U. S. Equal Employment Opportunity Commission

"A Proud Legacy - A Challenging Future"

FY 2000 BUDGET REQUEST

Submitted to the

Congress of the United States

February 1999

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MISSION STATEMENT

Our mission is to promote equal opportunity in employment by enforcing the federal civil rights employment laws through administrative and judicial actions, and education and technical assistance.

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PRIMARY DOCUMENTS

APPROPRIATION LANGUAGE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Federal Funds

General and Special Funds:

Salaries and Expenses

For necessary expenses of the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed [$27,500,000] **$29,000,000** for payments to State and Local enforcement agencies for services to the Commission pursuant to Title VII of the Civil Rights Act, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Civil Rights Act of 1991, [$279,000,000] **$312,000,000**. Provided further, the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds. (The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.)

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PRIMARY DOCUMENTS

ANALYSIS OF CHANGE

Fiscal Year 2000 Budget Request (Funds in Thousands of Dollars)		
	FTE	**AMOUNT**
Fiscal Year 1999 Appropriation	**2,796**	**279,000**
Improving Service to the Public Through Executive Direction and Support		
Integrating Technology into EEOC Operations	35	6,000
Enforcing EEO Laws		
Comprehensive Enforcement Program	65	3,300
Equal Pay Initiative	4	10,000
Federal Sector	46	4,000
Base Adjustments	---	9,700
Total Increase to Base	150	33,000
Fiscal Year 2000 Request	**2,946**	**312,000**

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EXECUTIVE SUMMARY

The Commission's fiscal year 2000 budget request of $312.0 million is designed to deliver results and clearly demonstrates an integrated approach to conducting business, a commitment to instilling a culture of customer service excellence throughout the entire organization, and an emphasis on linking every dollar requested back to the agency's mission. The proposed $312.0 million budget for the EEOC in fiscal year 2000 builds on the Administration's commitment to improve the enforcement of employment discrimination laws. The additional funds of $33.0 million will enable the Commission to more effectively enforce anti-discrimination laws to eliminate discrimination in the workplace. More fully utilizing the nation's skills and talents results in increased economic growth and enhances the well-being of American families. The increase for fiscal year 2000 represents the second stage in rebuilding and revitalizing EEOC to meet the needs of the workforce in the next century through modernized technology and enhanced tools, skills, and staffing needed to do the job.

The Commission will accomplish its major objectives in delivering fair and efficient service to the public through the implementation of two overarching goals in fiscal year 2000:

➢ Promote strategic enforcement in both private sector and federal sector programs through a **Comprehensive Strategic Enforcement Model** that will increase collaboration among outreach, investigatory and legal staff in all phases of the Commission's work, from outreach through expedited efforts to resolve charges; and, where efforts to conciliate fail, preparation of sound cases for litigation focused on significant instances of discrimination in the workplace; and,

➢ Build stronger relationships with partners in the public and private sectors, including the business community, private bar, Fair Employment Practices Agencies (FEPAs), Tribal Enforcement Rights Organizations (TEROs), civil rights groups, unions, and other employee groups through outreach programs to educate, train, and provide technical assistance to increase voluntary compliance with anti-discrimination laws.

With these goals in mind, the additional $33.0 million requested for fiscal year 2000 will enable the Commission to accomplish the following:

- With an additional $3.3 million to implement the Comprehensive Enforcement Program in the private sector EEOC will reduce the private sector charge inventory to a level of approximately 28,000 pending private sector charges by the end of fiscal year 2000, achieve an average charge processing time of 180 days for most private sector charges, and address the increasingly complex work load;

- With an additional $4.0 million for the Federal Sector Program, EEOC will reduce the waiting period for EEOC hearings from 17 months to 13 months and for appeals from 23 months to 17 months;

- With an additional $10.0 million for the President's Equal Pay Initiative, EEOC will conduct a public information, education, training, and technical assistance program on wage discrimination. The Equal Pay Initiative will provide technical assistance and training to an estimated 3,000 employers, reach 20,000 individuals and groups representing the gamut of American workers through education and outreach efforts, inform millions of American workers through a public information campaign, and train EEOC staff on the identification and analysis of wage discrimination;

- With an additional $6.0 million, EEOC will achieve higher levels of efficiency and effectiveness by improving personnel and resource management systems through sustained investments in technology. Increases in fiscal year 2000 are essential to achieving the Commission's five-year strategy to develop and implement integrated systems for personnel, financial, and program information. Increases will also enable all 50 field offices and the national office to communicate via computer with each other, as well as with the Commission's state, local, and private sector partners; and,

- With an additional $9.7 in adjustments to base accounts, EEOC will be able to cover the pay raise and other mandatory increases such as within-grade and career-ladder positions, and the cost of support for staff (e.g., telecommunications, supplies, equipment, space).

The Commission's fiscal year 2000 budget request builds on the significant progress resulting from the budget increase in fiscal year 1999 and lays out next steps needed to meet the challenges of the millennium. The EEOC has made significant changes in its strategic approach over the past several years and is poised to raise the agency to a higher level of customer service excellence. The Commission believes that the initiatives planned in EEOC's fiscal year 2000 budget reflect sound investments that will yield significant results for the public.

Highlights of EEOC's Fiscal Year 2000 Budget Request

Equal Pay Initiative

➢ $10.0 million and 4 FTEs for the President's Equal Pay Initiative will fund the nation's first major focus on this issue since passage of the Equal Pay Act in 1963. Citing a 25% wage gap between men and women in the workforce, the President called for an initiative to "... expand opportunities in the workplace for women and end wage discrimination once and for all." Wage discrimination affects broad numbers of women and minorities in the workplace. During fiscal year 1998, EEOC received approximately 6,200 wage related claims--about 8 percent of the total charges received. Women file approximately 60 percent of wage related claims, and nearly half of all wage charges also allege race discrimination.

➢ The Equal Pay Initiative will accomplish the following:

- launch a public information campaign on wage issues reaching millions of Americans, including a toll-free number, a web site, and public service announcements;

- provide technical assistance and training to an estimated 3,000 employers to assist them in identifying and correcting wage discrimination issues voluntarily;

- conduct outreach and education efforts to 20,000 individuals and groups representing the gamut of American workers, including unions, community leaders, and others;

- provide a major nationwide training program for agency staff focused on identifying and analyzing wage discrimination; and,

- develop computer-based tools for assessing and analyzing potential wage discrimination, which can be used in outreach efforts to prevent wage discrimination, as well as in more timely and effective service to persons affected by wage discrimination.

Private Sector Enforcement Initiatives

➢ Through its comprehensive strategic enforcement approach to coordinate enforcement and litigation efforts, sustained commitment to alternative dispute resolution and partnership with FEPAs, EEOC will accomplish the following:

  - continue to reduce the average time to resolve charges by reducing the inventory of private sector charges by 45% over the fiscal year 1998 year-end inventory of 52,000, reaching a goal of approximately 28,000 by the end of fiscal year 2000, with an additional $3.3 million and 65 FTEs;

  - use Alternative Dispute Resolution options, including mediations, conciliations, and settlements, in order to achieve 8,000 successful mediations by private contractors and Commission staff combined in fiscal year 2000;

  - support FEPAs at a level of $29.0 million, which sustains the $1.5 million increase approved for fiscal year 1999; and

  - increase strategic litigation efforts to address egregious discrimination practices, protect the public interest, and respond to the need to establish guidance through the courts in areas where unclear or contradictory decisions are present. The EEOC projects a 22% increase in its active litigation caseload, as compared with fiscal year 1998–an increase from 745 cases to 906 cases. A share of these cases will address multiple aggrieved parties issues, for example, by consolidating charges against the same employer within a given geographic area, which provides an expedited and coherent approach to employers with multiple charges.

Public Sector Enforcement Initiatives

➢ With an additional $4.0 million and 46 FTEs, requested for the public sector program, EEOC will make significant progress in achieving its long-term goal of reaching parity in service to federal employees, as compared to their private sector counterparts. With the requested increase, EEOC will:

- reduce the time federal employees wait for hearings from 17 months to 13 months; and,
- enable the Commission to hear appeals in 17 months, rather than 23 months.

While the EEOC is making steady progress in reducing waiting times with increases granted in fiscal year 1999, a further increase in fiscal year 2000 is needed to continue these reductions. If additional funds are not forthcoming, EEOC projects that the average processing time for hearings will climb to 53 months by fiscal year 2008 and appeals will take an average of 61 months to process in fiscal year 2008. In addition to the time federal employees must wait for hearings and appeals at EEOC, they must wait an average of 659 days for an agency decision, for a total of 1,317 days to resolve a charge in the federal sector as compared with 310 days in the private sector.

Technology Initiatives

➢ The $6.0 million and 35 FTEs requested for fiscal year 2000 are essential to sustain and continue progress made in fiscal year 1999 in modernizing technology in the workplace to better serve our customers through improved staff efficiency. Increases will accomplish the following:

- extend deployment of the wide-area network (WAN), required to link all EEOC field and headquarters offices, to 25 area and local offices. EEOC plans to extend the WAN to its 24 District Offices in fiscal year 1999, and needs to complete the job in fiscal year 2000. By the beginning of fiscal year 2001, EEOC will finally have achieved connectivity nationwide among its employees;

- extend desktop Internet access to area and local office employees, enabling them to conduct on-line research and share information electronically with federal employees in other agencies and with our stakeholders and customers;

- refresh existing desktop tools, including the replacement of outdated PCs and printers, by using a four-year life cycle model to keep up with the operational requirements of new technologies;

- continue development of major systems for the management of personnel, financial, and program information for both the public and private sector programs. System integration is also a major objective, requiring careful planning and coordination across systems; and,

- expand support and enhancement to users and information systems, including training employees in the use of new technology tools and applying technology to improve work efficiency. Enhance centralized management to sustain and support newly deployed technology and systems.

INTRODUCTION

Background

The work of the U.S. Equal Employment Opportunity Commission (EEOC or the Commission) remains as vital and necessary today as when the Commission was originally established by Title VII of the Civil Rights Act in 1964. Providing for workplaces free from discrimination and enabling equal access to employment opportunities for all Americans are the founding ideals upon which Title VII of the Civil Rights Act was passed by Congress in 1964. These ideals are also firmly embedded in the other federal employment discrimination laws for which the Commission is responsible (the Age Discrimination in Employment Act, the Equal Pay Act, Section 501 of the Rehabilitation Act, and the Americans with Disabilities Act). The EEOC, therefore, is entrusted to provide federal leadership in identifying and responding to the changing employment needs, opportunities, and challenges of the nation.

As a leader on national employment discrimination issues, the Commission will strive to become the premier civil rights organization in the 21st century. Towards this end, the Commission has launched numerous initiatives aimed at improving its ability to serve the American public in the manner it deserves and expects. To sustain and advance this progress, however, requires that sufficient funds be provided for all costs associated with performing the work of the Commission. These include costs linked to hiring new staff, sustaining existing staff, and keeping up with inflationary costs for goods and services.

The Commission's fiscal year 2000 budget request has also been developed to achieve a balance in service to all segments of the public and to promote voluntary compliance through partnerships and outreach to stakeholders. All increases have been linked to forge a comprehensive enforcement and customer service approach to every segment of the Commission's work agency-wide. Because the **Comprehensive Strategic Enforcement Model** is an approach spanning and linking all the Commission's proposed initiatives for fiscal year 2000, adequate funding for each element will determine the strength of each link, as well as its overall effectiveness. The Commission is seeking to achieve significant improvements in service and economies of scale by implementing a well-honed strategy of mutually reinforcing pieces that encompass all Commission work activities, each one essential to fair, efficient, and effective programs agency-wide.

Budget Presentation

The Commission has crafted a budget request that minimizes, to the greatest extent possible, the effects of undercapitalization in fiscal year 1999 and maximizes the benefits to be achieved through investment in a Comprehensive Strategic Enforcement Model built on a commitment to fair and efficient programs. The Commission's fiscal year 2000 Budget Request presents the state of equal employment opportunity in America today. Through the use of programmatic highlights and real-life examples of the difference EEOC makes in the lives of Americans, it becomes clear that additional support is necessary to further improve the strategic enforcement of the nation's anti-discrimination laws.

The increases sought by the Commission in fiscal year 2000 are integrally linked. This approach permits the Commission to deliver comprehensive results in the most cost-efficient and effective manner possible. In each area where an increase is being requested, the Commission articulates the benefits to be derived from additional funds, along with accomplishments to date.

Supporting documentation related to Commission operations is provided in the ***Appendices*** section to this fiscal year 2000 budget submission, including detailed information on the Education, Technical Assistance, and Training Revolving Fund; object class schedules; general statement of laws; organizational chart; vision statement for financial management; and the entire text of the Commission's Fiscal Year 2000 GPRA Annual Performance Plan can be found here.

The Budget Request has been structured to reflect three major results-oriented objectives to be achieved by the Commission in its $312.0 million request for fiscal year 2000:

Improving Service to the Public Through Executive Direction and Support

Under ***Improving Service to the Public Through Executive Direction and Support***, the Commission conveys its plans for harnessing the potential of technology and the benefits to be derived from investing in a sound, fully integrated technological infrastructure. A discussion on ways to equip Commission staff to better serve the public through training and employee development is presented. Improvements in the Commission's use of data collection, analysis, and reporting is also discussed. Finally, support needed to ensure that the Commission produces and disseminates up-to-date interpretive guidance on EEO-enforced laws is enumerated.

Enforcing EEO Laws Through a Comprehensive Enforcement Program

In the section on ***Enforcing EEO Laws Through a Comprehensive Enforcement Program***, the Commission describes its strategic approach to integrate the agency's work through a **Comprehensive Strategic Enforcement Model**. The Model will provide a new paradigm for EEOC staff to work together as a team to achieve results. Within this section, the entire range of the Commission's enforcement work is presented, including discussions on enhanced legal/investigative coordination, proposed activities for a new Equal Pay Initiative; charge resolution and inventory management activities; legal issues and caseloads; state and local program activities; and strategies for addressing federal sector workloads.

Improving Service to the Public by Promoting the Prevention of Employment Discrimination in the Federal and Private Sectors

Activities related to the Commission's prevention efforts are depicted under ***Improving Service to the Public by Promoting the Prevention of Employment Discrimination in the Federal and Private Sectors***. This critical element of the Commission's **Comprehensive Strategic Enforcement Model** articulates strategies for building stronger relationships with the Commission's partners in the public and private sectors, including the business community, private bar, civil rights groups, unions, and other employee groups through outreach programs to educate, train, and provide technical assistance to increase voluntary compliance with anti-discrimination laws. Efforts to forge stronger relationships with small business and under served communities are discussed, as well as information on the Commission's Education, Technical Assistance, and Training Revolving Fund activities.

SALARIES AND EXPENSES

Improving Service to the Public Through Executive Direction and Support

Program Highlights

The Commission will focus its executive direction and support on achieving program goals, as part of its **Comprehensive Strategic Enforcement Model**, as discussed below.

➢ To integrate technology into modernized EEOC operations, the agency will sustain and continue progress made in fiscal year 1999 in modernizing technology in the workplace. With an increase of $6,000,000 and 35 FTEs in fiscal year 2000; EEOC will:

- continue development of the Integrated Mission System which consolidates EEOC's major mission-related information systems into a single, shared database that will improve functionality and expand employee access;

- modernize information systems for financial management, personnel, and general operations;

- expand support and enhancement to users and information systems, including training employees in the use of new technology tools and apply technology to improve work efficiency; and,

- increase staffing for centralized management and field computer technicians needed to sustain and support newly deployed technology and systems.

➢ The agency will continue to invest in its employees through training, partnership, team-based approaches, and customer-based principles.

➢ EEOC will continue efforts to develop data collection and analytical systems which will enable the agency to provide meaningful data for decision making and reporting as part of the agency's initiative to improve customer service.

- The agency will continue to issue timely and up-to-date interpretive regulatory and policy guidance to help both employers and employees better understand their rights and responsibilities under the laws that EEOC enforces.

Integrating Technology into EEOC Operations

The fiscal year 2000 budget submission requests an increase of 35 FTEs and $6.0 million to sustain and continue progress made in fiscal year 1999 in modernizing the Commission's technology so that it may better serve our customers through improved staff efficiency. With funds requested, the EEOC will:

- Complete deployment of the wide-area-network (WAN) to allow all offices in the Commission to begin to communicate electronically nationwide.
- Extend desktop Internet access to all employees to enable the Commission staff to utilize this valuable resource.
- Continue development and integration of major systems for the management of personnel, financial, and program information for both the public and private sector programs.
- Expand support and enhancement to information systems and users, including training employees in the use of new technology tools and the application of the technology to improve work efficiency.

Information Technology Results Expected

The Commission must effectively use information technology (IT) to increase staff efficiency, reduce charge inventory, and improve service to customers. With the fiscal year 1999 technology resources and the additional 35 FTEs and $6.0 million requested for fiscal year 2000, the Commission expects to accomplish the following:

- ➢ Provide Commission employees with standardized, state-of-the-art desktop tools to facilitate productivity in their daily activities.

- ➢ Implement a sound telecommunications infrastructure to increase team work between offices and allow the expeditious sharing of information, resources, and expertise nationwide.

- ➢ Utilize the Internet to facilitate research and promote information exchange with our private and federal-sector colleagues, partners and customers.

- ➢ Develop integrated information systems to support the management of the Commission's corporate information and to provide Commission employees with nationwide data to ensure the efficient processing of federal and private-sector allegations of employment discrimination.

The EEOC's Information Resources Integration and Modernization Program (IRIMP) was initiated to improve the Commission's IT capabilities by applying a strategic approach that conforms to business and program priorities. This technology improvement program is a critical part of the Commission's **Comprehensive Strategic Enforcement Model.** The IRIMP incorporates our technology vision and principles in four interdependent initiatives, allowing the Commission to move forward in a synchronized manner to successfully achieve its program goals. These initiatives are:

I. Enhancement of Current Systems/Desktop Computing

This will sustain and enhance the capabilities of the Commission's existing information systems and provide each employee with a state-of-the-art desktop computer and software applications for processing information and preparing documents.

II. Establishment of Data Connectivity and Communications

This will establish a robust telecommunication infrastructure capable of supporting future integrated information systems and provide Commission staff with the ability to effectively communicate within and between remote office sites and with our customers. This initiative will increase team work and effective use of resources among offices through the expeditious and electronic sharing of information and expertise. It also facilitates our research capabilities and information exchanges with our stakeholders and customers.

The majority of the Commission's fiscal year 1999 technology funds have been dedicated to establishing the agency-wide IT infrastructure under IRIMP Initiatives I and II. The major milestones achieved in fiscal year 1999 will require fiscal year 2000 funds for completion and continuation.

III. Integration of Information Systems

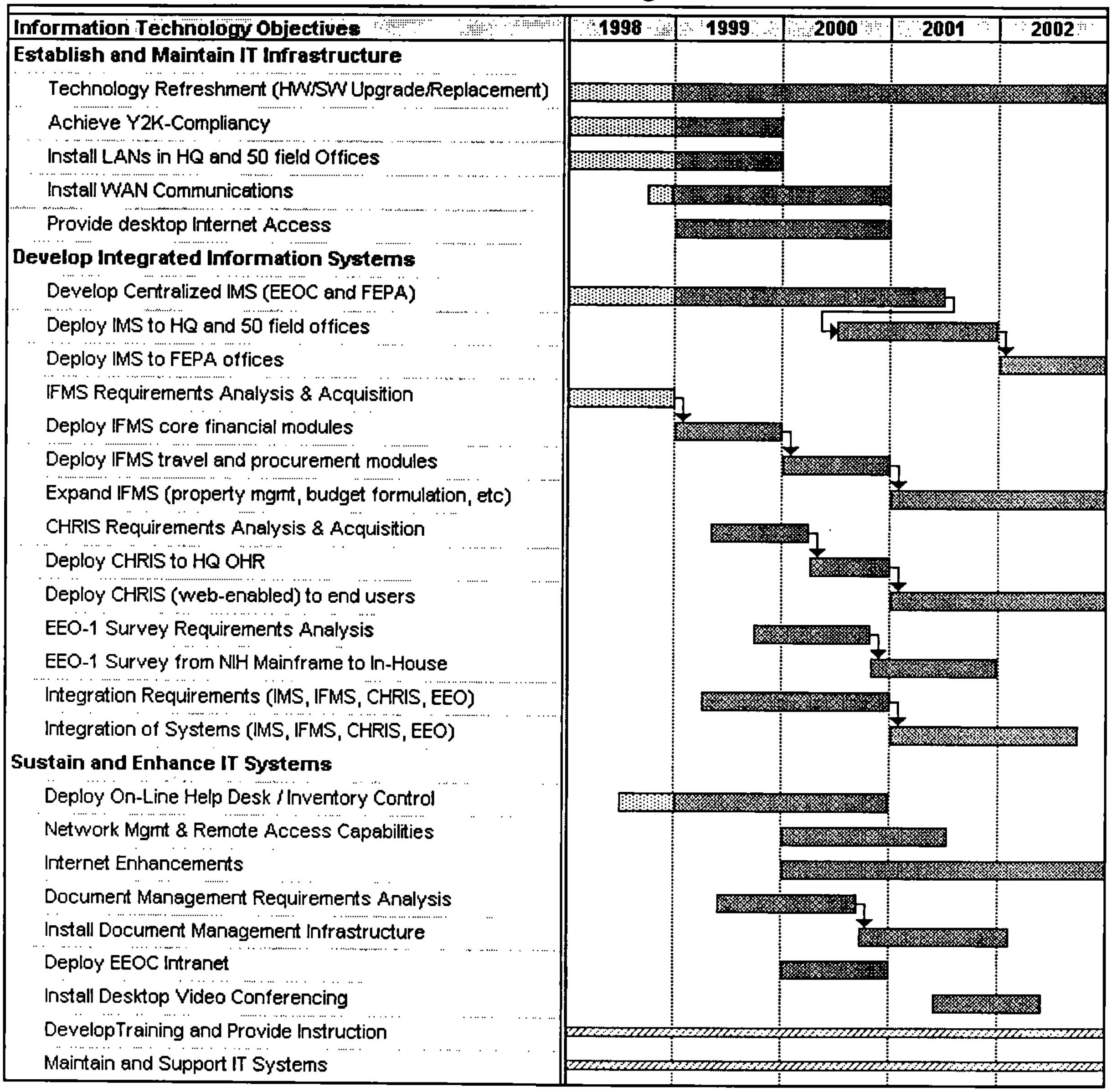
With the fundamental IT infrastructure in place, the Commission's IT efforts will move toward integration of systems. Therefore, a third objective is to plan, design, develop or acquire effective and integrated information systems to support the management of the Commission's corporate information. Four modernized information systems are planned for fiscal year 2000: 1) continued development of an Integrated Mission System (IMS) to consolidate into a single shared resource the data and functionality of all charge and case-related systems; 2) full implementation of an Integrated Financial Management System (IFMS); 3) deployment of a new Comprehensive Human Resources Information System (CHRIS) to improve the operation and management of administrative activities; and 4) development of an information system for the management of federal EEO hearings and appeals.

IV. Provisions for Support Services

This initiative will provide efficient customer services through timely and expert computer support, and enhance the computer knowledge/skills of EEOC end-users and technical staff through quality training. Proper training and support are key elements prior to deployment of new information systems to assure that Commission staff fully utilize the new technologies to facilitate their daily work.

Rapid deployment of new technologies requires additional staff in headquarters and field offices (35 positions) to address these challenges and further strengthen our IT structure. The Five-Year IT Strategic Plan is provided in Figure 1 on page 21.

Figure 1
Five-year IT Strategic Plan



Legend: = Activity primarily used funding from savings in other areas

= Activity based on current and projected funding to carry out five-year IT strategy

= Support Activity (tied to all Activities displayed above)

Workplace Management, Support and Training

There are several internal activities that affect the agency's ability to perform its mission-related work as efficiently and effectively as possible. One of the most important of these activities is the Commission's labor-management partnership efforts. EEOC staff have worked diligently over the past several years to build a partnership that promotes performance of the Commission's work in the most productive and effective manner. Through partnership, the Commission has involved all its employees in identifying problems and crafting solutions to better serve the agency's customers and mission. The goodwill, teamwork, and trust that has developed is creating a climate in which all EEOC employees have a vested interest in how well the Commission performs its work.

Training and employee development continue to play a critical role in enhancing the effectiveness of our employees in achieving the agency's mission and goals. EEOC's commitment to promoting equal opportunity through enforcement of federal civil rights employment laws can only be carried out by investing in agency staff.

In the past two fiscal years, a comprehensive needs assessment was conducted for all agency employees. By establishing three-year individual development plans and updating them annually, offices are better able to assess employee training needs. Annual training plans prioritize those needs and present strategies for addressing training and developmental activities to enhance skills relevant to employees' primary job duties and responsibilities.

Training is accomplished through specialized training acquired from external vendors or through attendance at professional conferences, as well as through various cost-effective training programs onsite that are developed to meet the diverse needs of staff. Annual training conferences, workshops and train-the-trainer programs are developed and delivered by EEOC staff to address information technology development needs and specialized development programs for investigators, attorneys, and mediators. This multifaceted approach to providing training to agency employees has helped to ensure that quality training is provided to make maximum use of limited funds. During fiscal year 2000, the agency is committed to continue this effort to ensure employee effectiveness and quality customer service to the public.

Also within this function, the Commission is working to implement initiatives aimed at improving its own EEO processes. One initiative is the further development of an internal Alternative Dispute Resolution program to address internal employee grievances in a way that will have the least impact on agency operations and mission achievement. This initiative, which began in fiscal year 1996, assures the vigorous enforcement of EEOC's internal EEO program by providing a forum in which workplace disputes can be resolved before they rise to the level of formal complaints and where formal complaints can be resolved in the most effective manner. This program enables the Commission to focus its resources on mission-related work rather than EEO complaint processing and other conflict management.

Data Collection, Analysis, and Reporting

Accurate and reliable program data collection, analysis and reporting are essential to sound management decisions at every level of the organization. As part of the agency's overall reinvention efforts, significant improvements are expected in fiscal year 2000 in the development of meaningful data collection and analytical systems for decision making, allocation of resources, and reporting, including reports required under the Federal Managers' Financial Integrity Act (FMFIA).

Legal Policy Guidance

An important part of the Commission's efforts to encourage and facilitate voluntary compliance with federal employment discrimination laws is accomplished through the issuance of interpretive regulatory and policy guidance. These guidances, which are written to the greatest extent possible in plain English and are accessible through the Commission's Internet web site, are designed to help both employers and employees better understand their rights and responsibilities under the laws for which EEOC has enforcement responsibility. They also provide clear direction to Commission staff as they investigate, conciliate, and litigate cases. Moreover, these guidances are a vital feature of the Commission's technical assistance and training functions, providing stakeholders and EEOC staff with the most current and accurate information on EEOC-enforced laws. During fiscal year 2000, the agency will continue its efforts to provide the public and EEOC staff with timely and up-to-date interpretive guidance on EEOC-enforced laws.

GPRA Annual Performance Plan Reference

The Commission's Fiscal Year 2000 Annual Performance Plan is in Appendix E to this Budget Request. In the Plan, performance measures pertaining to *Improving Service to the Public Through Executive Direction and Support* are on pages 25-30.

SALARIES AND EXPENSES

Enforcing EEO Laws Through a Comprehensive Enforcement Program

PRIVATE SECTOR ENFORCEMENT

Program Highlights

As part of the Commission's **Comprehensive Strategic Enforcement Model**, the EEOC will carry out the following initiatives by engaging in a Comprehensive Enforcement Program in the private sector:

➢ Implement a team-based joint enforcement/litigation strategy to focus on results, such as early identification of A, B, and C track charges through the agency's Priority Charge Handling Procedures (PCHP); referral of charges to mediation; timely completion of thorough investigations and cause findings where warranted; and, where efforts to conciliate fail, preparation of sound cases for litigation focused on significant instances of discrimination in the workplace.

➢ With an additional $3.3 million and 65 FTE for the team-based Comprehensive Enforcement Program, EEOC will improve service to the public by reducing the year-end charge inventory to approximately 28,000, enabling the Commission to resolve most charges within 180 days.

➢ With an additional $10.0 million and 4 FTE, EEOC will launch the nation's first major effort to eliminate wage discrimination since passage of the Equal Pay Act in 1963, through the President's Equal Pay Initiative. The additional resources will fund the following enforcement-based initiatives:

- EEOC's investigative and legal staff will receive comprehensive training nationwide on identifying and analyzing wage discrimination; and,

- computer-based tools will be developed for assessing and analyzing potential wage discrimination, which can be used by EEOC staff as well as by employers.

The $10.0 million Equal Pay Initiative also funds a national education and technical assistance program described in the section, "Improving Service to the Public by Promoting the Prevention of Employment Discrimination in the Federal and Private Sectors" starting on page 63.

➢ Fully utilize Alternative Dispute Resolution to achieve 8,000 successful mediations by private contractors and Commission staff combined in fiscal year 2000.

➢ Increase strategic litigation to address egregious discrimination practices, protect the public interest and respond to the need to establish guidance through the courts where unclear or contradictory decisions are present. EEOC projects a 22% increase in its active caseload, as compared with fiscal year 1998, to 906 cases.

➢ Strengthen partnerships with State and Local Fair Employment Practice Agencies (FEPAs) by sustaining the fiscal year 1999 contract level of $29.0 million to resolve approximately 53,600 charges.

Major Initiative—Team Based Enforcement/Litigation

A Team-Based Enforcement/Litigation Strategy
Enhances Staff Performance
to Provide Fair and Effective Service to the Public

With an additional $3.3 million and 65 FTEs, EEOC will apply a team-based comprehensive enforcement strategy to deliver fair and effective service to the public. The EEOC will:

- Reduce the charge inventory by 45% between the end of fiscal year 1998 and the end of fiscal year 2000.

- Resolve most private sector charges in 180 days. It will not be possible to resolve all charges within six months for a variety of reasons. For example, charges raising complex legal or factual issues often take longer to complete.

- Address the challenges of a more complex workload. With charge prioritization, the workload has changed dramatically—from more than 18,000 (19%) of Category C, non-meritorious charges, open at the end of fiscal year 1995, to a current inventory with proportionately more charges with potential violations and more complex issues. The top priority charges—where violations are likely—now represent a greater proportion of the work, increasing from 11% of the open inventory in fiscal year 1995 to approximately 29% of the inventory currently. Conversely, the Category C charges now comprise only about 4% of the pending work.

The Comprehensive Enforcement Program effectively integrates EEOC's existing Priority Charge Handling Procedures, which provide for prioritizing the work in relation to the relative merits of charges filed, and the agency's National Enforcement Plan, which guides EEOC's strategic efforts in enforcing the laws. The Comprehensive Enforcement Program not only further maximizes use of these two tools, but also forges a more cohesive working relationship between investigators and legal unit attorneys.

EEOC recognizes that collaboration between investigators and legal unit attorneys is pivotal to the agency's success-to provide effective outreach, education and technical assistance where needed, to work together to more expeditiously and effectively resolve charges, and to enforce the laws when employers do not voluntary take corrective action. The Comprehensive Enforcement Program will strengthen the relationships between these two functions so that communication is more open and frequent and attorneys will be available to provide the legal advice and assistance necessary to resolve charges more expeditiously.

Closer coordination is especially important as the composition of EEOC's workload has changed and a higher proportion represent substantive, meritorious charges. The profile of the agency's charge inventory has shifted dramatically, since the Priority Charge Handling Procedures were implemented in mid-1995. By the end of 1995, EEOC's inventory had been classified into "A, B, and C" categories; and, at that time, "C"—non-meritorious charges—represented nearly 20% of the inventory, "B" charges (those that appear to have some merit but need more investigation) represented about 65%, and "A" charges (those with clear merit which will receive priority investigative and settlement efforts), represented only 11% of the workload. Since the end of fiscal year 1997, the composition of the agency's workload has remained fairly constant, showing a significant reduction in "C" cases to less than 4%, a modest increase in "B" cases to nearly 69%, and a substantial increase in "A" cases, to 24%. Clearly, greater effort is required to investigate and settle the 93% of the agency's workload that represents potentially meritorious charges, thus making close collaboration between investigatory and legal staff critical.

The Comprehensive Enforcement Program also incorporates results-oriented measures that promote greater legal/administrative enforcement interaction resulting in a comprehensive, quality approach to enforcement.

Major Enforcement Initiative—Equal Pay Initiative

The Administration's Equal Pay Initiative
Focuses on Closing Wage Gaps to
Improve the Well-Being of American Families

With a portion of the $10 million increase for the Equal Pay Initiative, which also funds 4 FTEs, the EEOC will launch a major effort to expand opportunities for women and minorities and close the wage gap affecting millions of families dependent on their earnings. This is the agency's first focused effort to address wage discrimination since transfer of the Equal Pay Act to EEOC in 1979. Wage discrimination affects broad numbers of women and minorities in the workplace. During fiscal year 1998, EEOC received approximately 6,200 wage related claims--about 8 percent of the total charges received. Women file approximately 60 percent of wage related claims, and nearly half of all wage charges also allege race discrimination.

EEOC will train all of its professional enforcement staff, including investigators, attorneys, and their supervisors and managers so they will have the skills to identify at intake and properly analyze and investigate complex pay discrimination issues, thus improving enforcement of the law and substantive relief to aggrieved parties. Resource limitations have prevented EEOC from conducting Commission-wide training on pay discrimination, despite the enormous value to its mission.

Additional funds for the Equal Pay Initiative will also enable the Commission to:

- Upgrade technology to analyze potential cases of compensation discrimination. EEOC needs additional technology to enable staff to conduct wage analyses, including software in all district offices and headquarters, and a PC-based system for field staff to access EEO-1 and EEO-4 surveys data, retrieve forms and relevant comparable aggregate data, and run statistical test comparisons.

- Identify compensation discrimination issues in substantially more charges than the agency does presently, through:

    - better analysis of charges both at intake and during the investigation;

    - focus on charges alleging discriminatory assignment and promotion to determine if wage discrimination issues also exist; and,

    - better quality investigations on claims of compensation discrimination.

These analytic tools can also be used in outreach, technical assistance and training programs to assist employers in correcting wage discrimination issues voluntarily. The outreach and educational component of the Equal Pay Initiative is discussed in further detail in the section, "Improving Service to the Public by Promoting the Prevention of Employment Discrimination in the Federal and Private Sectors" starting on page 63.

Private Sector Enforcement Results

Private Sector Enforcement Program
Results Show Steady Charge Inventory Declines

EEOC's private sector charge workload and charge resolutions for fiscal years 1998 through 2000 are shown in Table 1, on page 30. The Commission continues to build upon the remarkable record of the last few years–between June 1995 and September 1998, the charge inventory has declined by more than 50 percent. A further 45 percent reduction by the end of fiscal year 2000 will reduce the inventory to approximately 28,000—the lowest inventory level since 1971.

Table 1
Private Sector Enforcement
Inventory Projections

WORKLOAD/ WORKFLOW	FY 1998 Actual	FY 1999 Estimate	FY 2000 Estimate With Additional Staff	FY 2000 Estimate Without Additional Staff
Total Pending Charge/Complaints*	64,333	52,011	44,185	44,185
Total Receipts	79,591	80,000	80,000	80,000
Net FEPA Transfers/Deferrals	9,557	10,187	10,817	10,817
TOTAL WORKLOAD	**153,481**	**142,198**	**135,002**	**135,002**
Resolutions				
Mediation Successes	1,631	5,290	8,105	8,105
From Contract	1,631	3,047	4,063	4,063
From Staff	---	2,242	4,043	4,043
Administrative Enforcement Resolutions	99,839	92,723	98,440	92,398
TOTAL RESOLUTIONS	**101,470**	**98,013**	**106,545**	**100,503**
Charges/Complaints Carried Into Next Fiscal Year	52,011	44,185	28,457	34,499

*** Pending beginning adjusted to reflect refinements in charge process reports. Tables may not add due to rounding.**

Highlights of Commission Performance in Addressing Charges of Discrimination

- For the third consecutive year, field offices resolved record numbers of charges of discrimination-totaling 101,470 during fiscal year 1998.

- EEOC's average charge resolution time continues to decline, from 365 days at the end of fiscal year 1997, 310 days at end of 1998, and to 244 days at the end of the first quarter of fiscal year 1999.

- EEOC's prioritized approach to charge resolution permits resources to be devoted to those charges where discrimination is likely and minimizes the time and resources spent on charges without merit.

Examples of Successful Settlements Using Expedited Priority Charge Handling Procedures

- A district office resolved four charges of discriminatory discharge within 90 days after the charges were filed. Three black males and a black female had been discharged and replaced with subordinate non-black employees. The employer alleged that the employment terminations were made for cost-effective reasons. The charges were prioritized for investigation, and the resulting negotiated settlement provided a total of $445,000 to the four charging parties.

- In an ADA case, an employer had created a "graveyard" shift to accommodate employees injured on the job without any attempt to accommodate them in their regular jobs or shifts. The employees were abused by supervisors on this shift. Some were discharged for alleged infractions or infractions for which they would not have been disciplined previously. Others had to resign because of family obligations or transportation problems. Their union filed suit on behalf of some of these individuals, but EEOC's continued investigation of 172 affected persons found "cause" for others not included in the union's lawsuit. The magistrate hearing the suit invited EEOC to participate in a settlement conference, which resulted in monetary remedies of $1.9 million for charging parties and revised policies and practices to assure ADA compliance in the future.

- In another instance of class discrimination, a district office's negotiated settlement of a charge with multiple aggrieved parties will provide significantly expanded job opportunities at a major corporation for African Americans and women who had experienced race and sex discrimination in hiring and promotion to upper level management, and wage discrimination against females. This employer projected massive expansion over the next few years, so the settlement also provided a means to open opportunities for class members in management and top level positions at corporate headquarters and 700 national facilities.

  The settlement provides for comprehensive local, regional and national recruitment of qualified African American and female candidates for upper level positions; an intern program; "bridge" positions to be expanded when employees covered by the settlement are well represented in "feeder" positions; a tuition assistance program; an annual internal wage review; EEO training for all management staff; and, monitoring of all hires and promotions into management and upper level positions during the term of the agreement.

Mediation Program Provides Alternatives to Traditional Processes for Resolving Charges

EEOC will continue its expanded mediation program in fiscal year 2000. Beginning in fiscal year 2000, EEOC expects to mediate approximately 16,000 charges and to successfully resolve at least 8,000 each year. The agency will evaluate the success of the program and make any necessary adjustments by obtaining feedback from participants and by making assessments of the program's overall effectiveness.

EEOC's mediation program is a voluntary process that provides an opportunity for the parties to a charge to resolve the matter amicably and quickly. EEOC began to pilot mediation programs beginning in 1991 and piloted several models in its field offices through fiscal year 1996. Because of limited resources, the program relied primarily on the use of pro-bono mediators, supplemented with a few EEOC staff. In 1996 the agency also entered into a

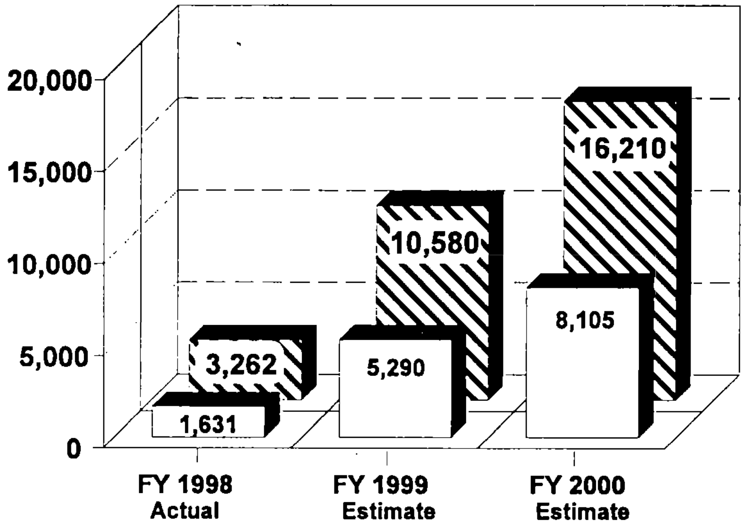
Memorandum of Understanding with the Federal Mediation and Conciliation Service to provide mediation services on a small scale, to supplement the agency's in-house and pro-bono programs. By fiscal year 1997, all field offices had a mediation program that was operational, albeit small. The mediation program was funded in the agency's fiscal year 1999 appropriation, and EEOC has now made the necessary changes and refinements to its charge resolution processes to fully integrate mediation as a charge resolution tool.

Because of the start-up time involved in executing contracts for outside mediators and hiring of EEOC's internal staff, the agency will not begin to see results of the expanded program that was funded for fiscal year 1999 until after the second quarter. The agency has now hired staff and executed contracts for outside mediators. A major public relations effort is underway to publicize the benefits of using mediation and to encourage its use by both employers and workers. These publicity and educational efforts include conducting open houses in all of EEOC's district offices and headquarters, as well as dissemination of informational literature and videos to appropriate groups and individuals.

Mediation Program Results
Show that Both Employers and Workers Benefit

➢ During fiscal year 1998, still using mostly pro-bono mediators, EEOC resolved over 1600 charges through mediation (see Figure 2 on page 34). Mediations result in a variety of benefits-tangible and intangible-for both parties, including expedited resolution, more amicable agreements, and clearer understanding of the issues. In the area of monetary benefits, EEOC field offices reported nearly $17 million that went to individual charging parties who elected to have their charges mediated.

Figure 2
Total Mediations/Resolutions
Fiscal Years 1998 — 2000



Total Mediations	3,262	10,580	16,210
Mediation Resolutions	1,631	5,290	8,105

➢ The average resolution time from charge filing to final mediated resolution is much shorter than other resolution processes—175 days.

➢ Results of EEOC's mediation program are very encouraging and include effective resolution of charges filed against both small and large employers, spanning a variety of issues. As demonstrated in the following examples, both employers and charging parties are finding mediation can provide meaningful resolution to workplace discrimination allegations.

- A charging party in a recent mediation success commented on the participant's evaluation form, "I am truly appreciative of all the time and effort that has been put into my case. You have rebuilt some trust for me in federal offices. I cannot thank you enough."

- One district office obtained a mediated agreement with a major oil refining company and their company officials praised the mediation process and its outcome. "I was very satisfied with the process, and I think all managers would agree," said the company's General Counsel. "(T)he outcome exceeded what could have been done through the court system."

- In another district, a charging party who had satisfactorily worked for the company for more than five years, and two other Hispanic employees were discharged following institution of a new English proficiency requirement. The company contended that the requirement was necessary for production, safety and communication needs. The employees were not notified of the requirement before they were fired, and the charging party's records showed no safety infractions or problems due to poor communication. EEOC's mediation of this case produced a broad settlement that was publicly praised by the company.

Private Sector Litigation Program

Highlights

➢ In fiscal year 2000, the EEOC projects a 22% increase in its year-total litigation work load as compared with fiscal year 1998 - an increase from 745 to 906 total cases. This expanded work load will consist of increased strategic efforts to address egregious discrimination practices, protect the public interest, and seek clarification through the courts in areas where the requirements of the law are uncertain.

➢ In fiscal year 2000, EEOC will also continue to improve its overall efficiency and impact by steadily increasing the proportion of cases filed that address the claims of multiple aggrieved persons or which challenge discriminatory policies affecting a number of employees. While individual suits will continue to play a significant role in the formulation of the overall litigation program, the strategic approach pursued by EEOC is expected to increase the proportion of "multiple aggrieved party/policy" lawsuits from 30% of the total suits filed in fiscal year 1998 to 36% in fiscal year 2000.

➢ EEOC will achieve these goals through the **Comprehensive Strategic Enforcement Model**. As applied to legal enforcement, the implementation of this approach will maximize the interaction and collaborative efforts of Commission attorneys and investigators in a way that results in more thorough investigations, more meaningful remedies in complex charges, and the most significant litigation impact if an investigation uncovers discrimination and conciliation efforts fail.

The Office of General Counsel (OGC) was established by the Equal Employment Opportunity Act of 1972. This statute amended Title VII of the Civil Rights Act of 1964 (Title VII) in a number of respects. Most importantly, it gave the Commission authority to file suit where it has found reasonable cause to believe Title VII has been violated and has been unable to obtain an acceptable conciliation agreement. The 1972 Act provided for a General Counsel, appointed by the President and confirmed by the Senate, with responsibility for conducting the Commission's litigation. In 1978, authority for enforcement of the Equal Pay Act and the Age Discrimination in Employment Act was transferred from the Department of Labor to the EEOC, and the General Counsel was vested with responsibility to conduct Commission litigation under those statutes. With enactment of the Americans with Disabilities Act (ADA) in 1990, the General Counsel was given responsibility for Commission litigation under the employment provisions of that statute.

OGC has an appellate unit that handles all appeals involving Commission litigation in United States Circuit Courts of Appeals. Appellate attorneys also represent the EEOC when it participates as an *amicus curiae* in private litigation in order to provide courts with the Commission's position on important legal issues. Most of the Commission's *amicus* participation is in federal circuit courts of appeals, but some is in federal district courts and some in state courts. All Commission litigation in the United States Supreme Court is conducted by the Solicitor General, but OGC participates in the preparation of briefs in those cases.

OGC has legal units in 23 of the Commission's 24 District Offices. Each legal unit is supervised by a Regional Attorney who reports to the General Counsel. Commission field offices without permanently assigned attorneys are visited regularly by attorneys from the District Office with jurisdiction over the area. OGC attorneys in the field have two main areas of responsibility: assisting with the EEOC's administrative processes and conducting the EEOC's litigation. The **Comprehensive Strategic Enforcement Model** contemplates that a sufficient number of OGC legal staff are available both to litigate significant cases and, at the same time, assist Commission investigators and perform other non-litigation functions.

Participation by Attorneys is Critical to the Success of the Comprehensive Strategic Enforcement Program

Attorneys play a significant role in the entire panoply of private sector activities. EEOC attorneys dedicate over 20% of their time to administrative charge resolution activities, addressing over 7,000 enforcement matters in fiscal year 1998. Assistance to investigators encompasses a number of different functions, including:

- assisting with charge prioritization;
- legal advice on novel or complex issues;
- development of investigation strategies;
- review of administrative subpoenas;
- assisting with witness interviews, on-site investigations, and document reviews in complex cases;
- review of proposed findings of discrimination; and,
- assisting with conciliations where appropriate.

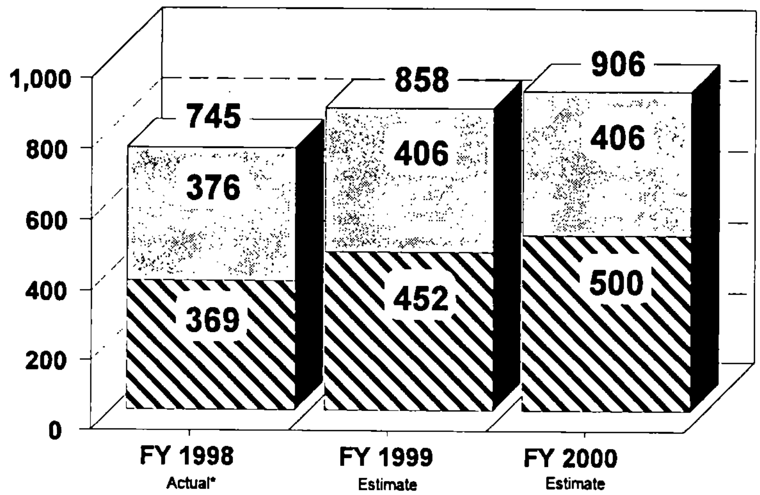
EEOC attorneys appear in court on such activities as enforcing investigative subpoenas, seeking temporary restraining orders, and representing District Office personnel called to testify in private litigation. Attorneys are also involved in internal training of personnel as well as in outreach efforts by way of public contacts, participation in Technical Assistance Programs (TAPS), networking with the bar, and making presentations at various seminars and conferences. Legal staff are also responsible for EEOC's Freedom of Information Act (FOIA) activities, responding to thousands of requests annually.

Litigation Program Results

Through the **Comprehensive Strategic Enforcement Model**, EEOC expects to continue to increase the level of litigation activity it has achieved in recent years (see Figure 3). EEOC attorneys handled a total of 745 lawsuits throughout the course of fiscal year 1998. This total work load included the 369 cases pending at the beginning of the fiscal year, and 376 additional substantive lawsuits filed during the year, excluding subpoena enforcement actions and temporary restraining orders.

- For fiscal year 1999, EEOC attorneys will carry a projected total work load of 858 lawsuits at various stages of litigation during the course of the fiscal year. This total will include the 452 pending lawsuits carried over into the fiscal year, and 406 cases expected to be filed by the end of fiscal year 1999 (with 12 additional attorney FTEs funded in the fiscal year 1999 budget, EEOC expects an 8% increase in the number of new suits filed to 406) (see Figure 3 on page 39).

Figure 3
Active Caseload
Fiscal Years 1998 — 2000

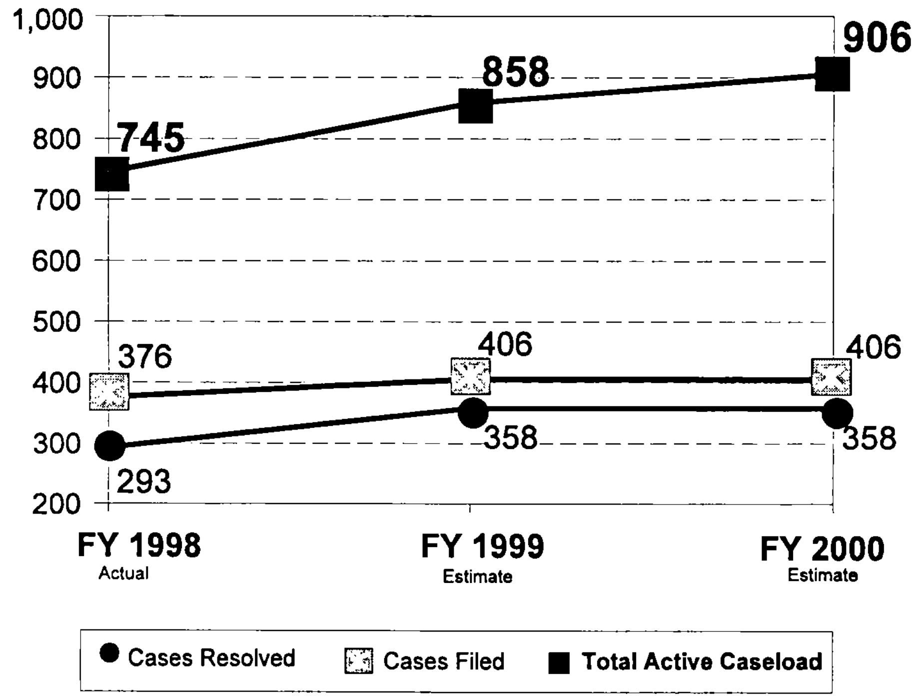


TOTAL ACTIVE CASELOAD	**745**	**858**	**906**
Cases Filed During FY	376	406	406
Cases Carried Into FY	369	452	500

*FY 1998 information is preliminary

➢ For fiscal year 2000, the legal staffing level is expected to remain constant. Consequently, it is projected that the number of lawsuits filed will remain the same as in fiscal year 1999 (see Figure 3, above). Because the number of lawsuits resolved in fiscal years 1999 and 2000, however, is projected to be fewer than the number of new lawsuits filed, EEOC anticipates an increasing number of substantive lawsuits that it will work on during fiscal year 2000. The anticipated total workload of 906 lawsuits during fiscal year 2000, represents 500 lawsuits projected to be pending at the close of fiscal year 1999 and 406 new lawsuits expected to be filed during the course of the fiscal year. Consequently, based on these projections, the number of substantive lawsuits worked on in the fiscal year will increase approximately 22% between 1998 and 2000 (see Figure 4, below).

Figure 4
Total Caseload, Cases Filed/Resolved
Fiscal Years 1998 – 2000



➢ In fiscal year 1998, EEOC filed 376 substantive lawsuits—374 direct suits and two interventions. Of these, 233 were filed under Title VII, 84 under the Americans with Disabilities Act (ADA), 38 under the Age Discrimination in Employment Act (ADEA), 3 under the Equal Pay Act (EPA), and 18 alleged violations under more than one statute. Approximately 30% of the lawsuits filed in fiscal year 1998 were filed on behalf of more than one aggrieved individual.

- For fiscal year 1998, 293 substantive lawsuits were resolved—182 filed under Title VII, 64 under the ADA, 35 under the ADEA, 2 under the EPA, and 10 alleged violations under more than one statute. The Commission recovered over $88 million in monetary benefits for victims of discrimination from these resolutions.

- In addition to the above, the Commission filed 37 legal actions involving subpoena enforcements and other litigation activities, and resolved 20 such legal actions in fiscal year 1998.

- At the appellate level, the Commission filed a total of 95 briefs during fiscal year 1998, including 56 as an *amicus curiae*.

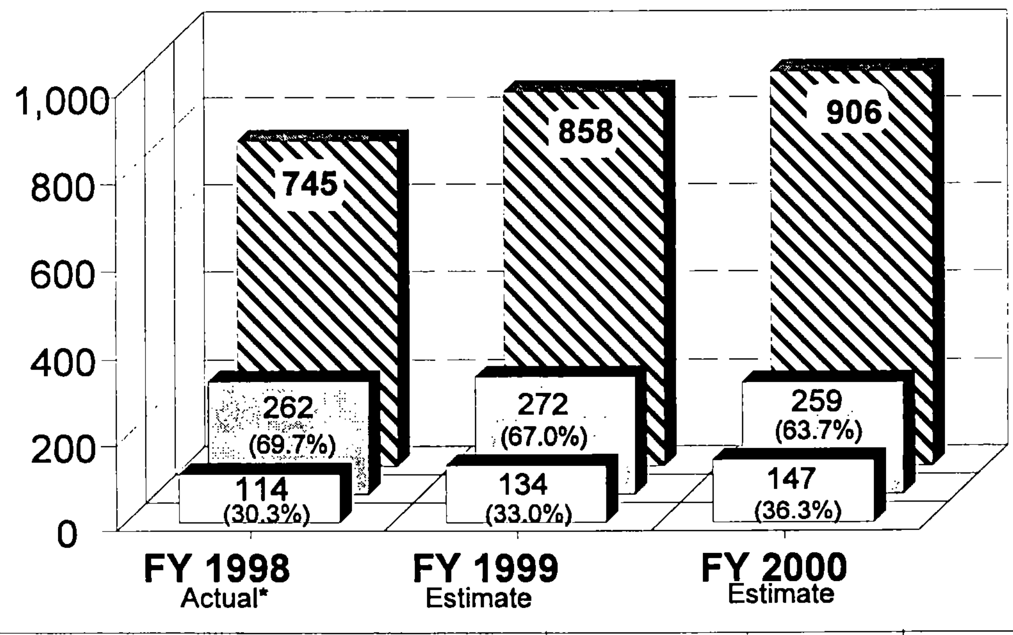
- The EEOC recognizes that the agency cannot file a lawsuit for every meritorious charge that fails conciliation. For the last two fiscal years, EEOC filed suit in about 10% of the cases failing conciliation - in fiscal year 1997, suits were filed in 299 cases out of 2,998 failed conciliations and in fiscal year 1998, 376 cases were filed of 3,350 failing conciliation. EEOC's strategic approach to enforcement and litigation will focus more on matters that most need to be addressed by looking to legal issues of importance in a particular geographic area or court jurisdiction.

- EEOC will also increase efforts in fiscal year 2000 to consolidate claims of individuals to guard against any redundancy of litigation. With this approach, the EEOC will be in a position to improve its efficiency, while increasing the effectiveness and impact of its litigation activity.

- In accordance with the Fiscal Year 2000 GPRA Annual Performance Plan, the proportion of cases filed on behalf of multiple aggrieved persons and challenging discriminatory policies is projected to increase by 10% in both fiscal year 1999 and fiscal year 2000. As shown in Figure 5 on page 42, the EEOC is estimating an increase in the proportion of such lawsuits from 30% of the total suits filed in fiscal year 1998, to approximately 33% in fiscal year 1999, and 36% of total suits filed in fiscal year 2000.

- During the first quarter of fiscal year 1999, the EEOC filed 79 substantive lawsuits. Of these, 55 were filed under Title VII, 10 under the ADA, 10 under the ADEA, one under the EPA and three alleging violations of more than one statute. The Commission resolved 70 lawsuits during this time, including 37 filed under Title VII, 14 under the ADA, 17 under the ADEA, one under the EPA and one under multiple statutes. The Commission filed 26 appellate briefs during the first quarter of fiscal year 1999, including 16 as an *amicus curiae*.

Figure 5
Types of Lawsuits Filed
Fiscal Years 1998 — 2000



TOTAL ACTIVE CASELOAD	**745**	**858**	**906**
Substantive Lawsuits Filed During FY	376	406	406
Individual Substantive Lawsuits	262	272	259
Mult.Chrgs/Dir Substantive Lawsuits	114	134	147

* FY 1998 information is preliminary

A few notable examples of the recent successes achieved by the EEOC through its field office Legal Units and the Office of Appellate Services are highlighted below:

Transforming the work environment:
Eliminating harassment in hostile work places

- A case against a major national automobile manufacturer resulted in a settlement which revamped the company's sexual harassment policy and procedures and provided $34 million in monetary relief to 300-400 women who suffered on-the-job harassment based on their gender.

- A settlement with a manufacturing company addressed racial harassment against a class of 90 African-Americans, preventing hostile actions that included graffiti, name-calling, and offensive jokes.

- A settlement with a national pharmaceutical firm provides for a non-hostile work place for a class of 13 Native Americans who were subjected to demeaning and offensive slurs and conduct relating to their heritage, culture and traditions.

- Settlements have resulted in essential injunctive relief, including such things as training and preventative approaches to discrimination issues as well as monetary compensation for affected individuals. The employer in one case, seeking to promote a more positive and productive work environment, established a $100,000 Partnership Training Program designed to improve employee relations and to enhance problem-solving skills.

- Faragher v. City of Boca Raton and Burlington Industries v. Ellerth - EEOC participated as an *amicus curiae* to advise the Court of the Commission's longstanding views. The Supreme Court's decision clarified the circumstances under which employers are legally responsible for sex harassment by their managers and the steps employers can take to protect themselves from liability.

Ensuring equal success and equal pay

- A settlement with a union established a system for gender-neutral work referrals as longshore workers, and provides 18 women with union membership, seniority rights and bonus pay going forward three years.

Curtailing national origin discrimination and retaliation on issues typically affecting Hispanics and Asian Pacific Americans

- A settlement with a health care provider resolved claims of retaliation and disparate treatment in conditions of employment. EEOC obtained relief for Hispanics by rolling back an English-only policy, removing disciplinary records from personnel files and providing monetary compensation to six persons.

Opening doors to employment for people with disabilities and parents of disabled children

- In a suit against a national retail merchant, a jury found that the merchandiser violated the ADA when it refused to hire a job applicant for a store clerk position because he uses a wheelchair, and awarded the applicant back pay, $75,000 in compensatory damages and $3.5 million in punitive damages. The compensatory and punitive damages were reduced by the court to a total of $300,000, the maximum available under the cap in the 1991 Civil Rights Act.

- EEOC successfully settled a case involving a school that denied a parent a full-time job because she had a disabled child.

Guaranteeing opportunities for able workers of all ages

- In a suit against a trucking company, a jury verdict on liability was returned in favor of the EEOC for a class of more than 150 persons, age 40 and over, who were denied jobs as truck drivers. Company interviewers commented to several applicants that they could not handle the hard work and that the jobs might be more suitable for younger drivers.

➢ Oubre v. Energy Operations, Inc. - The Supreme Court agreed with EEOC's position presented in an *amicus curiae* brief and ruled that older workers who believe they have been discharged because of their age can have their rights adjudicated under the Age Discrimination in Employment Act (ADEA) without having to first tender back any consideration they received in exchange for signing a separation waiver and release that they allege was invalid.

GPRA Annual Performance Plan Reference

The Commission's Fiscal Year 2000 Annual Performance Plan is in Appendix E to this Budget Request. In the Plan, performance measures pertaining to *Enforcing EEO Laws Through a Comprehensive Enforcement Program*, Private Sector Enforcement and Private Sector Litigation Program, are on pages 7-15.

State and Local Program

Program Highlights

In fiscal year 2000, EEOC will:

➢ Support the Fair Employment Practices Agencies (FEPAs) and the Tribal Employment Rights Offices (TEROs) at a level of $29 million, which sustains the $1.5 million increase approved for fiscal year 1999.

➢ Strengthen the relationships EEOC has forged with its state and local government and tribal partners. EEOC's partnerships with the FEPAs and TEROs are critical to the successful management of charges of employment discrimination and the protection of the employment rights of Native Americans.

Program Results

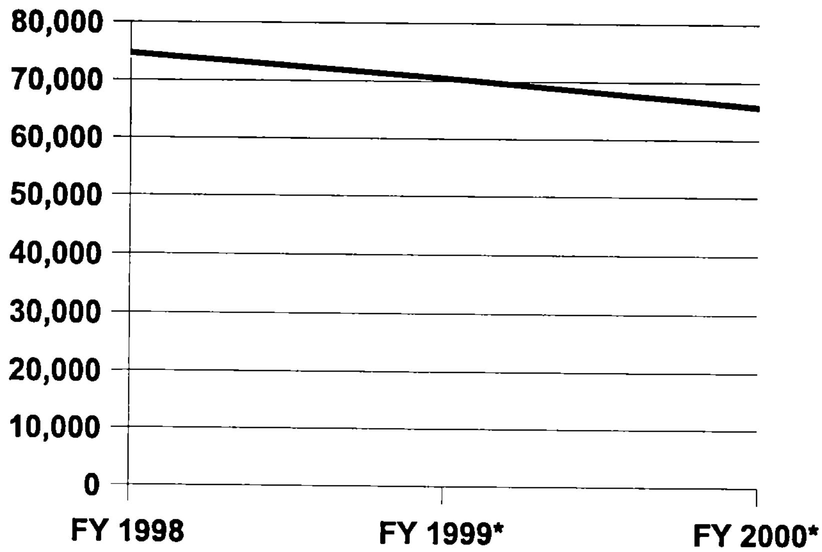
The EEOC's partnerships with FEPAs and TEROs support the **Comprehensive Strategic Enforcement Model's** goals to promote strategic enforcement efforts and build upon relationships with stakeholders. Work sharing agreements between EEOC and those state or local enforcement agencies that qualify under Section 706(c) of Title VII of the Civil Rights Act of 1964 permit charges that could be filed under both the state/local laws and federal laws to be filed with both EEOC and the FEPAs when filed with either agency. This arrangement avoids duplication of effort and streamlines charge resolution efforts for all parties.

Maintaining the fiscal year 1999 funding level in fiscal year 2000 for state and local programs will enable the EEOC to:

- Contract with FEPAs for up to 89 percent of the charges resolved acceptably. EEOC's fiscal year 2000 projection indicates that approximately 53,600 charges will be acceptably resolved under contract, which is level with the projected fiscal year 1999 contract production and 6 percent increase over the fiscal year 1998 level (see Table 2 on page 49).

- Continue to reduce the FEPAs' pending inventory of charges. Collectively, FEPAs will receive approximately 66,000 charges in fiscal year 1997 and 2000 that are dual-filed with EEOC. Of these 60,000 are projected to be resolved, reducing the FEPA inventory from 12.4 months of work in fiscal year 1999 to 11.5 in fiscal year 2000 (see Figure 6 on page 47).

Figure 6
FEPA Pending Inventory



*Year-end Estimate Projections

- Maintain the technological capabilities of the FEPAs related to inventory management of dual-filed charges. The requested level of funding also includes funds to maintain the FEPAs' charge data system equipment. Maintaining computer equipment is critical because the FEPAs' charge data systems are inextricably linked to EEOC's charge data systems. It is vital that sufficient funds be provided to permit accurate tracking and monitoring of the dual-filed workload.

- Provide training for FEPA officials on emerging issues in charge processing through training conferences and on-going technical asssistance. Other State and Local Program costs include joint EEOC/FEPA conferences and ongoing technical assistance. EEOC will deliver in-depth training on new and emerging issues in charge processing, at both national and regional levels. These programs include updates on new developments in case law, training on statutory requirements and charge processing procedures, collaboration with FEPA representatives on annual contracting principles, etc.

- Continue to promote and protect the employment rights of Native Americans employed on or near Indian reservations.

The $29,000,000 earmarked for FEPAs in fiscal year 1999 covers 89 percent of the charges resolved by the FEPAs during the fiscal year. Level funding would ensure that EEOC can contract with FEPAs for approximately 3,000 more charges than in fiscal years 1998 and 1997, continuing the current fiscal year 1999 level of support. The $1,500,000 increase in funds appropriated for the fiscal year 1999 State and Local Programs enabled EEOC to provide training conferences and technical assistance, technology upgrades and enhancements for more timely and accurate data on the dual-filed workload, and funds for the individual TEROs.

Table 2
State and Local Program
Results and Funding

Workload	FY 1998 Actual	FY 1999 Estimate*	FY 2000 Estimate*
Charges/Complaints Pending	80,655	76,015	72,354
Charges/Complaints Received	64,882	66,491	66,491
Charges/Complaints Resolved	59,965	59,965	59,965
Charges/Complaints Deferred to EEOC	9,557	10,187	10,817
Charges/Complaints Forwarded	76,015	72,354	68,063
Months of Inventory	13.1	12.4	11.5
Funding Information			
Contract Credit Amount Per Closure	$500	$500	$500
Resolved Under Contract	50,385	53,576	53,576
Total Amounts for Contract Credits	$25,192,500	$26,788,000	$26,788,000
TERO Funding	$1,600,000	$1,600,000	$1,600,000
Other State and Local Costs	$707,500	$612,000	612,000
TOTAL FUNDING LEVEL	$27,500,000	$29,000,000	$29,000,000

*NOTE: The Charge/Complaint estimates for fiscal year 1999 and fiscal year 2000 are based on a five year average.

GPRA Annual Performance Plan Reference

The Commission's Fiscal Year 2000 Annual Performance Plan is in Appendix E to this Budget Request. In the Plan, performance measures pertaining to *Enforcing EEO Laws Through a Comprehensive Enforcement Program*, State and Local Program, are on pages 16 - 17.

FEDERAL SECTOR ENFORCEMENT

Program Highlights

- The fiscal year 2000 budget submission requests an increase of $4.0 million to support an allocation of 46 FTEs for the federal sector program, to begin to significantly reduce the federal sector caseload in both the hearings and appeals programs.

- Additional staff will reduce the time federal employees wait for hearings from 17 months to 13 months.

- Additional staff will reduce the waiting time for appeals from 23 to 17 months.

- Further attention is needed to achieve parity with private sector case processing, where charges are resolved within an average of 10 months (310 days) as of the end of fiscal year 1998, as compared to as much as 1317 days in the federal sector.

The Commission is responsible for assuring that federal agencies and departments comply with the prevailing equal employment opportunity statutes and regulations it enforces. As a major component of the agency's **Comprehensive Strategic Enforcement Model**, the agency combines an adjudicatory/enforcement approach, through a hearings and appeals program, with strong oversight, technical assistance and educational initiatives. Although the hearings and appeals program uses a large proportion of the program's resources, the Commission recognizes that prevention of discrimination in the first place is a cornerstone in enforcing the anti-discrimination laws. The Commission will increase its efforts to make sure that federal employees are educated to know and understand their rights and responsibilities. We will also provide technical assistance to federal agency employers, employee groups, employee representatives, and other practitioners so that they, too, understand and properly implement the law.

Even with its best efforts, however, the Commission's federal sector workload has rapidly expanded over the past several years. A recently released General Accounting Office report (GAO/GGD-98-167BR) confirms this situation and projects that EEOC's workload in the hearings and appeals areas will grow at an alarming rate in the future. This will occur despite continued high productivity levels by EEOC staff, further undermining the credibility of an already tenuous program. Until this situation is rectified, federal employees will continue to be treated as second class citizens with respect to their employment rights under the civil rights statutes and regulations. The increase in Federal Sector Program funding will enable the agency to better manage its federal sector workload; improve the quality and timeliness of workload processing activities; expand the use of ADR within the federal government; and, reduce case processing costs to the federal government.

To meet the challenges of a rapidly burgeoning workload, 40 FTEs are requested: 24 in hearings and 16 in appeals. An additional 6 FTEs are necessary to buttress and strengthen the Commission's statutory and regulatory oversight responsibilities, and enhance its educational and technical assistance efforts in order to foster initiatives that can prevent discrimination. Educational and technical assistance programs are discussed in "Federal Sector Outreach, Education, and Technical Assistance" starting on page 67.

Hearings and Appeals Results

High Workload Outweighs High Productivity

➢ The already high levels of productivity of hearings and appellate attorneys increased again in fiscal year 1998, as shown in Table 3. Despite this record, increases in the number of receipts have more than offset the benefit of the remarkable productivity accomplishments of the Commission's staff.

Table 3
Cases Per Attorney

FY	HEARINGS	APPEALS
1994	124	146
1995	122	154
1996	117	157
1997	125	176
1998	135	192

➢ It is unreasonable to assume that any further significant increases in productivity can be achieved without seriously endangering the standards of quality being maintained in the hearings and appeals functions.

➢ Long time delays hurt our federal "customers." Although some recognize the resource constraints, it does not help when an outstanding complaint has taken years to process. Often, complainants do not distinguish between the lengthy processing times of their own federal agency and the time the complaint is being processed as a hearings or appeals request at the EEOC. For them, it is all one long, drawn out process. In addition, when a complainant receives a decision after such a long wait, they naturally are discouraged and critical of the investigation and adjudication process. Many express the same frustrations with the process that have been identified by the Commission and others. The following examples are illustrative:

> *"With 9,000 requests for hearings, 6,000 appeals a year and only 120 administrative judges and attorneys nationwide, I feel you are doing a great job. The only complaint I have is that it takes too long. I've been fighting my discrimination case since June 1995."*
>
> Cincinnati, Ohio (Nov. 97)

> "I must say that it is rather frustrating waiting for the process to run its course through each stage but I can understand that there is a heavy caseload with your limited resources. I'm just thankful that there is an outlet to turn to when you feel that an act of discrimination has been dealt to you."
>
> Spring Valley, CA (Feb. 97)

> "It has been my experience in dealing with EEOC as well as the experiences of all my co-workers and friends who deal with EEOC that EEOC is extremely slow to process hearings/appeals referred to EEOC by agencies and complainants and/or their representatives. As you are aware- justice delayed is justice denied!!!..."
>
> Hampton Roads, VA (Jan.97)

➢ As Figure 7 on page 54 and Table 4 on page 54 show, if no staff are added the average months of inventory will grow in the year 2000 to17 months despite the modest increase of 19 hearings staff added in fiscal year 1999. With the additional 24 hearings staff requested for fiscal year 2000, the Commission projects that the average months of inventory would drop to 13 months (see Figure 7 on page 54, and Table 5 on page 55).

Figure 7
Hearings — Months of Inventory
Fiscal Years 1999 - 2000

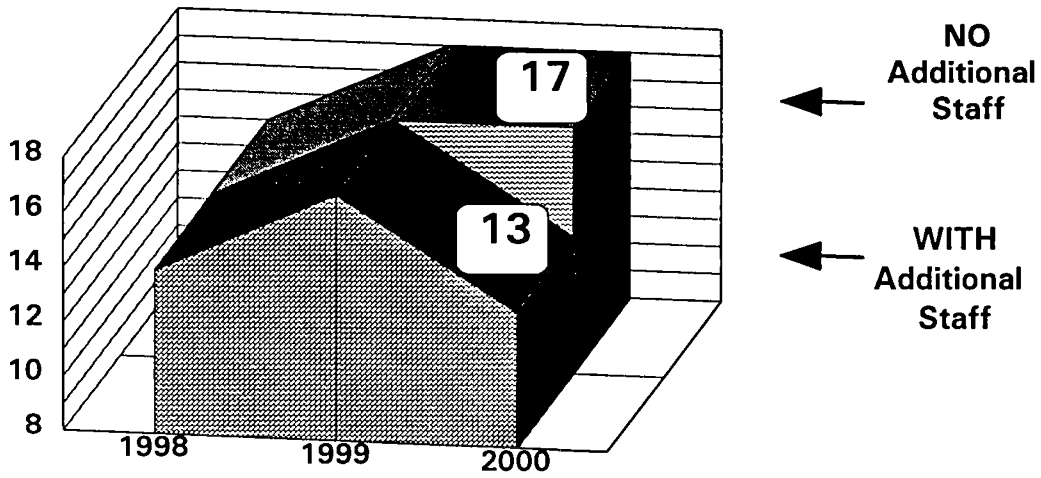


Table 4
Hearings—No Additional Staffing

WORKLOAD	FY 1998 Actual	FY1999 Estimate	FY 2000 Estimate
Complaints Pending	10,175	11,967	14,412
Complaints Received	12,218	12,585	12,963
Total Workload	22,393	24,552	27,375
Complaints Resolved*	10,426	10,140	11,280
Complaints Forwarded	11,967	14,412	16,095
Months of Inventory	14	17	17

*Productivity based on 120 resolutions per AJ per year; 60 per new AJ in fiscal year 99, 75 AJs in fiscal year 1998. 19 Added in fiscal year 99. Total = 94 AJs. 3% increase in hearings requests fiscal year 99 - 00.

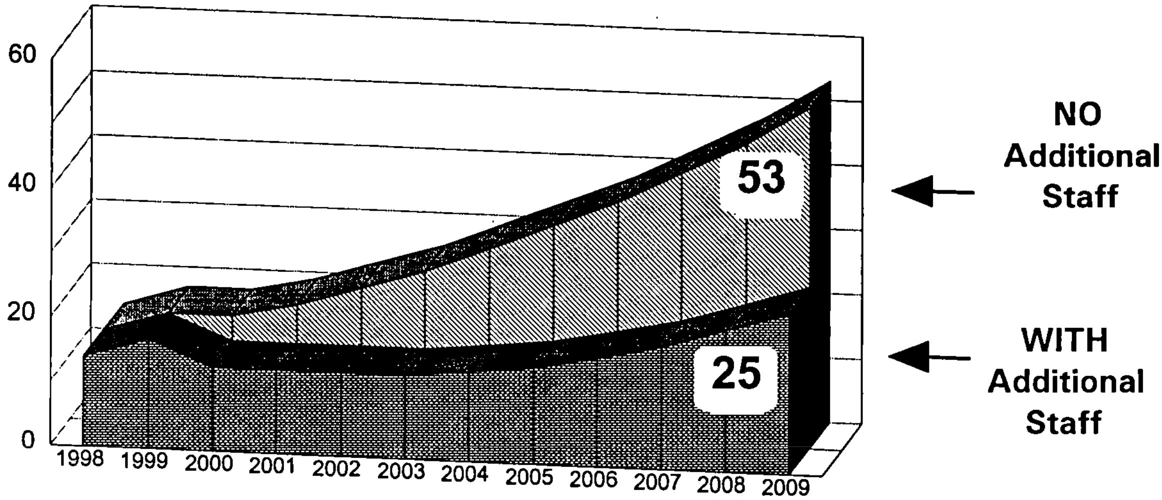
Table 5
Hearings—Additional Staffing

WORKLOAD	**FY 1998 Actual**	**FY1999 Estimate**	**FY 2000 Estimate**
Complaints Pending	10,175	11,967	14,412
Complaints Received	12,218	12,585	12,963
Total Workload	22,393	24,552	27,375
Complaints Resolved*	10,426	10,140	12,990
Complaints Forwarded	11,967	14,412	14,385
Months of Inventory	14	17	13

*Productivity based on 120 resolutions per AJ per year; 60 per new AJ in fiscal year 99, 75 Ajs in fiscal year 1998. 19 Added in fiscal year 99 and 19 Added in fiscal year 2000. Total = 113 AJs. 3% increase in hearings requests fiscal year 99 - 00.

➢ As Figure 8 on page 56 graphically illustrates, if current workload assumptions continue without additional resources in fiscal year 2000, the average inventory for complaints in the hearings process will snowball to 53 months by fiscal year 2009.

Figure 8
Hearings —10-Year Projections
Months of Inventory



➢ Likewise, in the appellate program the average months of inventory will grow to 22 months by fiscal year 2000 without the additional resources requested, even though 14 appellate attorneys were added in fiscal year 1999, as shown in Table 6 on page 57 and Figure 8, above. However, with the fiscal year 2000 enhancement of 16 additional appellate attorneys, the average months of inventory can instead be reduced to 17 months (see Table 7 on page 58 and Figure 9 on page 57).

Figure 9
Appeals — Months of Inventory
Fiscal Years 1999 - 2000

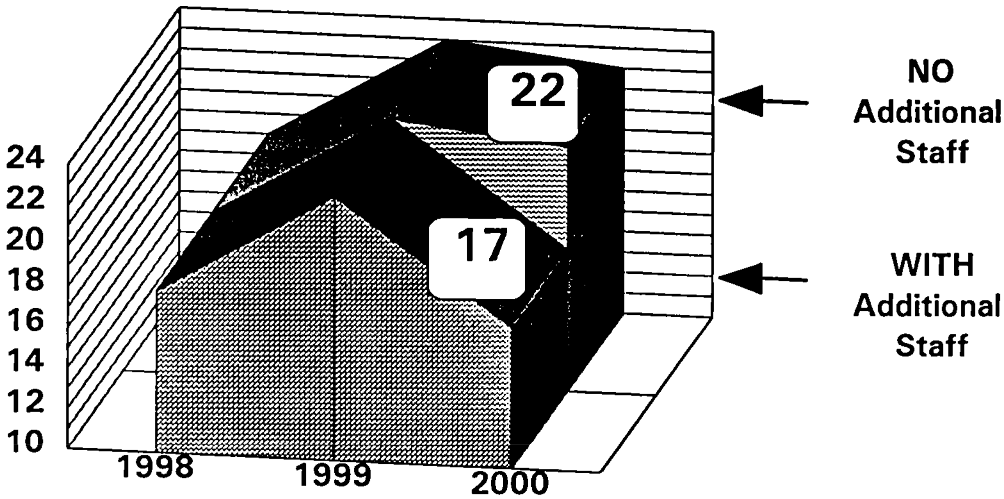


Table 6
Appeals—No Additional Staffing

WORKLOAD	FY 1998 Actual	FY1999 Estimate	FY 2000 Estimate
Complaints Pending	9,980	10,966	13,023
Complaints Received	8,480	8,734	8,996
Total Workload	18,460	19,700	22,019
Complaints Resolved*	7,494	6,677	7,685
Complaints Forwarded	10,966	13,023	14,334
Months of Inventory	18	23	22

*Productivity based on 145 resolutions per attorney per year; 110 per attorney in fiscal year 2000. 39 writing attorneys in fiscal year 98; +14 fiscal year 99. Total = 53 attorneys fiscal year 2000. 3% increase in appeals received fiscal year 99 - 00.

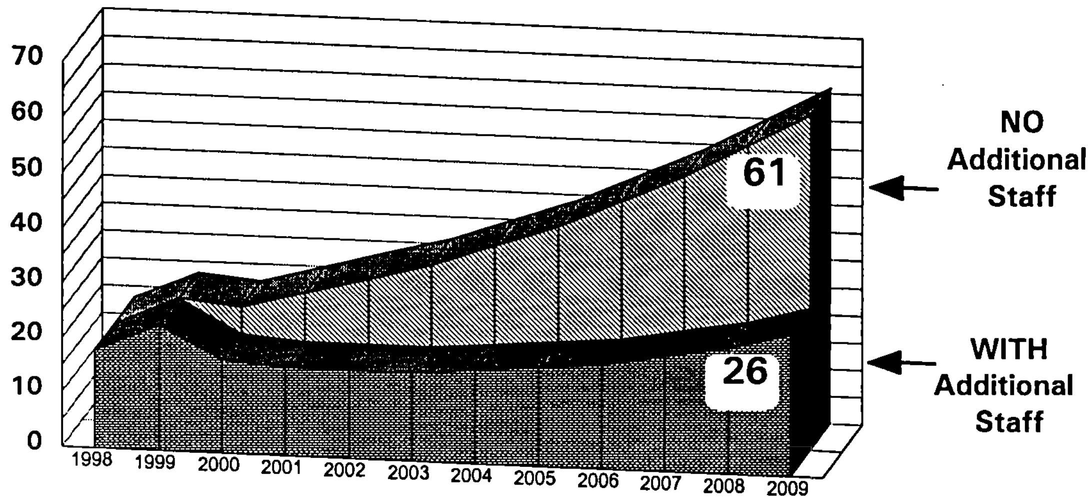
Table 7
Appeals—Additional Staffing

WORKLOAD	FY 1998 Actual	FY1999 Estimate	FY 2000 Estimate
Complaints Pending	9,980	10,966	13,023
Complaints Received	8,480	8,734	8,996
Total Workload	18,460	19,700	22,019
Complaints Resolved*	7,494	6,677	9,115
Complaints Forwarded	10,966	13,023	12,904
Months of Inventory	18	23	17

*Productivity based on 145 resolutions per attorney per year; 73 per new attorney in fiscal year 99 and 110 per new attorney in fiscal year 2000. 39 writing attorneys in fiscal year 98; +14 fiscal year 99; +13 fiscal year 2000. Total = 66 attorneys fiscal year 2000. 3% increase in appeals received fiscal year 99 - 00.

- Using current assumptions, without additional resources in fiscal year 2000, the average months of inventory for complaints advancing to the appeals stage will increase to 61 months by fiscal year 2009 (see Figure 10 on page 59).

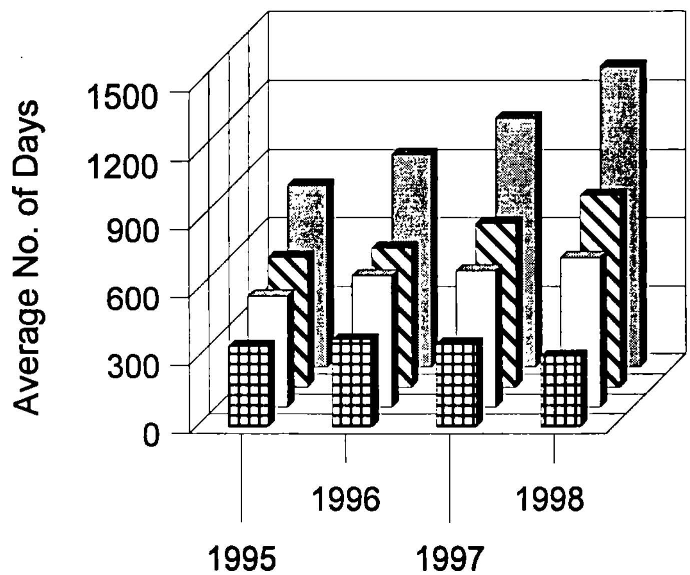
Figure 10
Appeals —10 Year Projections
Months of Inventory



➢ The federal sector complaint processing program has not kept pace with private sector charge processing. It is unconscionable that private sector charging parties can expect to receive a decision from EEOC on average in approximately 310 days whereas their federal sector counterparts do not get through the first gate, a final agency decision, in less than 659* days on average as of fiscal year 1998, as noted in Figure 11. If a Hearing is requested, the average time to reach a decision is extended by 185* days, resulting in a total of 844 days when the hearing and agency decision process are combined. Finally, when the appellate processing average of 473 days is added, the entire process could take 1317 days, or over 3½ years. It is clear that there is a chilling effect on federal employees seeking redress of their EEO complaints with this type of processing time facing them. *[*NOTE: Data for agency decisions for fiscal year 1998 was not available at the time of this Budget Request; therefore, estimates are used to compute the fiscal year 1998 "Agency Decision without EEOC Hearing" and "Agency Decision with EEOC*

Hearing" processing time frames, based upon the rate of increase in agency decisions over the previous two years . Actual average processing time for EEOC Appeals was available for fiscal year 1998 and is used to compute the time frame for "Agency + EEOC Hearings and Appeals."]

Figure 11
Time Frames for Resolving Federal Sector Charges



	1995	*1996*	*1997*	*1998*
Agency Decision With EEOC Hearing + Appeal	801	936	1095	1317
Agency Decision With EEOC Hearing	572	613	720	844
Agency Decision Without EEOC Hearing	489	580	602	659
Private Sector Discrimination Charges	353	383	365	310

From the thousands of federal workers who seek EEOC's assistance, we have selected a few that put a "Face on Discrimination" to illustrate the value of EEOC's contribution to equal opportunity in the federal sector:

- A Marine veteran—the only Latino working in a federal civilian agency unit—was verbally vilified by a supervisor and counseled for allegedly disruptive actions he took on the work site. He was fired. At the EEOC administrative hearing, convincing evidence was presented to substantially counter all of the agency's claims. EEOC's Administrative Judge found national origin bias and ordered Complainant reinstated. The Department of Justice, in its review, concurred.

- A federal employee filed a sexual harassment complaint, and rejected a settlement offer which included a mandatory waiver of her other EEO claims. The agency returned her to the same workplace, where she continued to be subjected to contact with the accused harasser. As a result, she became temporarily disabled and was diagnosed with a combination of mental disorders. The EEOC's decision found discrimination and awarded compensatory damages of $100,000.

- A blind federal employee was denied for two years equipment necessary for him to function autonomously, resulting in serious emotional consequences and a profound loss of hope and dignity. The appellate decision awarded $80,000 compensatory damages for the emotional stress inflicted on the employee.

These are typical of the stories repeated daily. The delays in processing complaints rob agencies of productive workers and often make discriminatory situations worse.

GPRA Annual Performance Plan Reference

The Commission's Fiscal Year 2000 Annual Performance Plan is in Appendix E to this Budget Request. In the Plan, performance measures pertaining to *Enforcing EEO Laws Through a Comprehensive Enforcement Program*, Federal Sector Enforcement, are on pages 13-15.

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SALARIES AND EXPENSES

Improving Service to the Public by Promoting the Prevention of Employment Discrimination in the Federal and Private Sectors

PRIVATE SECTOR OUTREACH, EDUCATION AND TECHNICAL ASSISTANCE

Program Highlights

EEOC has a mandate under the law to provide education, technical assistance programs, and outreach to under served areas, industries, and groups to facilitate voluntary compliance with the law.

In addition to EEOC's on-going efforts to reach the under served, during fiscal year 2000, the Commission will launch special technical assistance and educational programs aimed at eliminating discrimination programs to assist small employers in understanding and complying with the law, and disseminate information in "plain English," other languages, and a variety of formats. These initiatives are central to the agency's National Enforcement Plan and its broader Comprehensive Enforcement Program, both of which include goals to reach out to under served groups, industries, and geographic areas to provide "preventive" education and technical assistance to employers. In addition to current outreach efforts, in fiscal year 2000 staff will travel to more under served locations throughout the country, to educate the public on the laws enforced by the Commission.

With a portion of the additional $10.0 million for the President's Equal Pay Initiative, including 4 FTEs, in fiscal year 2000 EEOC will mount an extensive nationwide effort to address wage disparities in the work place. These funds also support enforcement initiatives described "Major Enforcement Initiative—Equal Pay Initiative," under Private Sector Enforcement on page 28. For the outreach component of the Equal Pay Initiative, the EEOC will:

- Reach millions of workers across the country to inform them of their rights and the facts on wage discrimination, potentially an issue in thousands of charges related to entry-level pay and promotion.
- Reach over 3,000 small, large and mid-sized employers to provide technical assistance and education affecting over one million employees.
- Provide 20,000 union and other community leaders, and the people they represent, with information on wage discrimination and employee rights to foster voluntary solutions in the workplace, with informed workers and employers working together.
- Develop assessment tools and practical hands-on guidance to enable employers to evaluate and improve their compensation systems voluntarily, benefitting millions of employees by assuring that compensation is equitable, as well as enhancing business opportunities and expansion.

Major Outreach Initiative: Equal Pay Initiative

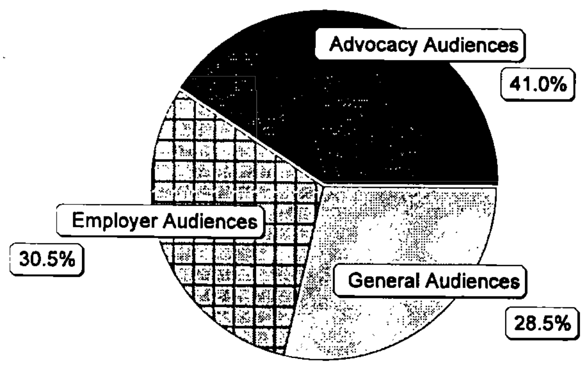
To address wage discrimination by preventing it before it occurs, EEOC will implement several outreach and education programs targeting affected communities to enhance understanding of their rights and responsibilities. EEOC will provide specific training programs for large, small and mid-size employers, union, advocacy groups, and employees. EEOC will implement a program of public service announcements, a toll-free number, and informational materials, in various languages and formats, to educate the public about wage discrimination issues. EEOC will provide practical assistance and an assessment tool for employers to analyze their own pay systems to promote voluntary compliance with the law. EEOC will develop and deliver the majority of these programs through the use of contracts and consultants.

Results of Outreach to Under Served Constituencies and Geographic Areas

- Field offices conducted 2,186 outreach, educational and technical assistance events in fiscal year 1998. As part of these efforts, EEOC staff made concerted efforts to contact stakeholders and obtain their feedback and input about agency operations and procedures, to assist in improving customer service to all of the agency's constituencies. The three major substantive activities included in this initiative-oral presentations, training, and special programs-reached more than 87,000 individuals.

➢ Approximately 30 percent of audiences reached were employers and employer groups, 40 percent were advocacy groups and the remainder were general audiences of all types.

Figure 12
EEOC Outreach Audiences



➢ Additionally, information about the laws enforced by EEOC was disseminated to approximately 27,000 individuals.

➢ Following are examples of activities reported by field offices that illustrate expanded outreach to under served constituencies and geographic areas and development of ongoing communications with all stakeholders.

- One district office has organized an active Stakeholder Task Force representing more than 30 employer, union, advocacy groups, public agencies and congressional offices. The Task Force provides regular input and assists with EEOC educational activities. Several issues of a

Stakeholder newsletter were distributed to 3,000 organizations and individuals, and the district office's staff provided training to Task Force members on EEO law and EEOC procedures. Reciprocally, representatives from African-American, Hispanic, Asian, women's, older persons and disability groups conducted "awareness" training for all district office staff to enhance their "customer service" skills.

- One of EEOC's area offices, with assistance from the district, made two trips to the Commonwealth of Northern Marianas Islands (CNMI), the farthest geographic area of EEOC's jurisdiction, conducting extensive outreach along with enforcement activities. Numerous training sessions and meetings with stakeholder groups were held in this area, where egregious instances of sexual and racial discrimination had been reported. Training on EEOC laws and procedures was provided for a local human resources professional group, for employees of one of the largest local companies, and for agency heads, supervisors and CNMI employees on the islands of Saipan, Tinian and Rota. The EEOC staff also conducted meetings with stakeholders and training for employees on Maui, an under served Hawaiian island.

- EEOC field staff conducted a series of training sessions on EEOC charge procedures in partnership with local NAACP chapters, Human Relations Commissions, and Native American and Hispanic groups throughout two states. This training enabled these groups to screen and forward potential charges to EEOC. Legal staff also initiated attorney round table meetings throughout the District, presenting information about EEOC laws and procedures and obtaining suggestions for improving Commission services.

- Another office included Congressional staff "mini-briefings" in five states during outreach visits to under served areas. This cost effective approach brought needed information to each Congressional office and developed individual rapport with Congressional staff, who were complimentary of the briefings. In cooperation with local advocacy organizations, the district's bilingual Director and a bilingual attorney also conducted training sessions for community leaders and for Spanish-speaking farm workers in under served areas.

- Staff also conducted six training sessions on Sexual Harassment for 300 Indian workers and managers at a casino in Colorado and provided training on ADA issues for 30 supervisors from a casino in Pine Ridge, South Dakota.

FEDERAL SECTOR OUTREACH, EDUCATION AND TECHNICAL ASSISTANCE

Program Highlights

EEOC has responsibility for providing technical assistance to federal agencies concerning their EEO programs, including the enhancement and/or development of ADR programs. Assistance is provided primarily through on-site reviews and consultations. EEO ADR programs in federal agencies are growing rapidly. Based on survey information obtained by EEOC in fiscal year 1998, approximately 56 federal agencies have an ADR program, 21 agencies are developing an ADR program, and 31 agencies have no program. In addition to providing advice and technical assistance while on site, the reviews evaluate ADR programs for consistency with the 29 C.F.R. Part 1614 regulations or assist agencies in the development of ADR programs. EEOC utilizes its survey information and prepares a biannual report that shows the status of ADR in the federal sector.

➢ Included in EEOC's fiscal year 2000 request of 46 FTEs and $4.0 million for the federal sector program are two additional GS-13 attorneys to provide a higher level of assistance to agencies for ADR program development, especially needed by small agencies. Funding for two additional attorneys will provide assistance to federal agencies developing ADR programs and continue to provide technical assistance to those federal agencies which already have alternative dispute resolution programs. The two attorneys' primary focus will be on the 21 federal agencies which are developing programs and, the 31 agencies which do not have ADR programs. The funding increase will allow EEOC to provide in-depth technical assistance to at least five of the federal agencies which have not developed an ADR program.

➢ Additional development and implementation of ADR programs have the potential to have a direct benefit to federal employees and agencies in resolving EEO complaints in the shortest time possible and, in turn, reducing EEOC's workload in both hearings and appeals.

➢ The benefits to be derived from an increased emphasis on programs to expand ADR are indicated by the results of ADR in those federal agencies which have instituted an ADR program. For example, the U.S. Postal Service, which represents over 40 percent of the federal sector workload in both hearings and appeals, has instituted an ADR program which has resulted in a significant increase in the number of early resolutions of complaints in the geographic areas where it is used. The USPS program has shown an increase from 50 to 70 percent in the number of cases resolved at the counseling (pre-complaint) stage of the process.

In addition to on-site assistance on ADR programs, the federal sector program provides On-Site Technical Assistance and Reviews of federal agency EEO programs.

Program Results

In order for EEOC to fully carry out its oversight and monitoring responsibility, additional funds are requested as part of the $4.0 million increase in federal sector programs to carry out on-site reviews. On-site reviews are the most effective tool for assuring compliance with EEOC's laws, regulations, and directives. In addition to affording the opportunity for providing advice and technical assistance while on site, the reviews evaluate compliance with agencies' statutory and regulatory responsibilities within their EEO programs.

➢ EEOC prepares a report of findings and recommendations which is transmitted to the field installation head and agency headquarters for action. As a result, improvements in the agency's overall EEO programs are realized which can reduce the number of formal complaints filed.

➢ EEOC criteria for choosing agency programs/installations for review is based on a variety of factors, including: correspondence or phone calls from employees or members of the public indicating problems; reports from agencies indicating problems, trends or particular successes/achievements; and internal priorities set by EEOC for areas of review to assist EEOC in providing better direction and oversight to other agencies. The focus of a review could be an entire agency, an operating component, or a particular facet of an EEO program.

- Due to the chronic under-funding, EEOC positions dedicated to oversight have gone unfilled, and travel funds have been limited to local on-site evaluations only. During fiscal year 1998, only three on-site reviews were conducted.

Other technical assistance is carried out through a semi-annual briefing for federal agency EEO directors and EEOC's aggressive outreach efforts in speaking before various federal sector stakeholder groups. Over the past three years, EEOC has participated in an average of 124 speaking events annually, and in fiscal year 1998, 220 technical assistance visits were carried out.

EDUCATION, TECHNICAL ASSISTANCE AND TRAINING REVOLVING FUND

Programs sponsored by the Revolving Fund augment those activities that are provided at no cost to the public. Having the authority to charge reasonable fees to cover related Revolving Fund training costs has lessened the dependency of the EEOC technical assistance effort on appropriated monies, and enabled the EEOC to better leverage its limited resources.

The EEOC provides more specialized and in-depth training services, on a fee-basis, through its Revolving Fund. Congress passed the EEOC Education, Technical Assistance and Training Revolving Fund Act of 1992 (P.L. 104-411) as the vehicle through which the Commission would develop and deliver comprehensive and specialized external education, technical assistance, and training relating to the laws it enforces. Through this technical assistance, employees and employers gain a better understanding of what constitutes unlawful employment discrimination, the evidence required to substantiate discrimination claims, the charge resolution process, and the remedies available for victims of discrimination.

Program Highlights

- With implementation of its Five-Year Business Plan, in 1999 and 2000 EEOC will continue to focus on improving existing programs and operations, and developing and disseminating new training, technical assistance products, and services of high professional quality.

- Program enhancements and operating efficiencies will allow the agency to better meet the expanded demand for specialized EEO training, products, and services.

- Revolving Fund programs and products will continue to augment the EEOC's general information and outreach efforts, and will help ensure that EEOC's appropriated and Revolving Funds together are used most effectively to meet the needs of all Commission stakeholders into the 2lst century.

Program Results

- Since its inception in 1993, the chief undertaking of the Revolving Fund Training and Technical Assistance Program has been an annual series of approximately 50-60 one-day TAPS, geared primarily toward private employers and state and local agencies, sponsored by EEOC field offices around the country.

- Several lower cost half-day TAPS are also provided in under served areas, and multi-day training classes have been offered for federal agencies annually in Washington D.C.

- Since the Revolving Fund was created, over 30,000 participants attended the TAPS and federal training programs. However, in fiscal year 1998, EEOC expanded the types of training services and provided training to over 10,000 participants in a single year.

- During fiscal year 1998, EEOC provided over 100 fee-paid TAPS and other customized training programs for employers under the auspices of the agency's Revolving Fund, reaching approximately 9800 individuals. The most frequently requested topic for customized training was Sexual

Harassment. The agency will further expand these offerings during fiscal year 2000.

- In 1998, the Revolving Fund, through the EEOC field offices, began offering customer-specific, on-site training programs for employers. Over 40 such training programs were provided to approximately 3,000 participants. All training provided was developed at the request of specific employers for their staff. While many employers requested training on how to prevent sexual harassment, other training topics included such issues as reasonable accommodation, retaliation, and hiring discrimination.

- In fiscal year 1998, EEOC continued to offer its full-day and half-day TAPS programs, offering 55 seminars to approximately 7,000 participants throughout the United States, including several previously under served geographic areas. Seminar topics varied by seminar and region and overall addressed a wide array of employment civil rights issues concerning all of the laws enforced by the EEOC.

- The EEOC offered both TAPS and specialized EEO training for federal agencies in fiscal year 1998. Five TAPS programs were designed for federal participants in the East, South, Midwest and Far West for over 700 participants. This included two comprehensive three-day training conferences on federal EEO and related labor laws, which were developed by a consortium of ten EEOC district offices and co-sponsored with the Merit Systems Protection Board and Federal Labor Relations Authority. Additionally, three in-depth training sessions were conducted for specific federal agencies.

- During 1998, the Revolving Fund also focused on developing new technical assistance guides and publications on various employment discrimination issues. Two new technical assistance guides were published, expanding the series to seven books.

- In 1998, a special handbook was also prepared for use by small employers and supervisors, and the Revolving Fund began developing a handbook for employers on how to recognize and prevent sexual harassment. Both of these books will be published in 1999.

- During fiscal year l998, major attention was devoted to business and financial planning and continued infrastructure improvements. A five-year business plan for 1999-2003 was drafted in 1998. A new financial management and tracking system was developed and a computerized marketing, sales and registration system was developed to improve customer service, reduce overhead and improve overall efficiency. Continued attention also was directed to operational and technology improvements to enhance the professional quality of field training programs.

- Other outreach initiatives under the Revolving Fund included seminars for over 550 federal employees and development and delivery of training courses for three other federal agencies.

GPRA Annual Performance Plan Reference

The Commission's Fiscal Year 2000 Annual Performance Plan is in Appendix E to this Budget Request. In the Plan, performance measures pertaining to *Improving Service to the Public By Promoting the Prevention of Employment Discrimination in the Federal and Private Sectors* are on pages 19 - 23.

APPENDIX A

General Statement of Laws

Object Class Schedules

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General Statement of Laws

The Equal Employment Opportunity Commission was established by **Title VII of the Civil Rights Act of 1964** (78 Stat. 253, 42 U.S.C. 2000e et seq.) as amended, and became operational on July 2, 1965. The Commission has five members, no more than three of whom shall be of the same political party. The members are appointed by the President, by and with the consent of the Senate, for rotating 5-year terms. The President designates one member to serve as Chairman and one member to serve as Vice Chairman. The General Counsel is also appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years.

The Commission has been charged with promoting equal opportunity in employment by enforcing the federal civil rights employment laws through administrative and judicial actions, and education and technical assistance. The agency fulfills its mission through the implementation of a vigorous law enforcement program, as well as conducting an outreach program to provide information, guidance and technical assistance to help prevent discrimination from occurring.

Title VII prohibits employment discrimination on the basis of race, color, religion, sex, or national origin by public and private employers with 15 or more employees, public and private employment agencies, labor organizations with 15 or more members, agencies which refer persons for employment or which represent employees or employers covered by the Act, and joint labor-management apprenticeship programs for covered employers and labor organizations.

Pursuant to Section 709(c) of **Title VII**, the Equal Employment Opportunity Commission requires the filing of periodic reports by public and private employers, unions and labor organizations providing data on the makeup of their workforces or membership by gender and racial/ethnic categories. The data are also used by other federal, State and Local agencies charged with enforcement of equal employment opportunity laws, and in aggregate form by non-government organizations and researchers concerned with equal employment opportunity.

The **Equal Employment Opportunity Act of 1972** (Public Law 92-261) amended **Title VII** to authorize the Commission to file suit in federal District Court in order to achieve compliance with **Title VII** if it is unable to achieve a remedy through conciliation. If the case involves a State or Local government, the Commission will refer it to the Attorney General, who may file suit in federal Court. The **Equal Employment Opportunity Act of 1972** also extended **Title VII's** coverage to State and Local governments as well as to institutions of higher education.

In 1979, EEOC received additional jurisdictional responsibilities as part of **Reorganization Plan No. 1 of 1978:** enforcement of the **Age Discrimination in Employment Act (ADEA) of 1967,** as amended; the **Equal Pay Act (EPA) of 1963; Section 501 of the Rehabilitation Act of 1973,** as amended; and **Section 717 of Title VII. ADEA** protects workers age 40 and older from discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment by employers having 20 or more employees. The **EPA** prohibits gender based discrimination in the payment of wages to men and women performing substantially equal work in the same establishment. The Commission receives and investigates charges of discrimination in these areas and makes findings of "violation" or "no violation" and may file suit in Federal District Court if it is unable to achieve voluntary resolution of violations through conciliation.

Section 717 of Title VII, Section 15 of the Age Discrimination in Employment Act, and **Section 501 of the Rehabilitation Act of 1973,** which bar discrimination by federal agencies on the basis of disability provided the basis for Commission oversight responsibility for the procedures used by federal departments and agencies in processing internal complaints of discrimination. In addition, the Commission has appellate jurisdiction to review final decisions of departments or agencies on discrimination complaints upon the request of the complainant. It is also responsible for ensuring that federal departments and agencies maintain programs of equal employment opportunity. Further, under **Executive Order 12067,** the Commission provides leadership and coordination to all federal departments and agencies' programs enforcing federal statutes, executive orders, regulations, and policies which require equal employment opportunity without regard to race, color, religion, sex, national origin, age, or disability. Coordination is provided to eliminate conflict, competition, duplication, and inconsistency in these programs and to improve their effectiveness. All federal departments and agencies are required to cooperate with and assist the Commission in performing these functions and are required to furnish the Commission with such reports and information as it may require.

On July 26, 1990, the **Americans With Disabilities Act (ADA)** became law. The **ADA** became effective on July 26, 1992, for employers with 25 or more employees and on July 26, 1994, for employers with 15-24 employees. This legislation, covering some 43,000,000 Americans having one or more physical or mental disabilities, provides a clear and comprehensive mandate for enforcing the laws prohibiting discrimination in employment opportunities for individuals with disabilities. EEOC is responsible for ensuring compliance with Title I of this statute and in coordination with the Attorney General, for providing technical assistance to those with rights and responsibilities under the Act.

The **Civil Rights Act of 1991**, which amends **Title VII**, addresses a number of subjects, including disparate impact, business necessity, bias after hiring, challenges to consent decrees, timeliness of challenges to seniority systems, mixed motives, expert witness fees, extraterritoriality, compensatory and punitive damages, jury trials, interest and filing times in actions against the federal government. The Act also mandated the EEOC to carry out educational and outreach activities.

The private (non-federal) sector of the Commission, through its field and headquarters offices, is responsible for receiving and investigating charges of employment discrimination under the various laws it enforces. Individual Commissioners may initiate charges based on information suggesting that the law has been violated. If the Commission decides after investigation that reasonable cause exists to believe that a violation has occurred, remedial relief is sought through the process of conciliation.

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Object Class Schedules

DECISION UNIT

Executive Direction and Support*

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Estimate
Personnel Compensation			
11.1 Full-time permanent (FTP)	12,636	13,330	13,783
11.3 Other than FTP	545	561	580
11.5 Other personnel compensation	988	1,008	1,040
Total Personnel Compensation	**14,169**	**14,899**	**15,403**
12.1 Civilian personnel benefits	2,763	3,834	3,972
[Total FERS]	(1,248)	(1,732)	(1,794)
13.1 Benefits to former personnel	7	7	7
Total Compensation and Benefits	**16,939**	**18,740**	**19,382**
21.1 Travel of persons	308	413	420
22.0 Transportation of things	1	8	15
23.1 Other rent/Communications	214	298	311
23.2 Rental payments to GSA	1,437	1,513	1,541
24.0 Printing and reproduction	20	22	24
25.0 Other services	2,223	3,677	7,317
26.0 Supplies and materials	102	113	117
31.0 Equipment	188	641	729
TOTAL	**21,432**	**25,425**	**29,856**

OFFICES:

Chairman and Executive Secretariat
Commissioners
Communications/Legislative Affairs
Office of Equal Employment Opportunity
Office of Inspector General
Office of Financial Resource Management
Office of Human Resources
Office of Research Information Planning

* **Executive Direction and Support includes the activities of the Office of Inspector General.**

DECISION UNIT

Private Sector Enforcement: Compliance Activity

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Estimate
Personnel Compensation			
11.1 Full-time permanent (FTP)	77,382	80,737	87,726
11.3 Other than FTP	840	864	895
11.5 Other personnel compensation	5,909	6,080	6,308
Total Personnel Compensation	**84,131**	**87,681**	**94,929**
12.1 Civilian personnel benefits	16,612	21,955	23,512
[Total FERS]	(6,727)	(8,891)	(9,521)
13.1 Benefits to former personnel	48	48	48
Total Compensation and Benefits	**100,791**	**109,684**	**118,489**
21.1 Travel of persons	1,369	1,836	2,058
22.0 Transportation of things	28	166	358
23.1 Other rent/Communications	3,082	4,277	4,743
23.2 Rental payments to GSA	15,247	16,056	16,360
24.0 Printing and reproduction	306	327	398
25.0 Other services	5,535	9,156	15,804
26.0 Supplies and materials	1,883	2,086	2,197
31.0 Equipment	2,133	7,291	10,173
TOTAL	**130,374**	**150,879**	**170,580**

OFFICES:

Field Office - Compliance
Office of Field Programs
Office of Legal Counsel
Office of Information Resources Mgmt
ORIP (Research)

DECISION UNIT

Private Sector Enforcement: Litigation

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Estimate
Personnel Compensation			
11.1 Full-time permanent (FTP)	22,427	23,702	25,055
11.3 Other than FTP	425	437	453
11.5 Other personnel compensation	1,712	1,762	1,775
Total Personnel Compensation	**24,564**	**25,901**	**27,283**
12.1 Civilian personnel benefits	5,650	6,734	6,976
[Total FERS]	(3,425)	(4,283)	(4,431)
13.1 Benefits to former personnel	12	12	12
Total Compensation and Benefits	**30,226**	**32,647**	**34,271**
21.1 Travel of persons	461	618	632
22.0 Transportation of things	6	35	49
23.1 Other rent/Communications	522	725	755
23.2 Rental payments to GSA	3,527	3,714	3,784
24.0 Printing and reproduction	50	54	58
25.0 Other services	3,880	6,417	6,775
26.0 Supplies and materials	388	429	437
31.0 Equipment	447	1,529	1,721
TOTAL	**39,507**	**46,168**	**48,482**

OFFICES:

Field-legal units
Office of General Counsel

DECISION UNIT

Federal Sector Enforcement: Oversight and Hearings

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Request
Personnel Compensation			
11.1 Full-time permanent (FTP)	9,814	10,886	14,142
11.3 Other than FTP	131	135	140
11.5 Other personnel compensation	745	766	926
Total Personnel Compensation	**10,690**	**11,787**	**15,208**
12.1 Civilian personnel benefits	2,352	2,901	3,652
[Total FERS]	(1,020)	(1,258)	(1,584)
13.1 Benefits to former personnel	5	5	5
Total Compensation and Benefits	**13,047**	**14,693**	**18,865**
21.1 Travel of persons	125	168	184
22.0 Transportation of things	2	15	31
23.1 Other rent/Communications	209	291	324
23.2 Rental payments to GSA	1,405	1,480	1,508
24.0 Printing and reproduction	22	23	28
25.0 Other services	451	747	997
26.0 Supplies and materials	170	188	196
31.0 Equipment	179	610	825
TOTAL	**15,610**	**18,215**	**22,958**

OFFICES:

Field Office - FAA Units
Field Office - Hearings Units
Federal Sector Programs (OFO)

DECISION UNIT

Federal Sector Enforcement: Appeals

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Request
Personnel Compensation			
11.1 Full-time permanent (FTP)	4,729	5,363	6,119
11.3 Other than FTP	237	244	253
11.5 Other personnel compensation	372	383	401
Total Personnel Compensation	**5,338**	**5,990**	**6,773**
12.1 Civilian personnel benefits	1,228	1,578	1,701
[Total FERS]	(764)	(982)	(1,058)
13.1 Benefits to former personnel	3	3	3
Total Compensation and Benefits	**6,569**	**7,571**	**8,477**
21.1 Travel of persons	10	13	45
22.0 Transportation of things	1	4	36
23.1 Other rent/Communications	113	157	224
23.2 Rental payments to GSA	776	817	833
24.0 Printing and reproduction	8	9	19
25.0 Other services	205	339	637
26.0 Supplies and materials	62	69	85
31.0 Equipment	98	335	768
TOTAL	**7,842**	**9,314**	**11,124**

OFFICE:

Office of Federal Operations

DECISION UNIT

ENFORCEMENT SUMMARY

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Request
Personnel Compensation			
11.1 Full-time permanent (FTP)			
11.3 Other than FTP	114,352	120,688	133,042
11.5 Other personnel compensation	1,633	1,680	1,741
	8,738	8,991	9,410
Total Personnel Compensation			
	124,723	**131,359**	**144,193**
12.1 Civilian personnel benefits			
[Total FERS]	25,842	33,168	35,841
13.1 Benefits to former personnel	(11,936)	(15,414)	(16,594)
	68	68	68
Total Compensation and Benefits			
	150,633	**164,595**	**180,102**
21.1 Travel of persons			
22.1 Transportation of things	1,965	2,635	2,919
23.1 Other rent/Communications	37	220	474
23.2 Rental payments to GSA	3,926	5,450	6,046
24.0 Printing and reproduction	20,955	22,067	22,485
25.0 Other services	386	413	503
26.0 Supplies and materials	10,071	16,658	24,213
31.0 Equipment	2,503	2,772	2,915
	2,857	9,764	13,487
TOTAL			
	193,333	**224,576**	**253,144**

OFFICES:

Field Office - Compliance
Office of Field Programs
Office of Information Resource Mgmt
Office of Legal Counsel

DECISION UNIT

Agency Summary

OBLIGATIONS BY OBJECT CLASS ($000)	FY 1998 Actual	FY 1999 Estimate	FY 2000 Agency Request
Personnel Compensation			
11.1 Full-time permanent (FTP)	126,988	134,018	146,825
11.3 Other than FTP	2,178	2,241	2,321
11.5 Other personnel compensation	9,726	9,999	10,450
Total Personnel Compensation	**138,892**	**146,258**	159,596
12.1 Civilian personnel benefits	28,605	37,002	39,813
[Total FERS]	(13,184)	(17,146)	(18,388)
13.1 Benefits to former personnel	75	75	75
Total Compensation and Benefits	**167,572**	**183,335**	**199,484**
21.1 Travel of persons	2,273	3,048	3,339
22.1 Transportation of things	38	228	489
23.1 Other rent/Communications	4,140	5,747	6,357
23.2 Rental payments to GSA	22,392	23,580	24,026
24.0 Printing and reproduction	406	435	527
25.0 Other services	12,294	20,336	31,530
26.0 Supplies and materials	2,605	2,885	3,032
31.0 Equipment	3,045	10,406	14,216
41.0 S&L	27,500	29,000	29,000
TOTAL	**242,265**	**279,000**	**312,000**

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APPENDIX B

Education, Technical Assistance and Training Revolving Fund

Appropriation Language

Summary of Financing

Object Class Schedule

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Appropriation Language

APPROPRIATION LANGUAGE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Federal Funds

Public Enterprise Funds:

EEOC Education, Technical Assistance and Training Revolving Fund

There is hereby established in the Treasury of the United States a revolving fund to be known as the "EEOC Education, Technical Assistance and Training Revolving Fund" (hereinafter in this subsection referred to as the "Fund") to pay the cost (including administrative and personnel expenses) of providing education, technical assistance, and training relating to the laws administered by the Commission. Monies in the Fund shall be available without Fiscal Year limitation to the Commission for such purpose.

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Summary of Financing

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
EEOC Education, Technical Assistance, and Training Revolving Fund
SUMMARY OF FINANCING
(Dollar amounts in thousands)

	Fiscal year 1998 ESTIMATE	Fiscal year 1999 ESTIMATE	Fiscal year 2000 ESTIMATE
Total Obligations	1,933	2,500	2,909
Financing:			
Offsetting collections from:			
Federal Funds	134	365	482
Non-Federal sources	1,219	1,722	2,024
Recoveries	51	10	10
Orders on hand from Federal sources	0		
Unobligated balance, start of year	2,515	1,986	1,583
Unobligated balance transferred	0	0	0
Unobligated balance, end of year***	1,986	1,583	1,190
Budget Authority	0	0	0
FTE	6	14*	19**

*Includes 8 FTE for staff assigned to Headquarters Revolving Fund, 1 FTE to the Office of Federal Operations for Revolving Fund functions and 5 FTE for field staff performing Revolving Fund functions.

**Includes 8 FTE for staff assigned to Headquarters Revolving Fund, 1 FTE to Office of Federal Operations for Revolving Fund functions and 10 FTE for field staff performing Revolving Fund functions.

***The Revolving Fund must maintain from the unobligated balance at the end of each fiscal year, monies to cover anticipated expenses for part of the next fiscal year until new revenues are received (e.g., pay for hotels, printing, other contractual obligations, and the Revolving Fund staff salaries and benefits) and to develop new products and enhance existing products and services.

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Object Class Schedule

EEOC Education, Technical Assistance, and Training Revolving Fund REQUIREMENTS BY OBJECT CLASS (Dollar amounts in thousands)			
OBJECT CLASS	**Fiscal year 1998 ACTUAL**	**Fiscal year 1999 ESTIMATE**	**Fiscal year 2000 ESTIMATE**
11.1 Personnel Compensation	345	792	1,091
12.1 Civilian Personnel Benefits	56	147	202
21.0 Travel and Transportation of Persons	138	316	245
22.0 Transportation of Things	1	17	24
23.1 Other Rent/Communications	198	274	285
24.0 Printing and Reproduction	346	429	419
25.0 Other Services	773	405	526
26.0 Supplies and Materials	26	107	117
31.0 Equipment	50	13	0
TOTAL OBLIGATIONS	1,933	2,500	2,909

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APPENDIX C

Organizational Chart

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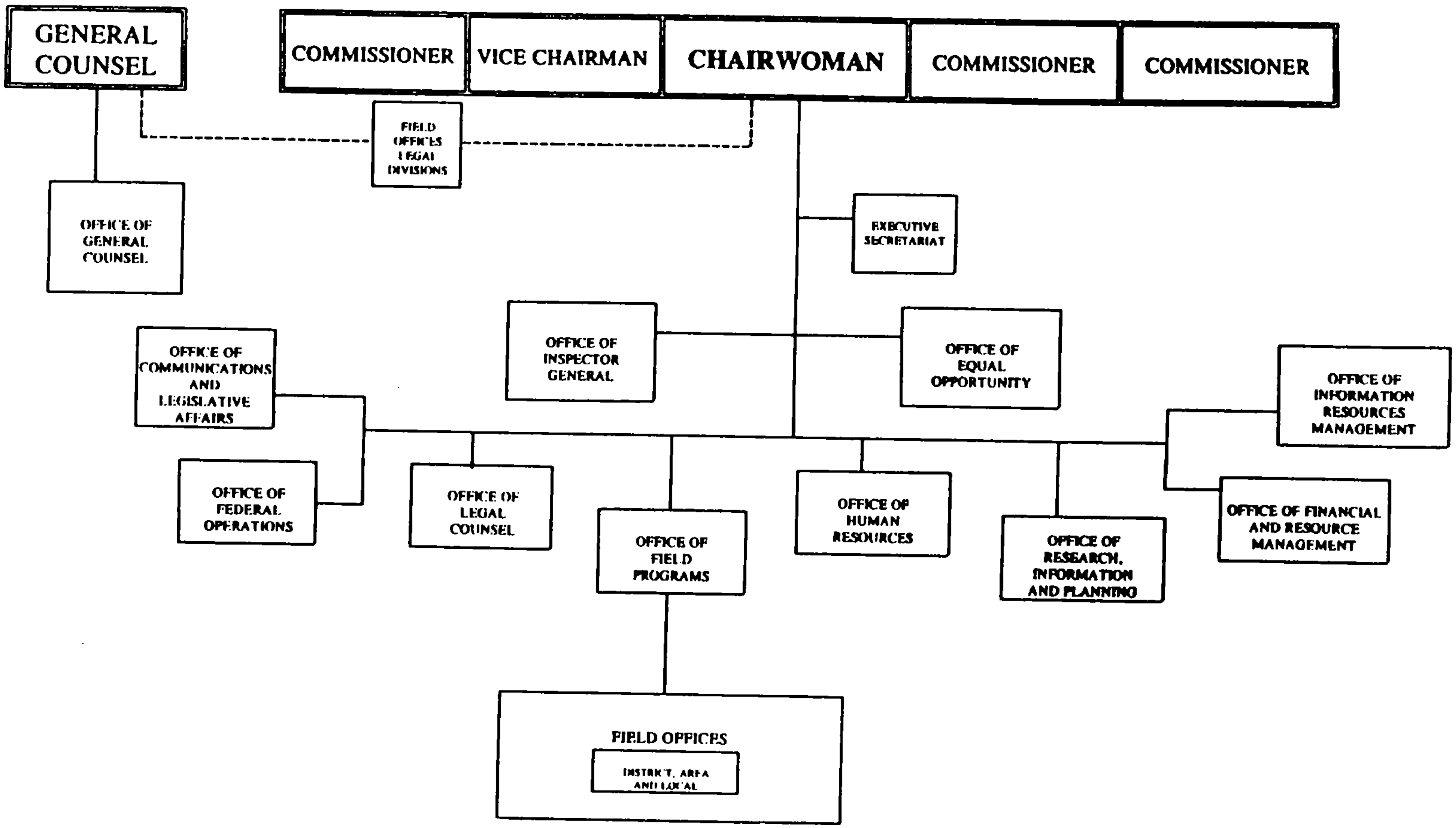
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



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APPENDIX D

Vision Statement for Financial Management

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Vision Statement for Financial Management

To provide efficient, effective, and responsive service to its customers by empowering its employees, encouraging new ideas, and continually taking advantage of information technology to improve work processes.

GOALS AND STRATEGIES

GOAL

As part of the agency's overall, long-term goal of modernizing and integrating information systems, the Commission plans to replace its automated accounting system and its other stand alone financial systems with a single integrated Financial Management System (FMS). The new FMS will incorporate all existing financial and resource management information systems; meet the requirements for automated financial management systems contained in the Joint Financial Management Improvement Program (JFMIP) directives; and satisfy the goals of the National Performance Review for moving towards electronic methods of acquisition. The FMS will capitalize on the opportunities for improvement in operating efficiencies that a new integrated system will offer and will resolve current systemic and procedural issues. Additionally, the new FMS will:

- standardize, integrate, and speed-up financial processes via automation, including budgeting, procurement, accounting, resource management, and financial reporting;
- establish, monitor, and maintain control over federal funds;
- facilitate more effective management, analyses, and projections for planning purposes;
- improve customer service and support of goods, supplies and services for the agency; and

➢ improve the speed and reliability of communicating financial information throughout the agency and to external agencies, organizations, and citizens.

STRATEGIES

Analysis of Current Business Functions

A detailed analysis of current financial and resource management processes was performed and documented. The current business processes analyzed included: budget; procurement; accounting and financial management and resource management processes. Each business function has been described in general terms with a detailed listing and flow diagram of the processes involved in each function. This analysis revealed systemic issues affecting the efficiency of the processes, and opportunities for improvement.

Defining a "Concept of Operations"

A concept of operations has been developed. The concept of operations defines the desired or proposed methods and procedures necessary for staff to perform their duties more effectively and efficiently, and to be more responsive to their customers by taking advantage of information technology with a new automated integrated FMS. The concept of operations provides a new vision for the financial management organization, objectives for automating the new FMS, the scope of functions and the organization boundaries to be automated, and the expected service life of the system. It further provides specific business imperatives and information technology principles considered important in the new FMS, and a summary of the opportunities for potentially improving current work activities with the new FMS.

Specification of System Requirements

System requirements for the integrated FMS were identified based on the detailed analysis of the current business functions, and the management level goals and objectives established in the Concept of Operations. System requirements include:

Functional Requirements - what business functions and processes will be supported by the system.

Data Requirements - what data are required to support those business functions.

Technical Requirements - what environment needs to be in place to satisfy management objectives and support implementation of the functional data requirements.

The development and documentation of the system requirements for the integrated FMS took place within the context of a continuing effort to develop the EEOC Enterprise Model. The previous focus of the Enterprise Model development effort has been the Integrated Mission System which is a program mission oriented system.

The integrated FMS is the first administrative system to be targeted for integration with the Enterprise Architecture models.

Cross Servicing Agreement

Based on an analysis of alternative strategies for developing an integrated FMS, the agency decided to enter into a cross servicing agreement with the Department of Commerce for the acquisition, implementation and support of a client/server FMS. As part of the evaluation process, an operational capabilities demonstration was conducted to test vendors' ability to process the agency's basic accounting transactions, the efficiency of procedures associated with the transaction entry, and the efficiency of computer utilization while processing the selected transactions.

Selection of Core System

The agency selected a core system and implemented agency-wide on October 1, 1998. The agency executes a yearly Memorandum of Understanding with the Department of Commerce for support of the core system. Additional non-core modules are planned for acquisition and integration at later dates.

FINANCIAL SYSTEMS STRUCTURE - BASELINE

The Integrated Financial Management System became the Commission's core FMS on October 1, 1998. The core FMS is the cornerstone piece of the planned fully integrated system which will eventually incorporate procurement, travel, budget formulation and property management modules. The new core system replaces a mainframe-based, non Y2K compliant, batch processing system that was developed in FY 1979.

The agency has targeted the remaining stand alone systems such as budget, budget formulation, and property management for eventual replacement and integration into the Integrated FMS.

TARGET STRUCTURE FOR FINANCIAL AND MIXED SYSTEMS

To resolve or eliminate the problems identified with the current systems, the Commission has decided to pursue the implementation of an integrated FMS. The FMS is defined as a set of application software modules and technical architecture components that support all accounting, budget, procurement and resource management business functions; that extend the automation of these functions to select staff in both Headquarters and District offices; that extend the capability for access to the information captured and processed by the system to a significant subset of the Commission's management and staff; and that satisfy all or most of the identified functional, data and technical system requirements.

PROJECTS REQUIRED TO MOVE FROM BASELINE TO TARGET

PROJECT	ESTIMATED COMPLETION DATE*
System Requirements Analysis	April 1995
Feasibility and Alternative Strategies Analysis	February 1997
Submit Requirements to Commerce	June 1997

PROJECT	ESTIMATED COMPLETION DATE*
Select Core System	August 1997
Implementation of Core System	October 1998
Integration of Travel Module	To Be Determined
Integration of Procurement Module	To Be Determined
Integration of Budget Formulation	To Be Determined
Integration of Property Module	To Be Determined

* Completion of projects is contingent on the availability of adequate funding.

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APPENDIX E

FY2000 GPRA Annual Performance Plan