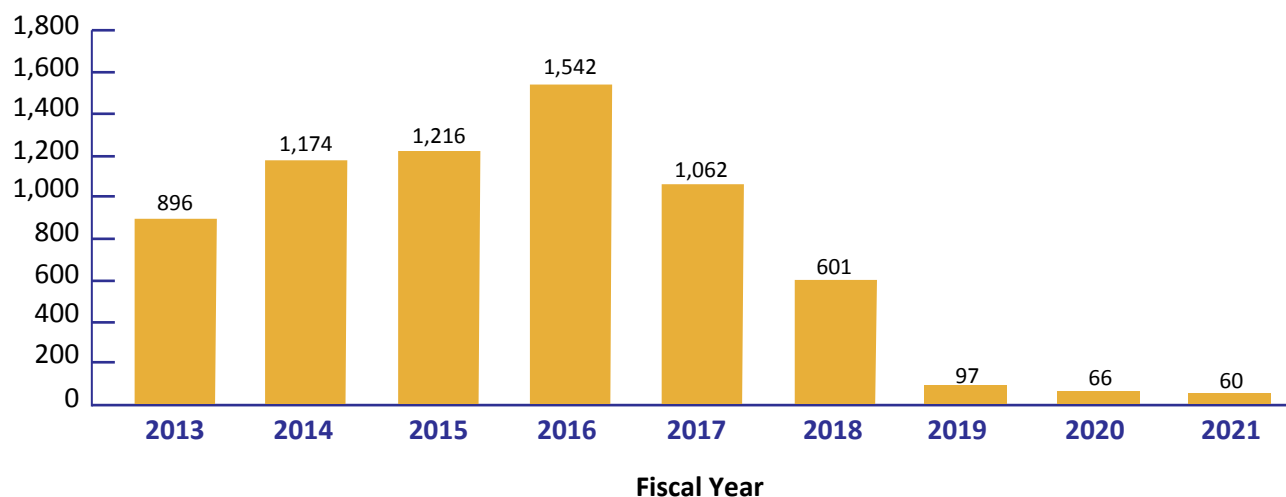
collective bargaining agreement grievances alleging employment discrimination, reviews decisions by the Merit Systems Protection Board (MSPB) addressing allegations of discrimination, and actions originating under Section 304 of the Government Employees Rights Act of 1991. The appeals process is governed by EEOC regulations at 29 C.F.R. Parts 1614 and 1603 and Management Directive 110 (MD-110). In addition to vindicating the rights of individual federal complainants, EEOC's appellate decisions serve as vehicles for the development and promulgation of the Commission's policies in the federal and private sectors. They serve to educate federal sector complainants, agencies, and the public and private sectors about the law, guide agencies in their efforts to become model workplaces, and advance the public interest in eradicating discrimination in federal employment.

The EEOC ensures that its federal appellate adjudicatory functions are fair to all parties and that the decisions issued apply relevant law and precedent to the unique facts presented in each individual case. At the same time, the EEOC recognizes its responsibility to effectively manage the appellate inventory to ensure that decisions are issued as expeditiously as possible.

In fiscal year 2021, the EEOC was 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 4,172 federal sector appeals and secured \$10.9 million in monetary relief for victims of discrimination in the EEOC's federal sector appellate decisions. EEOC's federal sector appellate program continued its significant resolution of appeals addressing the merits of employees' discrimination claims, including 99 appeals which found discrimination. Among the decisions issued in fiscal year 2021, 83 were identified as implicating one or more Strategic Enforcement Plan (SEP) priority areas.

During fiscal year 2021, federal sector appellate receipts decreased by 9% and appellate resolutions decreased by 3%. As a result, the EEOC ended the fiscal year with an inventory of 3,416 pending appeals, which was slightly higher than the inventory of 3,381 pending appeals at the end of fiscal year 2020. With the EEOC's federal sector appellate programs focusing on the resolution of the oldest appeals, the EEOC achieved a 9.1% reduction in the pending cases that were more than 500 days old — from 66 appeals at the start of fiscal year 2021 to 60 by the end of the fiscal year. Cases over 500 days old now comprise less than 2% of the total pending inventory.

OLD FEDERAL SECTOR APPEAL INVENTORY (500+ DAYS)



At the same time, over 1,900 of the total appeal resolutions were issued within 180 days of receipt. These resolutions included 815 initial appeals from procedural dismissals that terminated complainants' participation in the EEO process, reversing 31% of those dismissals with an order to the agency to continue processing the EEO complaint. The average processing time for procedural appeals dropped from 214 days in fiscal year 2020 to 159 days in fiscal year 2021, a decrease of 25.7%. Quickly addressing appeals involving procedural dismissals of complaints has been critical to effectively preserving access to the EEO complaint process.

The EEOC's 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 submissions of records, 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 reduce the EEOC's reliance on and costs for support staff to prepare and scan paper documentation received from the parties.

The following are a small sample of notable appellate decisions issued in fiscal year 2021:

- *Norbert K. v. Department of State*, Appeal No. 2021001898 (Apr. 21, 2021). Complainant, a Branch Chief and supervisory diplomatic interpreter, immigrated to the U.S. from China. One of Complainant's subordinates subjected Complainant to a variety of unwelcome behaviors, such as disparaging Chinese immigrants, mocking Complainant's language and communication skills, and interfering with Complainant's work performance by regularly skipping meetings, walking out of meetings just as Complainant began to speak, and trying to bypass Complainant's authority by reporting directly to Complainant's superiors. The agency dismissed the complaint for failure to state a claim, finding that the conduct complained of was not sufficiently severe or pervasive to state a viable claim of harassment. On appeal, the EEOC reversed, noting that the subordinate's conduct, which occurred in the context of a nationwide increase in harassment of Asian Americans, drew from two persistent sources of discrimination against Asian Americans: language or accent discrimination and the perception of Asian Americans as "forever foreign." The decision also cited the Commission's March 2021 [unanimous resolution](#) condemning the increased violence, harassment, and acts of bias against Asian Americans and Pacific Islanders in the United States. The complaint was remanded to the agency for processing.
- *Lynne E. v. Department of Veterans Affairs*, Appeal No. 0120170202 (June 17, 2021). Complainant, who worked as a readjustment counselor, learned from her supervisor that a coworker Googled Complainant before she entered on duty, was aware that Complainant was gay, shared that information in the workplace, and made a variety of negative comments regarding Complainant's hiring before she entered on duty. Although Complainant's supervisor was well aware of the conduct, no steps were taken to stem the harassment of Complainant until an associate regional manager visited and Complainant reported the harassment to him. At that point, the deputy regional manager began an investigation and facilitated Complainant's requested transfer to another duty station. However, once Complainant filed an EEO complaint, the deputy regional manager stopped his investigation and declined to discipline the chief offending coworker pending the outcome of the EEO complaint. The agency found that the conduct complained of was insufficiently severe or pervasive to constitute harassment, but that, even if it did, it had taken immediate, appropriate, and effective action by transferring Complainant to a different duty station at her request. On appeal, the EEOC reversed, finding that the coworker who learned of Complainant's sexual orientation had effectively poisoned the atmosphere ahead of Complainant's arrival. Further, the EEOC found the agency liable for the harassment because it failed to take immediate and appropriate corrective action; the agency merely allowed Complainant to transfer to another duty station to avoid further coworker harassment, months after Complainant first reported the harassment.
- *Thomasina B. v. Department of Defense*, Appeal No. 0120141298 (Feb. 9, 2021), *req. for recon. granted in part*, Request No. 2021002395 (June 9, 2021). Complainant, an inventory management specialist, worked at an Air Force base. Her ex-husband, who worked at the same facility, spread a rumor that Complainant was gay and was dating a female coworker. On the basis of the rumor, Complainant was subjected to actions including a reprimand for time spent in the coworker's shop, denial of a schedule change, reassignment to a different building away from the coworker, unsubstantiated negative comments in her performance appraisal, virulent anti-gay comments from a coworker over a one-year period, and denial of an assignment. The agency found that Complainant had established that she was harassed by a coworker on the basis of sex, but disclaimed liability on the ground that it had taken appropriate action once it learned

of the harassment. On appeal, the EEOC modified the agency's decision, noting that Complainant had also established discrimination with regard to the agency's failure to take action to stop the spread of rumors and to the various actions the agency took against Complainant in connection with her rumored relationship with a coworker. The EEOC found the agency liable for the coworker harassment, noting that the agency did nothing to stop the harassment, which lasted for one year, and did nothing to stop the spread of rumors. The EEOC further found the agency liable for supervisor harassment due to the tangible employment actions the Complainant was subjected to, such as changes in her work location and restrictions on her movement.

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 deliver timely service to the public was vital to the agency's continued ability to provide excellent public service during fiscal year 2021. The EEOC's Public Portal continued to be a critical factor in the agency's ability to serve both private and public sector parties during the COVID-19 pandemic. To improve remote work communication capabilities and to ensure the agency was able to efficiently serve the public, the EEOC completed its implementation of Microsoft Teams unified communications to replace the 53 legacy telephone systems in use by the EEOC headquarters and field offices. Having a single unified communication platform will save the agency over \$1 million annually, which will be reinvested in other needed IT services. In addition to voice services, the agency procured and deployed cloud-based fax services during fiscal year 2021, retiring all on-premise fax devices.

The EEOC also continued to focus on providing agency employees with the use of virtual meeting platforms, enabling staff to hold successful and engaging meetings while working remotely. Agency program offices held more than 600 remote meetings in fiscal year 2021, including two large annual conferences.

The agency also implemented a new, user-friendly Freedom of Information Act (FOIA) application to receive and respond to FOIA requests. The new system is compatible with the agency's other digital systems and provides an automated workflow tailored to each FOIA process function, enabling staff to respond to FOIA requests with increased efficiency.

In fiscal year 2021, the agency continued to make significant progress in modernizing its charge management system. In the Strategic Plan, the EEOC 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 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, providing the EEOC with the resources to modernize the legacy technology and data structure of its 20-year old Integrated Mission System (IMS) over a two-year period. EEOC received the first tranche of the TMF funds in January 2020 and initial development of a new private sector charge management application, the Agency Records Center (ARC), was completed in fiscal year 2021. The agency deployed ARC to both the EEOC and its FEPA partners on January 18, 2022. The EEOC expects that the modernized system will enable new public services and provide improved data quality and process transparency for its users.

In addition, the EEOC developed the technology and procedures in fiscal year 2021 to issue parties a Dismissal and Notice of Rights digitally. Parties can now download the Notice of Rights through the EEOC Public Portal and Respondent Portal as soon as the agency issues and uploads it, resulting in immediate access and improved efficiencies for both parties, as well as significant time, resource, and cost savings for the agency. While the use of the EEOC Public Portal is encouraged, it is not required, and procedures allow for transmission of the Notice by mail when appropriate, including when a party does not use the digital system, or a charging party or respondent does not download the notice of the charge within a reasonable period of time.

E. Recovery for Victims of Discrimination

In fiscal year 2021, the EEOC continued prioritizing resource allocation to tasks that will have the maximum impact on fulfilling our mission. Through the strategic use of resources, the EEOC secured more than \$485 million for victims of discrimination in private, state and local government, and federal workplaces. This included:

- Approximately \$350.7 million for 11,067 victims of employment discrimination in the private sector and state and local government workplaces through mediation, conciliation, and settlements during the administrative process.
- Nearly \$34 million for 1,920 individuals as a direct result of litigation resolutions.
- More than \$100 million for 2,169 federal employees and applicants.

...the EEOC secured more than

\$485 Million
for victims of
discrimination

in private, state and local government,
and federal workplaces.

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.

F. Challenging Discrimination in Federal District Court

EEOC field legal units filed

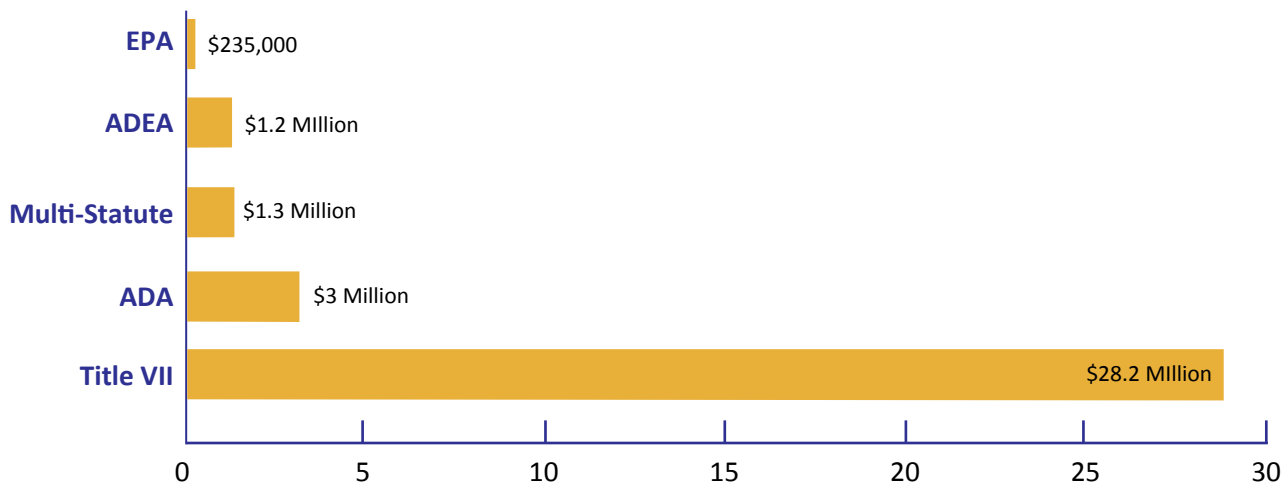
116 Merits
lawsuits in FY 2021,

which was an increase from the 93 merits
lawsuits filed in FY 2020.

EEOC field legal units filed 116 merits lawsuits in fiscal year 2021, which was an increase from the 93 merits lawsuits filed in fiscal year 2020. The lawsuits filed in fiscal year 2021 include 74 suits on behalf of individuals, 29 non-systemic suits with multiple victims, and 13 systemic 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 (40), sex (48), retaliation (40), race (20), religion (5), national origin (4), and age (3). The issues raised most frequently in these suits were discharge (60), harassment (53), reasonable accommodation (25), and hiring (25). At the end of fiscal year 2021, the EEOC had 180 cases on its active district court docket, of which 38 (21.1%) were non-systemic cases with multiple victims and 29 (16%) involved challenges to systemic discrimination.

In fiscal year 2021, EEOC's legal staff resolved 138 merits lawsuits in the federal district courts for a total monetary recovery of nearly \$34 million. The EEOC achieved a favorable result in 95.7% of all district court resolutions, and a total of 1,920 individuals received monetary relief as a direct result of EEOC litigation resolutions. Favorable results include cases decided by court order and concluded through a consent decree or a settlement agreement in litigation. In fiscal year 2021, EEOC's Office of General Counsel conducted six trials: four in-person jury trials and two bench trials. EEOC won four and lost two of these trials.

MERITS LAWSUITS RECOVERY FY 2021



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.

Addressing systemic employment discrimination on all protected bases is a top priority for the EEOC. The 13 systemic lawsuits filed by the EEOC in fiscal year 2021 challenge a variety of types of systemic discrimination, including challenges to employment policies that limit the rights of individuals with disabilities, sex-based failure to hire, harassment based on sex and pregnancy, discharge based on race and national origin, and age-based layoffs. At the end of fiscal year 2021, a total of 29 cases on the active docket were systemic cases, accounting for 16% of all active merits suits. This past fiscal year, the EEOC resolved 26 systemic cases — four of which included over 100 victims of discrimination each — and obtained \$22.7 million in relief for over 1,600 victims of systemic discrimination. The EEOC's litigation program achieved a remarkable 96% success rate in its systemic case resolutions in fiscal year 2021.

Charges alleging some form of racial discrimination continue to make up approximately one third of all charges filed with the agency. As a result, advancing racial justice also continues to be a top priority for the EEOC. The agency filed 23 lawsuits alleging race or national origin discrimination in fiscal year 2021, representing 19.8% of all merits suits filed. These new suits challenge a variety of employment issues, including harassment, discharge or constructive discharge, and disparate pay. At the end of fiscal year 2021, a total of 33 cases on the active docket were cases involving race or national origin discrimination, accounting for 18.3% of all active merits suits. This past fiscal year, the EEOC also resolved 21 cases involving race or national origin — three of which included over 150 victims of discrimination each — and obtained approximately \$15 million in relief for 798 individuals subjected to systemic discrimination.

Below are examples of significant fiscal year 2021 systemic or class lawsuit resolutions that advance racial justice:

- In *EEOC v. JBS USA, LLC, d/b/a JBS Swift & Company*, No. 1:10-cv-02103 (D. Colo. June 8, 2021), the EEOC alleged that the operator of a slaughterhouse and meat packing facility discriminated against a class of Black, Somali, and Muslim employees, including many recent immigrants who did not speak English, by denying them religious accommodations and subjecting them to harassment and discrimination based on race, national origin and religion, as well as retaliation. The case was resolved by consent decree providing \$5.5 million to over 300 victims.
- In *EEOC v. MVM, Inc.*, No. 8:17-cv-02864 (D. Md. Dec. 17, 2020), the EEOC alleged that a security services firm subjected the nine charging parties and other employees of actual or perceived African birth, most working as security guards, to derogatory references to their nationality and mocking of their accents, as well as heightened scrutiny, less desirable work assignments, termination, discharge, constructive discharge, and retaliation. The consent decree provides for \$1.6 million to six victims.

- In *EEOC v. Kimco Staffing Services, Inc., Ryder Integrated Logistics, Inc.*, No. 5:19-cv-01838 (C.D. Cal. May 25, 2021), the EEOC alleged that a temporary staffing firm and a provider of logistic and freight transportation services subjected Black warehouse employees to racist comments from coworkers, disparate terms and conditions of employment, and retaliation. The case was resolved by separate consent decrees with each defendant paying \$1 million to about 123 claimants.
- In *EEOC v. Cardinal Health 200, LLC d/b/a Cardinal Health; and Howroyd-Wright Employment Agency d/b/a AppleOne Employment Services*, No. 5:19-cv-00941 (C.D. Cal. July 8, 2021), the EEOC alleged that Black employees working for a distributor of medical equipment and a staffing agency were subjected to continuous derogatory racial comments, including use of the n-word, and racist graffiti, were given less favorable assignments, were denied training, and were constructively discharged or discharged. The case was resolved by separate consent decrees with each defendant, with Cardinal Health paying \$1.45 million to about 45 victims.
- In *EEOC v. Hathaway Dinwiddie Construction Company*, No. 2:20-cv-06741 (C.D. Cal. May 12, 2021), the EEOC alleged Black and Hispanic employees of a construction contractor were subjected to derogatory racist graffiti and racist remarks from coworkers, including the n-word, "beaner," and "wetbacks." At defendant's request, the charging party's direct employer, a plumbing subcontractor, removed him from the project shortly after he complained about the harassment. The consent decree provides \$725,000 to 30 victims.
- In *EEOC v. CCC Group*, No. 1:20-cv-00610 (N.D.N.Y. Aug. 8, 2021), the EEOC alleged that a class of Black employees working for a construction company were subjected to racist slurs and jokes, the n-word, and display of a noose. White supervisors also assigned Black employees less desirable and more physically demanding work. The consent decree provides for \$420,000 to seven individuals.
- In *EEOC v. Dillard's Department Store*, No. 4:20-cv-01152 (E.D. Ark. Oct. 8, 2020), the EEOC alleged that a nationwide department store chain did not promote Black employees to supervisory and managerial positions and failed to recruit Black college students into its executive development internship program. The consent decree provides \$900,000 to 32 victims.
- In *EEOC v. Birmingham Beverage Co. Inc., d/b/a Alabev*, No. 2:17-cv-01651 (N.D. Ala. June 4, 2021), the EEOC alleged that a wholesale beverage importer and distributor denied promotions to route sales positions to Black employees because of their race. The consent decree provides \$825,000 to 35 victims.
- In *EEOC v. Palm USA, Inc., d/b/a City Sports; et al.*, No. 17-cv-6692 (N.D. Ill. Oct. 30, 2020), the EEOC alleged that sports-themed clothing and shoe retail stores denied Black and Hispanic applicants and employees management positions due to their race and national origin, and subjected three African American charging parties to racial slurs, mostly the n-word, from their store manager. The consent decree provides for \$420,000 to 19 individuals.

Combatting all forms of workplace harassment also remains an important priority of the agency. In fiscal year 2021, the EEOC filed 53 lawsuits challenging workplace harassment: 34 cases raised claims of hostile work environment based on sex, 19 based on race, 5 based on national origin, 2 based on disability, 1 based on religion, and 1 based on age. Twenty-three harassment suits were individual cases, 25 were class cases, and 5 were systemic cases. In all, just over 45.6% of all lawsuits filed by the agency included an allegation of harassment. The EEOC successfully resolved 51 harassment suits in fiscal year 2021. Eight of these resolutions involved allegations of systemic harassment. The EEOC recovered over \$19 million for 895 individuals subjected to harassment through its litigation program.

In addition to the lawsuits summarized above alleging harassment based on race, below are examples of significant fiscal year 2021 lawsuit resolutions alleging sex-based harassment, which represent the largest category of harassment charges filed with the EEOC:

- In *EEOC v. Del Taco, LLC*, No. 5:18-cv-1978 (C.D. Cal. Nov. 30, 2020), a systemic case, the EEOC alleged that male supervisors and employees of a fast-food restaurant subjected mostly teen girls to sexually explicit comments and inappropriate touching. After the charging party complained, the employer reduced her hours and she and other female employees were forced to resign due to the harassment. The case was resolved by consent decree for \$1.25 million to approximately 50 individuals.
- In *EEOC v. Bay Club Fairbanks Ranch, LLC d/b/a Fairbanks Ranch Country Club; Fairbanks Ranch Country Club, Inc.*, No. 3:18-cv-01853 (S. D. Cal. April 15, 2021), a systemic lawsuit, the EEOC alleged that the male general manager of a country club resort subjected female employees to lewd comments, sexual advances, and groping. Servers who complained, including to the EEOC, were retaliated against with lower pay and less favorable shifts and hours. The charging party and other female servers resigned due to the harassment and retaliation. The case was resolved by consent decree with Bay Club Fairbanks Ranch for \$500,000 to 17 claimants.
- In *EEOC v. Wal-Mart Stores East, L.P.*, No. 6:19-cv-06718 (W.D.N.Y. June 14, 2021), the EEOC alleged a male worker subjected female coworkers to sexually suggestive comments and other inappropriate conduct. After the defendant failed to correct the situation, the charging party was constructively discharged. The consent decree provides for \$410,000 to eight individuals.

Achieving pay equity is another top priority for the Commission. In fiscal year 2021, the EEOC resolved several significant pay discrimination lawsuits. Below are some examples:

- In *EEOC v. AH 2007 Management, LP d/b/a Courtyard Monroe Airport, and Aimbridge Hospitality, LLC d/b/a Aimbridge Hospitality, LLC*, No. 19-cv-914 (W.D. La. Feb. 3, 2021), a systemic lawsuit, the EEOC alleged that the operators of a hotel paid female guest services representatives (GSRs) less than a male GSR for performing equal work, and reduced the wages of the male GSR after a female GSR complained of the pay disparity; the case was resolved for \$400,000 for 25 claimants.
- In *EEOC v. Enoch Pratt Free Library*, No. 8:17-cv-02860 (D. Md. Dec. 23, 2020), the EEOC alleged that a public library system paid five female librarian supervisors less than a male supervisor performing substantially equal work. The case resolved for \$194,748 following a 5-day bench trial in which the court ruled in favor of the EEOC.
- In *EEOC v. Dell*, No. 3:20-cv-03131 (N.D. Tex. Sept. 2, 2021), the EEOC alleged that a technology company failed to pay a female IT analyst the same salary as a male IT analyst; the case resolved for \$75,000.
- In *EEOC v. First Metropolitan Financial Services, Inc.*, No. 1:18-cv-177 (N.D. Miss. March 18, 2021), the EEOC alleged that a provider of consumer loans paid the charging party and other female branch managers less than males in the same job. The case resolved for \$100,000 for the charging party and another individual.

In fiscal year 2021, lawsuits alleging disability discrimination accounted for 37% of total filings and 28.9% of total resolutions. Fourteen (10%) of the resolutions involved denials of reasonable accommodation. Below are some notable examples:

- In *EEOC v. Oceanic Time Warner Cable LLC d/b/a Spectrum; Charter Communications, Inc.*, No. 1:18-cv-00357 (D. Haw. Oct. 1, 2020), a systemic lawsuit, the EEOC alleged that providers of cable, internet, and telephone services maintained inflexible maximum leave and attendance policies that denied additional leave as a reasonable accommodation and resulted in employees being discharged after exhausting all authorized leave. The consent decree provides for \$800,000 to six victims.
- In *EEOC v. Wal-Mart Stores East L.P.*, No. 17-C-70 (E.D. Wis. July 15, 2021), the EEOC alleged that a national retailer denied a sales associate with down syndrome a reasonable accommodation, discharged her, and refused to rehire her because of her disability. The sales associate was hired in 1999 and worked a regular schedule three to four days a week. In November 2014, the retailer's new computerized scheduling system changed the sales associate's hours, which disrupted her commuting routine and interfered with her regular mealtime, causing her to get ill. The employer

denied her request to return to her former schedule, and after disciplining her for attendance violations, discharged her for excessive absenteeism and refused to rehire her. Following a 4-day trial, the jury returned a verdict for the EEOC, awarding the charging party \$150,000 in compensatory damages and \$125 million in punitive damages (later reduced to the statutory cap of \$300,000).

The EEOC achieved many other significant resolutions in lawsuits involving discrimination based on various protected bases. Below are several examples:

- In *EEOC v. Performance Food Group, Inc.*, No. 1:13-cv-01712 (D. Md. Dec. 16, 2020), a systemic lawsuit, the EEOC alleged that a national distributor of food products denied operative positions at its distribution centers to female applicants because of their sex. Some female applicants were told defendant did not believe women were appropriate for warehouse positions. The consent decree provides for \$5 million to over 700 victims.
- In *EEOC v. Ferman Management Services Corporation d/b/a Ferman Automotive Group & Cigar City Motors, Inc., d/b/a Harley-Davidson of Tampa*, No. 8-18-cv-2055 (M.D. Fla. Aug. 3, 2021), the EEOC alleged that owners of five Harley-Davidson motorcycle dealerships denied a female general sales manager a promotion to a general manager position because of her sex and filled the open position with a man who was less qualified than her. Following a weeklong trial, the jury returned a verdict for the EEOC, awarding the employee \$500,000 in punitive damages.
- In *EEOC v. Computer Science Corporation*, No. 1:20-cv-10372 (S.D.N.Y. Dec. 11, 2020), a systemic lawsuit, the EEOC alleged that a provider of technology consulting services laid off employees age 40 and over due to their ages in a nationwide series of reductions in force. The corporation's CEO stated that he wanted to transform the company, was looking to be "more agile," and was bringing in "high energy" people. The consent decree provides for \$700,000 to 50 victims.
- In *EEOC v. Tim Shepherd MD, PA d/b/a Shepherd Healthcare, and Bridges Healthcare, PA*, No. 4:20-cv-060 (E.D. Tex. March 11, 2021), the EEOC alleged that a family-owned medical practice refused a call center employee an accommodation for her religion, Buddhist, terminated her in retaliation for her request to be excused from owner-led daily mandatory bible study meetings promoting Christian beliefs, and subjected other employees to a hostile environment based on religion and to discharge for opposing religious meetings. The case resolved by consent decree providing for \$375,000 to 10 victims.
- In *EEOC v. Oatridge Security Group*, No. 2:19-cv-01517 (W.D. Wash. Nov. 12, 2020), the EEOC alleged that a security company discharged a security officer after she requested leave for pregnancy complications, and then refused to rehire her after she was released to work because of her pregnancy and in retaliation for her filing of a charge of discrimination. The consent decree provides \$375,000.

G. 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 2021 is *EEOC v. West Meade Place, LLC*, No. 19-6469 (6th Cir. Feb. 8, 2021), an ADA case in which the Sixth Circuit agreed with the EEOC that a reasonable jury could find that the decision-maker who fired the employee believed the employee had an impairment. The court cited evidence that the employee who filed the charge of discrimination had a history of "anxiety disorder that manifested in periodic 'flare-ups'" and that "mistreat[ment]" by other employees began "trigger[ing] [these] 'flare ups.'" The employee disclosed her "anxiety attacks" to the decision-maker and submitted a medical certificate attesting that she "would miss work . . . for one-to-three days per month" due to a "serious [mental] health condition." Before allowing her to return to work, the decision-maker required a medical release specifying that "no emotional distress can happen." The decision-maker terminated the charging party two days after the leave request, referencing her "medical condition of anxiety" in official termination paperwork. The court rejected the employer's argument that the decision-maker "may not have considered an anxiety disorder to constitute a disability," because "a 'regarded as' claim . . . requires only . . . a perceived impairment." The employer need not perceive the impairment as limiting a major life activity. The court of appeals also held that a jury could

find that the employer took prohibited action—termination—because the decision-maker believed the charging party had an actual or perceived impairment. The court concluded that the evidence allowed a jury finding that the employer “would not have terminated” the Charging Party “but for” [her] admission of having an anxiety disorder and requesting [leave].”

H. 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.

Throughout fiscal year 2021, the agency remained committed to resolving charges in conciliation as one of the most effective means to prevent and remedy discrimination in the workplace.¹ In fiscal year 2021, the EEOC successfully resolved 41.1% of conciliations, which was a slight decrease from the 43.6% rate in fiscal year 2020. The EEOC recovered \$39.7 million for victims of discrimination through conciliation and pre-determination settlement in fiscal year 2021, which was an increase over the \$38.8 million recovered through conciliation in fiscal year 2020.

I. 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 those filing charges of discrimination 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. The EEOC continued to provide mediation services during the pandemic. Prior to the pandemic, mediation sessions were conducted in person. However, in-person mediation was inconsistent with safety guidelines implemented during the pandemic. Beginning in fiscal year 2020 and continuing throughout fiscal year 2021, the EEOC integrated and employed Zoom for Government as its primary platform for conducting mediation sessions to allow mediators to use private virtual rooms with parties.

In fiscal year 2021, the agency successfully resolved 6,644 of the 9,365 mediations conducted, resulting in over \$176.6 million in benefits to charging parties—\$20 million more than in fiscal year 2020. Notably, mediators in the EEOC’s ADR program also conducted 639 federal sector mediations, securing more than \$8.4 million in benefits for federal sector complainants. The program continues to receive overwhelmingly positive feedback from participants.

During fiscal year 2021, the EEOC continued to focus on delivering outreach to respondents to highlight the benefits of the ADR program. Offices conducted a total of 183 ADR employer events, which far exceeded the announced goal of 30 events. Additionally, during fiscal year 2021, efforts to maintain an increased employer participation rate in mediations were successful. Results show that the respondent participation rate was 33.4% in fiscal year 2021, which reflects an increase in the rate of participation from fiscal year 2020, which was 31.7%.

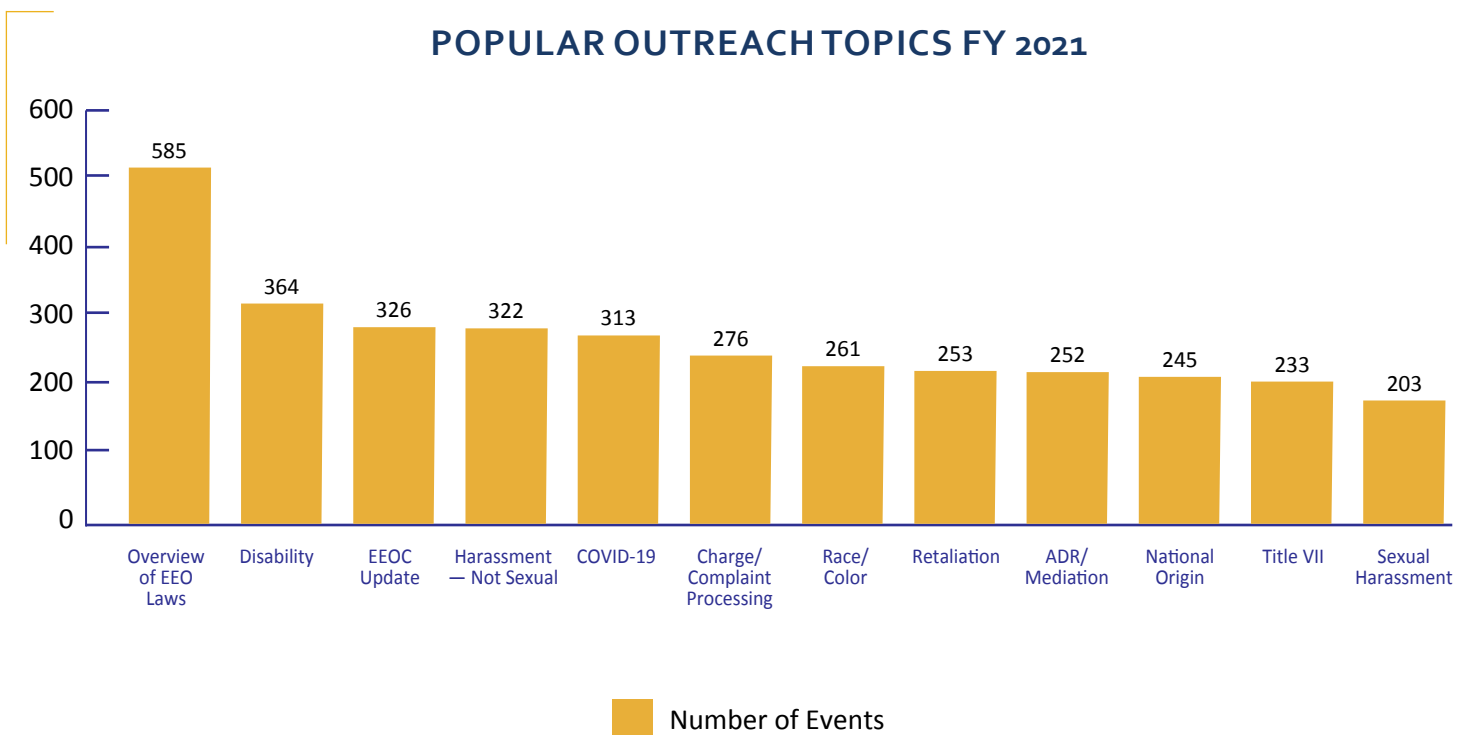
Technology enhancements in fiscal year 2021 streamlined the receipt of feedback from participants on the mediation program. EEOC mediation participants are now able to share their feedback by completing a survey electronically. This enhancement benefits the mediation program as there are now fewer steps in the process of distributing the survey to participants, faster receipt of survey responses, reduced data entry, and elimination of postage. In fiscal year 2021, the survey was expanded to include EEOC mediators as well as mediation participants. The EEOC also increased its efforts to reach underserved communities by making the e-survey available in Spanish, Haitian/Creole, and Chinese.

¹ In fiscal year 2021, the Commission adopted a final rule changing its conciliation procedures. The EEOC’s conciliation rule was disapproved by Congress pursuant to S.J. Res. 13, Pub. L. No. 117–22 135, Stat. 294 (2021), which was signed into law on June 30, 2021. Throughout the fiscal year, the Supreme Court’s decision in *Mach Mining LLC v. EEOC*, 575 U.S. 480 (2015), provided the overarching legal framework for the EEOC’s conciliation efforts.

II. Strategic Objective II: Prevent Employment Discrimination and Promote Inclusive Workplaces Through Education and Outreach.

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

Outreach and education are essential tools for the EEOC to promote inclusive workplaces and prevent employment discrimination before it occurs. In fiscal year 2021, there were 2,325 outreach events reaching 254,830 individuals nationwide with information about employment discrimination and their workplace rights and responsibilities. As described in more detail below, in fiscal year 2021, the EEOC targeted its outreach and education programs to vulnerable communities and small and new businesses, and covered a wide range of issues.



The EEOC conducted 649 outreach events for vulnerable workers and underserved communities in fiscal year 2021, reaching 71,024 participants. This included outreach to immigrant and farm worker communities, as well as communities where individuals are reluctant to come forward to complain about employment discrimination. EEOC field offices also collaborated with partner organizations to extend our reach and better serve vulnerable workers and underserved communities, which included conducting over 1,103 partnership events reaching 105,943 attendees. To enhance EEOC's ability to identify and reach vulnerable or underserved populations, EEOC developed a data visualization tool to enable EEOC field offices to readily obtain demographic data by county.

The EEOC also prioritized outreach, education, and technical assistance to 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. In fiscal year 2021, the agency increased its outreach to small businesses, conducting 460 outreach events directed toward small businesses, reaching 27,495 small business representatives.

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

The Small Business Association Office of the National Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's most recent report to Congress for fiscal year 2019, which was published in fiscal year 2021, gave the EEOC an "A" rating across-the-board, the highest possible rating, reflecting the SBA's recognition of the EEOC's strong commitment to assist this important sector of the economy. The report also highlighted EEOC's non-retaliation policy as an example of an effective policy.

Through the agency's education and outreach activities, the EEOC also played a pivotal role in promoting racial justice and confronting systemic barriers in the workplace during fiscal year 2021. For example, the EEOC reached out to Asian Americans, African Americans, and other workers of color and conducted outreach through listening sessions, panel discussions, trainings and other meetings to strategize ways to combat racial and ethnic harassment and discrimination. The EEOC's field offices facilitated the exchange of information across district offices, coordinated community engagement efforts with other federal agencies, and collaborated with the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI), and the White House Office of Public Engagement in response to the rise in hate crimes and incidents against Asian American and Pacific Islander communities around the nation. Through regional roundtables, technical assistance programs, regular planning calls, resource-sharing, virtual convenings, and webinars, the EEOC

worked with the WHIAANHPI Regional Network to address specific community needs and feedback. During fiscal year 2021, the agency conducted 261 outreach sessions involving issues related to race, with 35,162 attendees, and 245 sessions on national origin discrimination, with 16,521 attendees.

The EEOC also prioritized outreach and education on the workplace civil rights implications of the COVID-19 pandemic, providing workers, employers and other stakeholders with up-to-date information about the interplay of COVID-19 and federal EEO laws. During fiscal year 2021, EEOC held 313 outreach events related to COVID-19, reaching 39,827 individuals.

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

During fiscal year 2021, EEOC held

**313
Outreach
Events**

related to COVID-19,

reaching 39,827 individuals.

National Strategic Enforcement Outreach and Education		
Plan Priorities	Events	Attendees
Recruitment/Hiring	305	57,648
Vulnerable Workers (includes immigrant/migrant farmworkers, human trafficking, limited English proficiency, re-entry of the formerly incarcerated, youth and other vulnerable workers)	649	71,024
Emerging/Developing Issues	451	90,716
Disability Issues	278	59,303
Accommodating Pregnancy Related Restrictions	107	36,751
LGBTQ+	186	19,208
Complex Employment Relationships	17	2,287
Backlash Discrimination	57	11,296
Equal Pay	124	24,248
Access to the Legal System (includes retaliation, recordkeeping violations, waivers, mandatory arbitration)	209	10,621
Systemic Harassment (includes sexual harassment)	599	82,094
Total National Strategic Enforcement Plan Priority Outreach and Education	2,337	336,351

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. By facilitating effective partnerships and collaborations with internal and external stakeholders, the EEOC works to reduce and eliminate employment barriers and achieve sustained benefits for the communities we serve.

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 Contract Compliance Programs (OFCCP), the Small Business Administration, Department of Justice (DOJ), Department of Veterans Affairs, National Science Foundation, state and local Fair Employment Practices Agencies, and Tribal Employment Rights Offices, as well as consulates and embassies.

In fiscal year 2021, the agency conducted over 1,130 partnership events reaching 109,738 attendees. The agency's efforts in this area included working with other federal agencies and community partners in response to the spike in violence and harassment against Asian American communities related to COVID-19 misconceptions and bias. For example, the EEOC:

- Participated in the Federal COVID-19 and Civil Rights Interagency Work Group hosted by the Department of Justice. During these quarterly meetings, federal agencies shared resources and efforts involving AAPI and COVID-19 related hate and discrimination. The discussion focused on efforts to combat related harassment and discrimination in schools, churches, public transportation, hospitals, public accommodations, small businesses, prisons, and employment.

- Partnered with the Department of Justice Civil Rights Division to support an online event held with the National Asian/Pacific Islander American Chamber of Commerce and Entrepreneurship and the International Leadership Foundation. The program focused on the federal response to the alarming increase in violence against Asian Americans and Pacific Islanders, including [President Biden’s Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States](#). Additional partners included the Taiwanese Chambers of Commerce of North America, Rhode Island Association of Chinese Americans, New York Young Entrepreneur Roundtable, the Mandarin Business Association, Kissimmee American Chinese Center, and the Global Federation of Chinese Businesswomen. Representatives from over 200 Asian American-owned small business organizations attended.
- Hosted a virtual event on the intersection of Asian American, Native Hawaiian and Pacific Islander (AANHPI) and LGBTQ+ identities to highlight the one-year anniversary of the Supreme Court’s Bostock decision, the impacts of the pandemic and the uptick in anti-Asian hate crimes. The panelists discussed showing up within multiple communities, building allies and rising to leadership. Speakers from the Transgender Law Center, the National Center for Transgender Equality, and the Office of the Vice Chair participated.

In fiscal year 2021, the EEOC also continued to strengthen our relationships with Native American and Tribal Communities and partnered with OFCCP and the DOJ to present an interagency webinar to reach urban Indian centers and tribal colleges and universities. The program shared agency efforts to support the [Executive Order on Advancing Racial Equity \(E.O. 13985\)](#), tribal consultation updates, and recent litigation to protect the rights of Native American and tribal communities. Participants included EEOC Chair Charlotte A. Burrows, DOJ United States Assistant Attorney General for Civil Rights Kristen Clarke, and OFCCP Deputy Director of Policy Maya Raghu. The EEOC also worked closely with DOJ’s Tribal Justice Program and Indian working group, the National Science Foundation’s Native Americans in STEM work group, and OFCCP’s Indian and Native American Employment Rights Program (INAERP).

C. Providing Employers 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 2021, the training platform was conducted virtually due to the COVID-19 pandemic.

In fiscal year 2021, the Institute trained over 19,864 individuals at more than 399 virtual events, ranging from 1-hour to 5-hour workshops, and 195 Customer Specific Training (CST) programs for private sector employers. The workshops and CSTs are responsive to employers’ needs and address rights and obligations in the workplace. These 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 also introduced a national Diversity, Equity, and Inclusion workshop series, and provided fee-based Respectful Workplace, Leading for Respect, and Compliance Training to over 1,842 individuals this fiscal year.

In July 2021, the agency held its 24th annual Examining Conflicts in Employment Laws (EXCEL) Training Conference directed at both federal sector and private sector EEO practitioners. The conference was held virtually for the second year due to the COVID-19 pandemic.

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The conference started with a joint opening plenary session by Chair Charlotte Burrows and included a plenary session led by Vice Chair Jocelyn Samuels.

This year's training conference offered separate tracks for 826 federal sector and private sector attendees. The conference featured 36 workshops and a variety of breakout sessions that covered COVID-19 related topics as well as 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 among attendees. The event evaluations showed that the EXCEL conference was well received in this virtual environment with 76% of survey respondents rating the conference as excellent.

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. In fiscal year 2021, 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 total, the EEOC delivered nearly 400 federal sector outreach, education, and training events, and provided more than 17,119 federal sector employees and equal employment opportunity (EEO) professionals with information about employment discrimination and their rights and responsibilities in the workplace.

In response to the COVID-19 pandemic, the EEOC's federal sector staff continued to provide its complete catalog of fee-based training courses in virtual formats. Because of the ability to reach a wider audience through virtual platforms, the EEOC

staff delivered and produced 53 learning opportunities that reached over 2,000 federal partners throughout the country, which was a 26% increase over fiscal year 2020. Our customized training courses also remained in high demand during fiscal year 2021. The EEOC consulted with 66 federal agencies to develop and deliver 119 customized trainings that reached approximately 4,300 federal employees, which was a 25% increase in the number of federal agencies that received these trainings. This also represented a 102% increase in the number of federal employees who received EEO training from fiscal year 2020. Overall, 62 of these trainings targeted the prevention of workplace harassment and creation of a culture of respect, which are key EEOC priorities.

In addition to our fee-based training, the EEOC is committed to providing no-fee technical assistance, outreach, and educational programs to assist federal employers, employees, and stakeholder groups in understanding and preventing discrimination. During fiscal year 2021, EEOC's federal sector staff coordinated, participated in, or hosted 89 no-cost outreach events, reaching approximately 10,000 federal partners. Moreover, EEOC's federal sector staff participated in several key training conferences for federal partners, reaching over 3,550 attendees.

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25%

Furthermore, the EEOC offers a no-cost webinar series and podcast. Our three-webinar series — *1st Friday with OFO*, *News You Can Use*, and *The Learning Table* — are offered in a virtual environment, with attendance averaging 360 persons per event. All events are recorded and then shared to [EEOC's Federal Sector YouTube channel](#), allowing easy listening access to those who could not attend the session. During fiscal year 2021, EEOC delivered 27 no-cost webinars. This increased the number of no-cost webinars offered to the federal community by 220% and reached approximately 9,000 participants, exceeding last year's participation rate by 30%. This increase in webinar offerings provided us with an opportunity to cover a wide range of complex and novel EEO topics, such as the Supreme Court's decision in *Bostock* and several newly released EEO and DEIA Executive Orders. Recordings posted to YouTube in fiscal year 2021 garnered an additional 1,079 views. Additionally, our EEOC EEO Micro-Learning Moment (podcast) offers 20 minutes or less of information and education on a wide range of EEO and EEOC federal sector specific initiatives.

In fiscal year 2021, the EEOC also continued collaborating with other agencies to form strategic partnerships and engage in outreach activities. For example:

- The EEOC manages an interagency consortium, Federal Exchange of Employment and Disability (FEED), with the Department of Labor and Office of Personnel Management. Through FEED, the EEOC and partner agencies conducted quarterly events for federal sector disability practitioners.
- Commission staff assisted the White House with implementation of [Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility \(DEIA\) in the Federal workforce](#), issued on June 25, 2021. With the White House Domestic Policy Council (DPC), Office of Management and Budget (OMB), and Office of Personnel Management (OPM), the EEOC conducted government-wide outreach, collaborated on developing government-wide resources, hosted weekly office hours, and provided learning sessions to assist in agencies' implementation of the Executive Order.
- The EEOC also partnered with DPC, OMB, OPM, and DOJ to serve on the implementing committees for [Executive Order 13988: Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#), as well as with the National Security Council in the implementation of the National Security Memorandum of February 4, 2021: [Revitalizing America's Foreign Policy and National Security Workforce, Institutions, and Partnerships](#).
- 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 an Annual Meeting with agency General Counsels 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.
- Recognizing that smaller agencies have limited resources and different challenges from larger agencies, EEOC continued 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, the EEOC continued and enhanced its practice of providing technical assistance to agencies on a routine basis, before problems arose. In fiscal year 2021, the EEOC established a goal to conduct 65 technical assistance visits with agencies and issue a feedback letter within 180 days

of each visit. During fiscal year 2021, the EEOC conducted 75 technical assistance visits with agencies and timely issued 92% of 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 adopted compliant reasonable accommodation procedures and compliant anti-harassment policies by the end of fiscal year 2021.

In keeping with its goal of advancing equal employment opportunity in federal agencies through data dissemination and analytics, program evaluations, and technical assistance, the EEOC is finalizing evaluations of two federal agencies as well as monitoring a large federal agency's corrective action plan. In fiscal year 2021, the EEOC also completed work on a program evaluation related to the reporting structures of EEO programs across the federal government in support of the Elijah E. Cummings Nondiscrimination Act of 2020.

EEOC also published quarterly issues of the *Digest of EEO Law* in fiscal year 2021. This publication is a summary of important EEOC cases. The EEOC also periodically publishes articles on topics of interest for federal sector EEO programs. These resources are published on the EEOC's website, so all interested parties have access to the summaries and links to the full decisions.

F. Providing Guidance to Our Stakeholders

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. Since the start of the pandemic in March 2020, the EEOC has worked to provide technical assistance to stakeholders about the workplace civil rights implications of the COVID-19 pandemic. During fiscal year 2021, 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:

- An updated and expanded [What You Should Know about COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#), with a new section on vaccinations.
- A new fact sheet, [Federal Laws Protect You Against Employment Discrimination During the COVID-19 Pandemic](#), to specifically address the needs and concerns of workers.
- A virtual [public hearing](#) by videoconference exploring the workplace civil rights implications of the pandemic.

Another priority of the EEOC during fiscal year 2021 was to educate the public about the implications of *Bostock v. Clayton County*, 590 U.S. ___, 140 S. Ct. 1731 (2020), a case in which the U.S. Supreme held that Title VII prohibits employment discrimination on the basis of sexual orientation or gender identity. On June 15, 2021, the EEOC issued a technical assistance document, [Protections Against Employment Discrimination Based on Sexual Orientation or Gender Identity](#), explaining both the Bostock decision and several related, well-established EEOC positions. In addition, the agency created a [webpage](#) that gathers many of its resources on federal protections against discrimination based on sexual orientation or gender identity discrimination in a single location.

In addition to the above, during fiscal year 2021 the EEOC updated the [Compliance Manual section on religious discrimination](#) and published a new [fact sheet](#) explaining the agency's policies and practices regarding data sharing with FEPAs. The EEOC also issued technical assistance documents intended to help veterans and employers who hire them understand the ADA and the Uniformed Services Employment and Reemployment Rights Act (USERRA):

- [EEOC Efforts for Veterans with Disabilities](#)
- [Veterans and the Americans with Disabilities Act: A Guide for Employers](#)
- [Veterans, Understanding Your Employment Rights Under the Americans with Disabilities Act](#)

The EEOC took the following significant regulatory actions in fiscal year 2021:

Action	Description	Location
Notice of Proposed Rulemaking on the Conciliation Process*	This NPRM proposes to revise the EEOC's private sector procedural regulations regarding the conciliation process.	85 Federal Register 64079 (Oct. 9, 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)
Final Rule on the Conciliation Process*	This final rule revised the EEOC's private sector procedural regulations regarding the conciliation process.	86 Federal Register 2974 (Jan. 14, 2021)
Final Rule on 2021 Adjustment of the Penalty for Violation of Notice Posting Requirements	This final rule adjusts for inflation the civil monetary penalty for violation of the notice-posting requirements in Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Genetic Information Non-Discrimination Act.	86 Federal Register 28263 (May 26, 2021)

* S.J. Res. 13, 117th Cong. (2021), which was signed into law on June 30, 2021, provided for congressional disapproval under chapter 8 of title 5, United States Code, of the EEOC's final rule on the conciliation process. Pub. L. No. 117-22 135, Stat. 294 (2021).

III. Management Objective — Achieve Organizational Excellence

A. Rebuilding and Strengthening the Enforcement Capacity of the Agency

The EEOC has a critical role to play in addressing many of the urgent issues facing our nation. The EEOC requires sufficient resources and tools to continue to prevent and remedy employment discrimination, both now and in the future. In fiscal year 2021, the agency prioritized ensuring that it had sufficient staff to address its expanding workload, which included a goal of reaching 2,000 employees on board by September 30, 2021. EEOC successfully exceeded its fiscal year 2021 hiring goal, with 2,110 employees on board as of the end of the fiscal year. EEOC filled 450 positions, all of which were made within the agency's 78-day time-to-hire goal. Of the 450 positions, 106 were backfills and 344 were new positions which included selection of internal and external candidates.

EEOC successfully exceeded its fiscal year 2021 hiring goal, with 2,110 employees on board as of the end of the fiscal year. EEOC filled 450 positions.

During fiscal year 2021, in order to strengthen the enforcement capacity of the agency, managers were encouraged to establish and recruit for developmental positions to support workforce and succession planning initiatives through various hiring flexibilities. The agency also rebranded the EEOC's careers webpages, which includes effective marketing and retention information, images, and information about various EEOC benefits and programs. Additionally, the agency updated our EEOC USAJOBS vacancy announcements and expanded our social media recruitment presence by rolling out a "We Are Hiring" social media campaign on EEOC's LinkedIn, Twitter, Instagram, and Facebook pages.

During fiscal year 2021, the agency also implemented strategies to retain EEOC's talent to compensate for separations due to retirements, transfers, and departures. The agency used key programs and flexibilities to rebuild the enforcement capacity of the agency, including retaining talent through the Pathways Internship Program and law clerk recruitment. The EEOC used an enterprise-wide approach to recruit candidates through the Pathways program. As a result, the EEOC hired Pathways interns to meet overall office needs, which is contributing to the agency's long-term retention efforts. In addition, the EEOC recently utilized a creative solution within the agency's attorney hiring plan by hiring law clerks as entry-level positions as a tool to recruit and provide legal pathways to attorney positions.

In fiscal year 2021, 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.
- 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 a COVID-19 SharePoint Site and regular email updates.

B. Hiring a Diverse Workforce

The EEOC can best accomplish our mission with a productive, inclusive, and diverse workforce. In fiscal year 2021, 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 and increasing the cultural competency and familiarity of EEOC's workforce with diverse demographic groups within the United States. 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. In fiscal year 2021, the EEOC increased the number of persons with disabilities in its own workforce. Of the new hires in fiscal year 2021, 29% (98) were individuals with a disability and 9% (31) were individuals with a targeted disability. Moreover, 25% of EEOC's workforce identified as individuals with disabilities and approximately 7% identified as individuals with targeted disabilities. The agency benchmark for individuals with disabilities and targeted disabilities is 12% and 2%, respectively. Among federal agencies, the EEOC also has the highest percentage of veterans that are classified as 30% or more disabled. As of the end of fiscal year 2021, approximately 29% of the agency's employees were veterans. Of those, 598 veterans, 74% (442) have a disability. Of the veterans who have a disability, 80% (352) are classified as 30% or more disabled veterans. This data indicates consistent and tremendous progress in the implementation of the agency's affirmative action plan.

The EEOC also ensured 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% remotely.

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 stakeholders and the public. 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 2021, the agency's new hires represented the diversity of the [nation's civilian labor force](#) (CLF). In this regard, EEOC exceeded the availability in the CLF for several race, ethnicity, and gender groups for new hires overall. Of the new hires, EEOC exceeded the CLF for females overall (63.41%), Hispanic females (12.68%), Black males (10.03%) and Black females (25.66%), Asian males (3.83%), Native Hawaiian or Other Pacific Islander females (0.29%), American Indian and Alaska Native males (1.18%), and females of Two or More Races (1.47%). Moreover, in fiscal year 2021, approximately 76% of EEOC's workforce is age 40 and above, and about 48% is age 50 and above.

The EEOC also fostered a culture of inclusion and respect during fiscal year 2021, and supported collaboration and strategic innovation among all employees by:

- Migrating its out-of-support legacy intranet site to SharePoint, making content more accessible and 508 compliant. The revised site brings a fresh look, clearly defined and accessible navigation, and a landing page that leads visitors to their desired location. It allows content managers to make immediate content and design changes without having to rely on technicians, reducing delays in publishing important agency information.
- Continually testing applications and services for Section 508 compliance and reporting any issues or concerns to technicians and vendors for remediation. This includes providing guidance, along with tips and tricks, to ensure that meetings, communications, and trainings are fully accessible.

C. Employee Training and Development in the EEOC

The EEOC continues to show commitment to our employees' growth by supporting and providing ongoing training opportunities. In fiscal year 2021, the agency approved \$2.5 million in training programs for employees at all grade levels. To assist with aligning training programs to the agency's priorities and assessing both technical and non-technical training programs, the agency developed a new decision matrix that includes training programs and catalog descriptions. Moreover, in order to highlight the importance of training, the agency disseminated weekly communications to employees with information on training courses, an EEOC Events Calendar, Individual Development Plan (IDP) data calls for training and tuition assistance, Learning Management System (LMS) training, and internal and external development opportunities with OPM, the Partnership for Public Service, Graduate School USA, and many other entities. These training and development improvements have successfully assisted career development within the EEOC's workforce.

In fiscal year 2021, the EEOC also partnered with OPM's Human Resources Solutions to conduct skills-gap analysis on all EEOC mission-critical occupations (MCOs) — Attorney-Examiner (AJ), Trial Attorney, EEO Investigator, Mediator, EEO Specialist, and General Attorney. The study provided EEOC with insight into the competencies critical to success in the positions. EEOC will use this information to guide future training and development efforts to close gaps and ensure MCOs have the competencies necessary to perform successfully and contribute to the EEOC's mission.

D. Performance Management and Recognition

Accountability remained the focus of performance management in fiscal year 2021. The agency 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 fiscal year 2021, employees were provided performance standards, progress reviews and final performance ratings.

The EEOC Awards Program creates 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. The contribution award process gives EEOC the flexibility to recognize individual or group acts/achievements through a variety of means, including special act/achievement awards, on-the-spot awards, suggestion awards, time-off awards, and/or other non-monetary recognition. The Chair's Honor Award program is EEOC's premier contribution awards program. The program recognizes employees who have distinguished themselves by making significant contributions to the agency's mission, strategic goals and objectives, and core organizational values. The Chair's Honor Awards are open to all EEOC employees, regardless of grade, position, or tenure, whose accomplishments are examples of excellence in the work we do.

E. Employee and Labor Relations

The EEOC continues to provide supervisors the necessary training and tools to address employee development and performance throughout the employee lifecycle. This year, training included topics on leave administration, conduct/performance-based actions, performance management, and handling grievances for new and mid-level supervisors.

Labor relations plays a significant role in ensuring employee engagement, employee satisfaction, and employee retention. EEOC strives for proactive and collaborative engagement with the Union on draft policies and on policy implementation, when appropriate. During fiscal year 2021, EEOC leadership and the Union engaged in monthly meetings on labor-management issues. Further, when the agency revitalized the BEST (Building Employee Satisfaction Together) Workgroup with volunteers from employees at all levels of the agency who have a commitment to employee satisfaction, it did so as a collaborative effort with Union representatives as part of the workgroup.

From May 2021 into December 2021, the Union President participated in the EEOC COVID-19 Coordination Team. As a member of the team, the Union was represented in pre-decisional discussions and participated in the initial drafting of COVID-related documents. In addition, the agency held a series of 12 employee listening sessions during fiscal year 2021, which were facilitated by the COVID Coordination Team and union representatives. The sessions included perspectives from across various offices and positions at the agency and provided valuable perspectives on re-entry.

In fiscal year 2022, the Union will also participate on the agency's Strategic Planning Workgroup. The workgroup will be responsible for development of both the Fiscal Year 2022–2026 Strategic Plan and the Fiscal Year 2022–2026 Strategic Enforcement Plan.



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 prevent and remedy employment discrimination.

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, see the agency's [Fiscal Year 2021 Agency Financial Report](#).

OIG's Fiscal Year 2021 Management Challenges Report identified three challenges facing the agency: Coronavirus 2019 (COVID-19); Mission-Critical Data System Modernization; and Digital Records 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 has continued planning for the eventual return to our office space across the country. The agency conducted multiple listening sessions for staff and outside stakeholders to gather information about what was working and what challenges were created by the virtual environment. The plan will be fundamentally based on keeping our staff, and the public we serve, safe and healthy, while ensuring that our critical mission is not diminished.

MISSION-CRITICAL DATA SYSTEM MODERNIZATION

Over the past seven 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 data structure of the agency's now 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 the public deserve.

In its current Strategic Plan, the EEOC committed to "complete a shared vision and develop high-level plans with resource requirements for modernizing [our] charge/case management systems." As previously discussed, the agency secured \$4 million in funding for this effort from the Technology Modernization Fund (TMF) — in two \$2 million tranches — providing the EEOC with the resources needed to modernize IMS. Over the last 20 months, the modernization team defined and developed an end-to-end charge management solution to enable the agency's private sector processes and the accompanying processes for its FEPA partners. Over 200 requirements workgroup meetings, requirement reviews, and demonstrations have been conducted to date in support of this program. At the end of fiscal year 2021, the modernized system — now branded as the Agency Records Center (ARC) — was in the User Acceptance Testing phase. The EEOC deployed the ARC system on January 18, 2022. EEOC prepared for this large-scale deployment — to 145 EEOC and FEPA offices — with significant reporting and training development efforts. Now that ARC has been deployed, development is shifting to modernizing the federal sector and litigation services components of the agency's charge management system, proposed for delivery late in calendar year 2022.

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 2021. Many of these enhancements were in response to the COVID-19 pandemic and enabled the agency to meet its mission goals while working remotely.

For the first time in years, the agency has the necessary 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 has better enabled the agency to carry out its critical mission.

DIGITAL RECORDS MANAGEMENT

In fiscal year 2021, the agency continued its efforts to transition to electronic records and develop internal guidance for records management, despite the challenges associated with largely remote work during the pandemic. In fiscal year 2022, management anticipates hiring additional Records Information Management staff and continuing 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 FOIA program, which manages agency records disclosure pursuant to FOIA's statutory mandate. Although the EEOC's FOIA program has itself been entirely digital for several years and in fiscal year 2021 successfully implemented a new and improved software system, not all of the agency's records are digital. In a few EEOC offices, this still causes delays in responding to FOIA requests, as staff must sometimes physically locate and scan paper records.

EEOC received approximately 16,000 FOIA requests nationwide during fiscal year 2021. Collaboration between headquarters and district office FOIA professionals throughout fiscal year 2021 resulted in EEOC's FOIA program ending the fiscal year with only 283 FOIA requests nationwide that were overdue—less than 2% of the number of FOIAs received this year. FOIA staffing also stabilized nationwide in fiscal year 2021, which was a significant factor in the program's success. For fiscal year 2022, the goal is to maintain and improve upon this progress by further reducing the number of overdue FOIAs.

CROSS-AGENCY COLLABORATIONS

During fiscal year 2021, the EEOC's cross-agency collaboration efforts on data issues continued to expand across program offices within the EEOC as well as with 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. Authorized under 13 U.S.C. §§ 141 and 193, the Census Bureau 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 race, sex, national origin, age, educational attainment, and income. The EEOC has found that the Census Bureau is the best entity to provide the required demographic EEO data and 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 the Census Bureau, the EEOC joins a consortium of over 40 subject matter experts from the DOJ, DOL, and OPM that will use the summarized data to monitor and enforce civil rights laws and regulations in employment. EEOC's Office of Enterprise Data and Analytics (OEDA), with input from the Office of Federal Operations and the Office of General Counsel, continued to chair the Consortium and manages quarterly meetings with the Census Bureau.

DATA SHARING WITH OFCCP

The EEOC has continued to share data with OFCCP to improve the effectiveness of both agencies in eradicating employment discrimination. On an annual basis, the EEOC shares EEO-1 data with OFCCP to facilitate OFCCP's enforcement of Executive Order 11246, which prohibits federal contractors from discriminating in employment on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin and requires contractors to take affirmative action to ensure equal opportunity in employment. Starting in fiscal year 2021, the EEOC has successfully onboarded OFCCP staff to EEOC's secure Enterprise Data Warehouse, which will allow EEOC and OFCCP staff to further improve upon methodologies and data quality for both agencies while preserving confidentiality of the data.

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 rely on external and internal agency expertise to enhance analytical perspectives and to lend credence to the methodologies employed, the evaluation processes and findings, and any subsequent recommendations for the program under review.

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

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

In fiscal year 2021, the agency continued its work on the following evaluation projects: 1) The Interagency Agreement (IAA) between the EEOC and The Committee on National Statistics (CNSTAT) of the National Academies of Sciences, Engineering, and Medicine for a Panel to Evaluate the Quality of Compensation Data Collected from U.S. Employers by the EEOC through the EEO-1 Form; 2) the Mediation Survey Modernization Project; and 3) the EEOC's Data and Modernization Program.

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 of Compensation Data Collected from U.S. Employers by the EEOC through the EEO-1 Form. CNSTAT is examining the EEOC's historic collection of employer compensation data for 2017 and 2018. The EEOC's large scale collection of pay information from private employers and federal contractors 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 future collections. CNSTAT has assembled a distinguished panel of experts to examine the pay data collection and make recommendations regarding its uses as well as suggestions for enhancing future collection of pay data.

Mediation Survey Modernization Project. EEOC mediation participants are now able to share their feedback by completing a survey electronically in English, Spanish, Haitian/Creole, and Chinese. 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, a departure from the in-person model implemented in 1999. In fiscal year 2021, the project was expanded to include EEOC mediators as well as mediation participants.

The EEOC's Data and Analytics Modernization Program. Beginning in fiscal year 2018 and continuing through fiscal year 2023, the goals of the modernization program are to: 1) enhance transparency of agency functions and operations; 2) reduce burden on our stakeholders; 3) augment agency use of modern data analytics to drive data-driven decision-making; and 4) promote greater public access to the data.

DATA VALIDATION AND VERIFICATION

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

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

The EEOC continues to improve the collection and validation of information for our Integrated Mission System (IMS), which consolidates our program 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. OEDA worked closely with the EEOC's Office of Information Technology (OIT) to prepare for the transition from IMS to the ARC system on January 18, 2022. We have identified many areas where we will be able to further improve our current processes with the implementation of the new system. 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 data 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 agency uses the OIG's information and recommendations to continually improve our systems and data.



EVIDENCE BUILDING

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

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

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

The EEOC continues to make great strides with its Data and Analytics Modernization Program. In fiscal year 2021, the program focused on enhancing the transparency of agency functions and operations, reducing burden on our stakeholders, augmenting agency use of modern data analytics to drive data-driven decision-making, and promoting greater public access to the data. In fiscal year 2021, the EEOC's Data and Analytics Modernization Program accomplished these initiatives:

- Launched four nationwide EEO data collections during the pandemic covering over 100,000 employers and representing over 100,000,000 employees;
- Unveiled [EEOC Explore](#), a web-enabled, state-of-the-art, user-friendly, data query and mapping tool, to facilitate and encourage greater access to and use of EEOC data for both agency staff and public stakeholders;
- Modernized, enhanced, and streamlined the agency management workload reporting process thereby reducing burden on district office staff and utilizing the modern analysis and reporting platforms; and
- Designed, developed, and delivered an interactive dashboard to all EEOC district outreach and education coordinators using data from the American Community Survey to identify the needs of and appropriately align resources for groups of potentially vulnerable workers.





APPENDICES

APPENDIX A: ORGANIZATION AND JURISDICTION

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 laws:

- **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 of 1978**, which amended Title VII to clarify that discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes sex discrimination and requires employers to treat female employees affected by pregnancy, childbirth, or related medical conditions the same as other employees who are similar in their ability or inability to work, with respect to terms and conditions of employment, including leave and 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 employers 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 of 2008**, 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, with limited exceptions.
- **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 agency 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 Agency 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, educational, 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 (SLTP), the EEOC also administers the funds appropriated by Congress to support the equal employment enforcement activities of state and local enforcement agencies and tribal programs. The EEOC enters into contracts with Fair Employment Practices Agencies (FEPAs), which provide payment for work completed on charges deferred to the FEPAs. During fiscal year 2021, the EEOC entered into contracts with 91 FEPAs. Pursuant to Title VII, the Agency defers charges to a FEPA when a state or local law prohibits the discriminatory employment policy or practice and the FEPA has authority to enforce that law. To avoid duplication of effort

on cases where both the EEOC and a FEPA have jurisdiction, the EEOC and FEPAs negotiate worksharing agreements as part of the contracting process, to identify which agency will take the lead on processing a charge. The EEOC also contracts with Tribal Employment Rights Offices (TEROs) to maximize employment opportunities of Indians and to resolve employment discrimination issues arising on Indian reservations, including the application of Title VII's Indian preference provision. During fiscal year 2021, the EEOC administered contracts for 61 TEROs. SLTP also provides support and other technical assistance to the field offices in their oversight of the FEPA and TERO contracts within their jurisdiction.

The Office of Legal Counsel develops the EEOC's regulations and policy guidance, provides technical assistance to employers and employees, and coordinates with other agencies and stakeholders regarding the statutes and regulations enforced by the EEOC. The Office of Legal Counsel also fulfills in-house counsel functions by conducting or coordinating defensive litigation on behalf of the agency and advising agency officials on administrative issues such as contracts, disclosures, ethics, fiscal law, and recordkeeping matters. Finally, 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 that federal agencies and departments comply 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, 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 Agency.

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

INVESTIGATIONS

The number of investigations initiated in fiscal year 2021 based on a directed investigation or Commissioner charge and the nature of the alleged discrimination:

In fiscal year 2021, the EEOC initiated 3 investigations based on Commissioner charges. Some Commissioner charges alleged multiple issues. The issues are:

- Failure to hire based on disability;
- Constructive discharge based on disability;
- Discharge based on disability; and
- Failure to accommodate disability.

In fiscal year 2021, the EEOC initiated 43 directed investigations. These investigations alleged age discrimination in advertising, hiring, promotion, discharge, terms and conditions of employment, waivers and benefits.

The number of ongoing investigations in fiscal year 2021, initiated by a directed investigation or Commissioner charge and the nature of the alleged discrimination:

At the close of fiscal year 2021, there were 25 ongoing investigations initiated by a Commissioner charge. These investigations alleged:

- Failure to hire on the basis of race, sex, national origin, disability, genetic information, 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, 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, disability, and in retaliation for protected activity;
- Discipline on the basis of race, color, religion, national origin, disability, and in retaliation for protected activity;
- Discharge based on 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 that may have a disparate impact based on race, national origin, or disability which is not job-related and consistent with business necessity;
- Failure to promote based on race and sex;
- Wage discrimination on the bases of sex, race, and national origin;

- Segregation on the basis of sex;
- Medical inquiries prohibited by the ADA and GINA;
- Failure to accommodate disability and religion; and
- Exclusion on the basis of sex.

At the close of fiscal year 2021, there were 31 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 2021 based on a directed investigation or Commissioner charge:

The EEOC filed one complaint and proposed consent decree based on a Commissioner charge.

- In *EEOC v. Activision Blizzard, Inc.*, No. 2:21-cv-07682 (C.D. Cal.), the EEOC alleged a creator and distributor of video games and other gaming-related content subjected a class of women to a hostile work environment based on sex and pregnancy and to retaliation for their complaints about harassment. The case was resolved during conciliation, with the defendant agreeing to the simultaneous filing of the complaint and consent decree.

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

There were no attorneys' fees in which the defendant prevailed on the merits in fiscal year 2021.

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

Attorneys' fees awarded as a discovery sanction:

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

- *EEOC v. Green Lantern*, No. 6:19-cv-06704 (W.D.N.Y.), awarding sanctions, including attorney's fees, for a violation of an earlier discovery order. The EEOC has fully briefed its application for fees in the amount of \$10,400, but the court has yet to decide on the amount.

The EEOC was not ordered to pay fees as a discovery sanction in fiscal year 2021.

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 2021:

- *EEOC v. USF Holland, N.D. Miss.*, No. 3:20-cv-00270, filed October 13, 2020, alleging a trucking company failed to hire the charging party and a class of female applicants for truck driver positions because of their sex.
- *EEOC v. Outokumpu Stainless, S.D. Ala.*, No. 1:20-cv-00521, filed November 2, 2020, alleging a steel producer denied an applicant a reasonable accommodation and did not hire him as an entry operator after learning he took doctor-prescribed Xanax for a medical condition. EEOC alleged that defendant's blanket drug policy operated as an impermissible qualification standard screening out individuals with disabilities.

- *EEOC v. CSC — Computer Science Corporation, S.D.N.Y.*, No. 1:20-cv-10372, filed December 9, 2020, alleging a technology company discriminated against a nationwide class of workers because of their ages by targeting them for layoff.
- *EEOC v. Symphony/Deerbrook Care Center, N.D. Ill.*, No. 1:21-cv-02978, filed June 3, 2021, alleging that a nursing home, rehabilitation center, and long-term care facility requires employees to disclose their pregnancies and obtain a doctor's note indicating they can work without restrictions; fails to accommodate pregnant employees who have work restrictions, resulting in their termination; classifies pregnant employees terminated due to work restrictions as ineligible for rehire; and denies rehire to employees attempting to return to work following the birth of a child. There are also Title VII and ADA recordkeeping claims related to requests for accommodation and an ADA unlawful medical inquiry claim related to the note requirement.
- *EEOC v. Green Jobworks, D. Md.*, No. 1:21-cv-01743, filed July 14, 2021, alleging a staffing company engaged in a pattern or practice of discrimination against female applicants and employees by refusing to hire/place females in demolition and laborer jobs and by assigning female demolition workers and laborers cleaning duties rather than tasks relevant to their jobs.
- *EEOC v. Hospital Housekeeping Systems, W.D. Ark.*, No. 2:21-cv-02134, filed August 24, 2021, alleging a provider of housekeeping support and culinary services at hospitals discharged a class of employees working in various positions because of their disabilities, including diabetes, osteoarthritis, fibromyalgia, and hypertension, after they failed an essential functions test even though they were able to perform their jobs.
- *EEOC v. Select Staffing, E.D. Cal.*, No. 1:21-cv-01424, filed September 24, 2021, alleging a staffing agency and a dried fruit product manufacturer subjected female agricultural employees placed by the staffing firm to groping and touching, sexually explicit comments, and requests for sex from male coworkers. One charging party was constructively discharged due to the harassment and another was terminated in retaliation for complaining about the harassment.
- *EEOC v. Willis Knighton Medical Center, E.D. La.*, No. 2:21-cv-01774, filed September 27, 2021, alleging a hospital system maintained inflexible leave and light duty policies and 100% healed policies which denied employees reasonable accommodations for their pregnancy-related disabilities (fibroids, dysmorphia), resulting in their terminations.
- *EEOC v. Fresh Venture Foods, C.D. Cal.*, No. 2:21-cv-07679, filed September 27, 2021, alleging a produce processing and shipping company subjected female production and agricultural employees, who are primarily monolingual, to sexual comments and touching from managers, supervisor, and coworkers, resulting in the constructive discharges of some females. Some employees who complained about the harassment were reassigned, denied time off, and subjected to further harassment in retaliation for their complaints.
- *EEOC v. Activision Blizzard, Inc., C.D. Cal.*, No. 2:21-cv-07682, filed September 27, 2021, alleging a creator and distributor of video games and other gaming-related content subjected a class of females to a hostile work environment based on sex and pregnancy and to retaliation for their complaints about harassment. The case was resolved during conciliation, with defendant agreeing to the simultaneous filing of the complaint and consent decree.
- *EEOC v. AMTCR Nevada, Inc. d/b/a McDonald's, D. Nev.*, No. 2:21-cv-01808, filed September 29, 2021, alleging that the owner/operators of fast food restaurants and its related entities, subjected a class of male and female employees, some teens and many who primarily speak only Spanish, to touching, sexual comments, and requests for sex from managers, supervisors and coworkers. Some individuals were constructively discharged due to the harassment.
- *EEOC v. Geisinger Wyoming Valley Medical Center, E.D. Pa.*, No. 2:21-cv-04294, filed September 29, 2021, alleging a healthcare provider and its related entities failed to provide employees with disabilities reasonable accommodation, including reassignment, additional leave, and job-protected leave, and disciplined and discharged employees in retaliation for requesting accommodation or objecting to defendant's failure to comply with the ADA.

- *EEOC v. R & R Janitorial, Painting and Building Services, Inc. d/b/a R&R Building Services, D. D.C.*, No. 1:21-cv-02539, filed September 29, 2021, alleging a building maintenance services company discharged 13 Charging Parties and a class of other Hispanic individuals working as janitors for the Department of State because of their race and national origin. Many of the terminated janitors were long-term employees with superior security clearances; defendant retained less senior, non-Hispanic janitors with lower security clearances. During their employment, the terminated workers were subjected to offensive remarks based on their race and national origin and were assigned less desirable tasks. Defendant also failed to transfer, reassign, hire and/or rehire any of the affected individuals although there were openings at other worksites.

The EEOC's success rate at the appellate level in fiscal year 2021:

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

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



CHARLOTTE A. BURROWS, CHAIR

Charlotte A. Burrows was designated by President Biden as Chair of the U.S. Equal Employment Opportunity Commission (EEOC) on January 20, 2021. Chair Burrows was initially nominated to serve as a Commissioner of the EEOC in 2014 and then re-nominated in 2019. By unanimous vote, the U.S. Senate confirmed her to a second term ending July 1, 2023.

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



JOCELYN SAMUELS, VICE CHAIR

Jocelyn Samuels was designated by President Biden as Vice Chair of the U.S. Equal Employment Opportunity Commission (EEOC) on January 20, 2021. Vice Chair Samuels was initially nominated to serve as a Commissioner of the EEOC in 2020 and then re-nominated in 2021. The U.S. Senate confirmed her to a second term ending July 1, 2026.

For more information about Vice Chair Samuels, please see: <https://www.eeoc.gov/jocelyn-samuels-vice-chair>.



JANET DHILLON, COMMISSIONER

Janet Dhillon was nominated in 2017 to serve as a Commissioner at the U.S. Equal Employment Opportunity Commission (EEOC) and confirmed in 2019 for a term ending on July 1, 2022. Dhillon was Chair of the EEOC from May 15, 2019 through January 20, 2021.

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



KEITH E. SONDERLING, COMMISSIONER

Keith E. Sonderling was nominated to serve as a Commissioner of the U.S. Equal Employment Opportunity Commission in 2019 and was confirmed on September 22, 2020, for a term expiring July 1, 2024. Sonderling previously served as the Commission's Vice Chair from September 30, 2020 through January 20, 2021.

For more information about Commissioner Sonderling, please see: <https://www.eeoc.gov/keith-e-sonderling-commissioner>.



ANDREA R. LUCAS, COMMISSIONER

Andrea R. Lucas was nominated to serve as Commissioner of the U.S. Equal Employment Opportunity Commission in 2020 and was confirmed by the U.S. Senate on September 22, 2020 for a term expiring July 1, 2025.

For more information about Commissioner Lucas, please see: <https://www.eeoc.gov/andrea-r-lucas-commissioner>.

APPENDIX D: GLOSSARY OF ACRONYMS

ADA Americans with Disabilities Act of 1990

ADEA Age Discrimination in Employment Act of 1967

ADR Alternative Dispute Resolution

AJ Administrative Judge

APP Annual Performance Plan

ARC Agency Records Center

DEIA Diversity, Equity, Inclusion, and Accessibility

DOJ U.S. Department of Justice

DOL, OFCCP U.S. Department of Labor, Office of Contractor Compliance Programs

DPC White House Domestic Policy Council

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

FEVS Federal Employee Viewpoint Survey

FOIA Freedom of Information Act

GINA Genetic Information Nondiscrimination Act of 2008

GSA U.S. General Services Administration

IIG Intake Information Group

IIR Intake Information Representative

IMS Integrated Mission System

OFO Office of Federal Operations

OFP 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

SBA U.S. Small Business Administration

TMF Technology Modernization Fund

TERO Tribal Employment Rights Offices

WHIAANHPI White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders

APPENDIX E: INTERNET LINKS

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

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

EEOC Explore: <https://www.eeoc.gov/statistics/employment/jobpatterns/eeo1>

EEOC Strategic Plan: <https://www.eeoc.gov/us-equal-employment-opportunity-commission-eeoc-strategic-plan-fiscal-years-2018-2022>

Strategic Enforcement Plan for FY 2017–2021: <https://www.eeoc.gov/us-equal-employment-opportunity-commission-strategic-enforcement-plan-fiscal-years-2017-2021>

Quality Enforcement Practices Plan: <https://www.eeoc.gov/quality-practices-effective-investigations-and-conciliations>

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

Newsroom/Press Releases: <https://www.eeoc.gov/newsroom/search>

EEOC FY 2021 Performance Budget: <https://www.eeoc.gov/fiscal-year-2021-congressional-budget-justification>

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

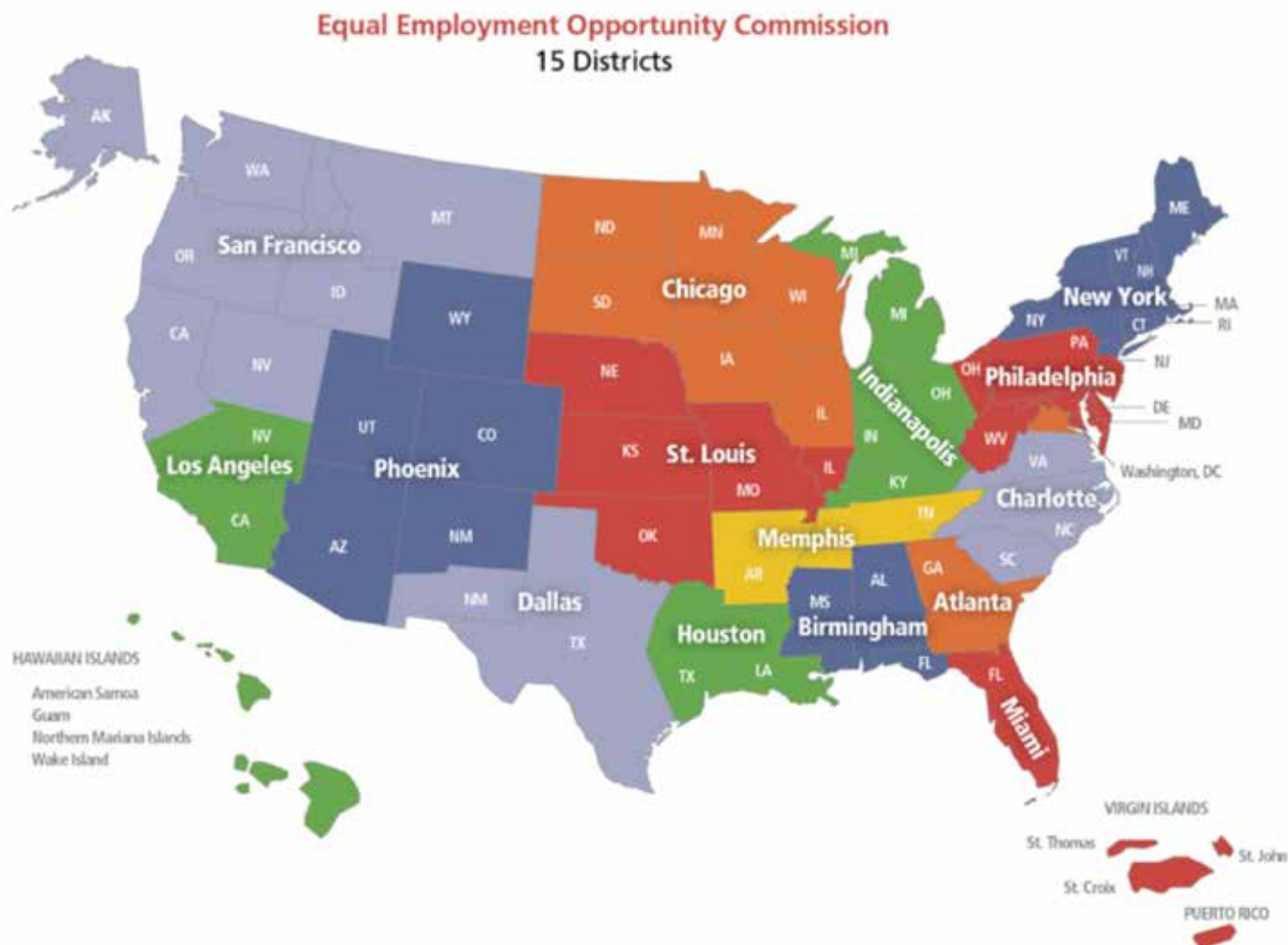
EEOC Performance and Accountability Reports: <https://www.eeoc.gov/eeoc-annual-reports-archives>

Small Business Resource Center: <https://www.eeoc.gov/employers/small-business>

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

U.S. Census Bureau, EEO Tables: <https://www.census.gov/acs/www/data/eo-data/eo-tables-2018/tableview.php?geotype=nation&usVal=us&filetype=all1r&geoName=United%20States>

APPENDIX F: EEOC FIELD OFFICES



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

ACKNOWLEDGMENTS

The EEOC's Fiscal Year 2021 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 2021 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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