A Report by a Panel of the

NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

for the U.S. Equal Employment Opportunity Commission

February 2003

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION:

ORGANIZING FOR THE FUTURE

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The Center also provides consultative services to individual public organizations on specific short- and long-term issues, including development of customized human resources systems. These services are provided to local, state, and federal government organizations, as well as to foreign governments and international organizations.

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The views expressed in this report are those of the Panel. They do not necessarily reflect the views of the Academy as an institution.

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FOREWORD

A workforce free of discrimination has been an important goal of the United States for much of the last half of the 20th Century. Established in 1965, the Equal Employment Opportunity Commission (EEOC) has a mission to prevent and eliminate workforce discrimination and to investigate and adjudicate allegations of discrimination. Thus, the Commission serves every industry, part of the nation, and segment of the population.

In today's world, the wise stewardship of scarce public resources requires streamlined organizational structures and the strategic use of human capital. EEOC was well served by its organizational structure in the 20th Century. However, the changing demands of the 21st Century workplace, shifting population centers, economies made possible by technology, and a more mobile workforce created an occasion to reexamine this structure.

This report provides wide-ranging recommendations and options to address interrelated issues, including organizational structure, budget alignment, advanced technology, and human capital and performance management. The Academy was pleased to assist EEOC by conducting this study. The Panel's recommendations provide options and strategies for strengthening EEOC's ability to improve its effectiveness and enhance its use of scarce resources—including people, technology, space, and money.

I want to thank the Fellows who served on this Project Panel for their excellent experience-based participation and keen insights. My appreciation goes to EEOC's Chair and Commissioners, as well as its executives, employees, and stakeholders for their time and cooperation. I also would like to recognize and thank the project team for its efforts in producing this important report.

Philip M. Burgess
President & Chief Executive

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LIST OF ACRONYMS

ADR	Alternative dispute resolution
AJ	Administrative Judge
CDS	Charge Data System
CEP	Comprehensive Enforcement Plan
CFO	Chief Financial Officer
DO	District Office
EEOC	Equal Employment Opportunity Commission
FEPA	Fair Employment Practices Agency
FCP	Field Coordination Programs
FLRA	Federal Labor Relations Authority
FMCS	Federal Mediation and Conciliation Service
FMP	Field Management Programs
FO	Field Office
FPPS	Federal Personnel Payroll System
GAO	General Accounting Office
GPRA	Government Performance and Results Act
GSA	General Services Administration
IDP	Individual Development Plan
IFMS	Integrated Financial Management System
IMS	Integrated Mission System
IRS	Internal Revenue Service
IT	Information Technology
LEP	Local Enforcement Plan
MSPB	Merit Systems Protection Board
NEP	National Enforcement Plan
NLRB	National Labor Relations Board
OCFOAS	Office of Chief Financial Officers and Administrative Services
OFO	Office of Federal Operations
OFP	Office of Field Programs
OGC	Office of General Counsel
OHR	Office of Human Resources
OIG	Office of Inspector General
OIT	Office of Information Technology
OLC	Office of Legal Counsel
OMB	Office of Management and Budget
OPM	Office of Personnel Management
ORIP	Office of Research, Information and Planning
OSHA	Occupational Safety and Health Administration
PMA	President's Management Agenda
RA	Regional Attorney
SES	Senior Executive Service
SLP	State and Local Programs
SSA	Social Security Administration
TAPS	Technical Assistance Program Seminars
TERO	Tribal Employment Rights Organizations
USGS	U.S. Geological Survey
WFO	Washington Field Office

REPORT SUMMARY

The Equal Employment Opportunity Commission (EEOC) works to prevent discrimination from occurring in the workplace, eliminate discrimination that has occurred in the workplace and investigate and adjudicate allegations of such discrimination. The Commission serves every industry, every segment of the population, and every part of the country. Its workload nationwide and in its individual offices is affected by such things as the state of the economy, demographic characteristics of the workforce, the growing immigrant population of the nation, and the challenges of serving customers from diverse backgrounds and with varied English-speaking abilities. EEOC asked the National Academy of Public Administration (the Academy) to assist in preparing the restructuring plan and the strategic human capital plan required by the President's Management Agenda and related Office of Management and Budget (OMB) and Office of Personnel Management (OPM) directives.

EEOC's current structure, which was designed for twentieth century programs and technology, does not permit it to meet all aspects of its current mission, which now emphasizes prevention and mediation in addition to enforcement, or to take maximum advantage of technology advances. It faces rising lease costs at its 51 field locations, a budget so constrained that the Commission had to institute a hiring freeze and delay some technology modernization, a growing private sector workload, and a long-term backlog in federal cases. The Commission streamlined its processing of private sector discrimination cases in the mid-1990s, substantially revised the federal hearings process in 1999, and is examining ways to cut lease costs. However, these changes are not sufficient to align EEOC's structure and processes with its budget and broadened mission. The Commission needs more fundamental changes to enable it to provide its diverse, far-flung customers with the level and quality of services they need.

The Academy Panel report contains a wide-ranging set of recommendations to address a number of interrelated issues of organizational structure, budget realignment, technology use, human capital management, and performance management. The Panel believes these changes are necessary to help lower costs, improve organizational and individual performance levels, and meet the other challenges facing the Commission. The report also contains recommendations for implementing the substantive changes and for the communications strategy essential to successful organizational and cultural transformation.

To help the Commission reach these goals, the current Chair has continued and refined strategies that place significant emphasis on preventing discrimination and mediating cases. However, the Commission is not yet organized to move most effectively in that direction. In addition, the Panel found that the Commission could take advantage of modern telecommunications technologies that would allow it to efficiently centralize much of its intake of private sector charge receipts, provide one-stop information about all services, trim its costs, and concurrently improve its services to individuals.

The Panel's recommendations are designed to respond to these current Commission needs. Most urgent are those for a National Call Center that could be accessed by anyone from anywhere in the country, and a system of electronic charge filing. These new systems would allow

individuals to ask questions, become better informed about their rights and procedures to protect those rights, file complaints, and follow up on their cases and other concerns. Employers could learn more about their responsibilities. The National Call Center should be established at one or more low-cost locations to reduce costs, improve services, and enable the Commission to streamline its existing high-cost field office structure. It could include the electronic charge-filing system, or that could be operated elsewhere.

The second major area of emphasis is to streamline the field structure and reduce the number of full-service locations. EEOC needs to have staff capabilities throughout the country so that the Commission can investigate charges by interviewing relevant individuals, conduct mediations, and hold federal sector hearings. However, technology will permit EEOC to develop mobile units to travel to underserved areas, and develop a network of dispersed staff who work from home offices and can be near a larger proportion of the public it serves. The Commission does not need 51 traditional field office locations to fully serve employers and employees in the private and public sectors.

The third major thrust of the Panel's recommendations is to reorganize the Commission's headquarters to establish a more balanced distribution of functional capacities between the traditional enforcement activities and the prevention and mediation activities. Improvements in the operations of some enforcement activities and reorienting the Commission's management to a performance-based model are also recommended.

Underpinning these major initiatives, the Panel makes a series of recommendations for upgrading the Commission's human resources and technology support systems. The purpose of these upgrades is to meet the very substantial organizational and functional challenges presented by these realignments. Although the mission and function recommendations are presented before the others, the Panel is not implying that changes in, for example, technology should be delayed. Many recommendations can be implemented concurrently. Also critical to success are the recommendations for implementation and for communication with the many internal and external stakeholders. Successful organizational transformation depends on a well organized implementation process and a communications strategy that involves stakeholders and keeps all parties informed of the purpose, content, and timing of changes.

The issues considered by the Panel in developing this reform strategy, and the specific recommendations made to implement it, are presented in more detail in this report summary.

ALIGNING MISSION AND FUNCTIONS

The EEOC structure of widespread field offices and a headquarters Office of Field Programs (OFP) that guides policy implementation and program focus for most work done in the field has worked reasonably well for its 35-year history. However, this approach was more appropriate when most business was done face-to-face and paper-based methods were the only ones available for processing complaints, interacting with respondents, or communicating with federal agencies. It was also designed when most headquarters and field functions were geared to enforcement, and today EEOC emphasizes prevention to a much larger degree.

The Panel believes the highest-priority recommendations in the area of aligning mission and functions are those that address: establishing a National Call Center; realigning the field structure to reduce the number of physical locations; consolidating administrative support functions; and reorganizing portions of headquarters so that there are clearer organizational distinctions between private sector enforcement and other functions, such as mediation and prevention/technical assistance.

NEED FOR A NATIONAL CALL CENTER

The concept of requiring the public to do business with a government agency office close to where they live is a carryover from times when geography governed nearly all decisions related to where to shop, bank, work, or get an education. While proximity is still a factor in many such decisions, it no longer has to predominate, and there may be less expensive or more efficient ways to achieve the same objectives.

> **The Panel recommends that EEOC establish a nationwide, toll-free National Call Center staffed by individuals who have been thoroughly trained in responding to questions about EEOC's mission and services and in taking charges over the phone.**

The purpose of the National Call Center is to:

- Have highly trained staff in one location so that customers receive accurate and consistent information and can often have their questions or issues resolved in one call
- Relieve individual offices of a large proportion of routine inquiries and calls about the status of cases
- Probe and provide information so that callers understand whether EEOC is the appropriate agency to address their problem, and provide information on the alternative organizations
- Obtain sufficient information through telephone charge-filing so that a field investigator can begin work, or EEOC can determine that the charge is without merit
- Reduce operating costs through economies of scale

ALIGNING FIELD OFFICE LOCATIONS WITH SERVICE NEEDS

Technology will enable EEOC to move away from a solely place-based focus of interacting with its customers. This could not be more timely because EEOC cannot afford to maintain a bricks-and-mortar structure of 51 field office real estate locations whose rental costs are rising at more than $1 million per year.

The number of mediations and private sector charge receipts per district vary considerably. While workload cannot be the sole factor in assessing whether current office locations should be those of the future, it is a strong consideration. No single approach to deciding the exact mix of

physical locations and other modes of service can satisfy every situation. For example, Internet-based charge processing would be less expensive than office-based interviews, but not all workers have access to or are comfortable with conveying sensitive information this way. Even though EEOC will always maintain some face-to-face charge taking, the more initial contacts that can be made via phone or Internet, the more time investigators will have for follow-up work and investigation.

A combination of in-person service and technology can enhance EEOC's service delivery and increase customer access and satisfaction. This will entail some major changes in how EEOC organizes to do business, and the Commission will need to consult with a broad mix of internal and external stakeholders. Ultimately, the Chair will need to make some difficult decisions; a thorough consultation process will permit everyone to be heard.

- **The Panel recommends that EEOC establish a network of lead offices in areas with high workload levels, defined to include private sector charge filings but also to consider other factors, such as local industries and population demographics and EEOC's mediation and outreach efforts. Lead offices might have satellite offices under them, and perhaps a mobile unit that could travel to areas not close to EEOC offices.**

- **Initial implementation should begin with pilots of this combination of place-based, mobile, and remote services so that the EEOC can develop and test service to customers, infrastructure support, management checks and balances, revised work processes, and supporting human resources systems for recruitment, training and performance assessment, and other components.**

The Panel believes there is a set of factors the EEOC should consider in making these decisions. These factors include:

1. What have been the filing patterns for private and federal cases during the past three years by state and major metropolitan areas within each state? Does analysis of Census and other data indicate that patterns could change?
2. What are the filings-per-capita per state, and does this vary for states that have an EEOC office compared to those that do not?
3. Are there some industries or parts of the country that appear to generate more charges of discrimination?
4. How does the presence of a state Fair Employment Practices Agency or Tribal Employment Rights Organization affect the need for an EEOC physical presence?
5. To what extent can a physical presence in some locations be replaced by a well-publicized, regularly scheduled EEOC site visits to the location?
6. Is it necessary to have all or nearly all EEOC services provided out of an office, or can there be some intake-only locations, supplemented by staff who conduct investigations while working out of their homes?
7. If there are some intake-only units, can they be co-located with another federal agency?

8. Can staff who conduct outreach, mediation, hearings, or technical assistance be attached to an office but work in a distant part of a state, coming to an office only occasionally and regularly visiting customer locations that are within a relatively short drive from their homes?
9. Is it necessary for EEOC offices to be located in prime downtown locations, or can they be located on the outer rim of downtown (where real estate might be less expensive), assuming they are served by public transportation?
10. Are there some locations to maintain, regardless of direct service provided there, because the distance to other EEOC offices is too great?

While factors such as population density or historical patterns for charge filings may explain current office locations, with technology providing more opportunities than face-to-face contact, population may not be the predominant factor driving office location in the future. The assumption in discussing a smaller number of "lead" offices is that EEOC will supplement brick-and-mortar locations with mobile units that can reach beyond them, and will place teleworkers in such locations that they can provide outreach to a variety of stakeholders in or near their locale.

The report discusses three options for a framework for offices locations, and discusses pros and cons of each.

Option 1: Maintain a Dispersed Group of Offices

Even with a National Call Center, EEOC could choose to maintain a mix of full-service offices throughout the country. These could be in different locations than currently, after EEOC looks at changes in demographics, immigration patterns, and employment trends. This would likely entail having relatively few teleworkers, and making less use of a mobile workforce that travels to underserved locations. EEOC could also reduce rental costs somewhat by moving offices to city rims or sharing office space with other federal or state agencies.

Advantages to maintaining a dispersed group of offices are:

- Networks of staff that can train new employees and serve as resources to one another
- Opportunities for citizens to visit EEOC offices in a number of cities, on any given workday

Disadvantages to maintaining a dispersed group of offices are:

- Lack of budget flexibility, given that there will still be substantial real estate costs
- A wide span of control for the headquarters office that oversees field operations
- A relatively large number of office infrastructures to maintain, and the requisite costs of doing this

Option 2: Align with the Ten Federal Regional Cities

Another approach to establishing the locations for the "lead" offices would be to start with the ten federal regions, and adjust from there to reflect EEOC's workload. There are EEOC offices

in all of these federal regional cities, and all but two (Boston and Kansas City) are district offices. EEOC could use these ten as a starting point and make necessary revisions.

Advantages for using the standard federal structure as a starting point are:

- Proximity to other federal agencies, making it convenient to negotiate partnership arrangements
- Access to cost saving arrangements for common services (such as sharing videoconferencing facilities or setting up a site for teleworkers to come in for occasional work)
- Entrée to state and local networks related to other federal agencies' programs
- Access to state agencies in these major cities, especially the ones that are state capitals or big enough to attract major state agency offices
- Substantially reduced rental costs, with more funds available for technology development, regular visits to underserved areas, and support for a network of teleworkers
- Proximity to federal agencies for review of their affirmative action programs and ease of federal workers' filing of complaints

The standard federal structure need not be a straightjacket. Since a large part of EEOC's workload comes from states in the southeast part of the country, it may be advisable to establish more than one lead office in that area. EEOC could also decide to supplement its major eight to ten offices with small intake-only centers that can serve as "home base" for a group of teleworkers. The decision should be based on a detailed analysis of current and projected workload, and has to be EEOC's.

Option 3: Locate Offices in Highest-Volume Cities

A third option is to examine those cities that have a history of the highest level of private sector charge receipts and position lead offices there. The drawback to this option is that it does not consider factors such as recent changes in population or population demographics that could cause future charge-filing patterns to change. In addition, it is possible that, while these offices may have received the most charge receipts in any circumstance, the availability of an EEOC office in these cities led to higher charge filing.

CONSOLIDATING ADMINISTRATIVE SUPPORT FUNCTIONS

There were comments in the field and headquarters about inadequate administrative support or some poorly trained staff in this area. Given the number of staff in administration, finance, and human resources, EEOC should have such things as streamlined systems, ongoing strategic workforce planning, regular reports to managers about the status of spending, and a procurement tracking system that is routinely updated and available to line managers. This has not been the case.

The Academy Panel recommends that EEOC:

- **Consolidate most administrative support functions, leaving in each major office one highly skilled, fully trained administrative staff member to provide those services that must be performed on site and coordinate those that are performed at another location.**

- **Locate at least some of its consolidated support functions (should EEOC choose to provide them directly) outside of Washington, DC, in locations where real estate costs are lower and it may be easier to recruit and retain staff.**

- **Develop the costs and benefits of establishing a full servicing agreement with the Department of Interior, instituting additional cross-servicing agreements with other federal organizations, or contracting out administrative functions to the private sector.**

Nearly all federal agencies have consolidated their administrative support in some way. Larger organizations are more likely to create their own service units. Smaller organization are more likely to enter into cross-servicing arrangements with organizations such as the National Finance Center (NFC) or the Department of Interior's National Business Center (NBC). NBC now provides personnel and financial information services for EEOC, and the agency is planning to adopt its Windows-based electronic procurement system. Even larger agencies are likely to use an organization such as NFC or NBC for payroll services.

EEOC cannot afford its decentralized approach to administrative support from both a cost and a quality of service standpoint. This does not mean that office directors should be without anyone to oversee implementation of decisions regarding contracting, human resources, finance, and procurement. The Academy Panel suggests that each major headquarters and field office have a highly skilled administrative officer who reports to the office director but receives technical guidance and support from offices such as the Office of Human Resources (OHR), Office of Chief Financial Officer (OCFO), and Office of Information Technology (OIT). This should be a manageable workload for one individual if EEOC develops standardized procedures, positions descriptions, and the like.

Given that some aspects of EEOC's central administrative support have not always functioned well, there could be resistance from office directors who do not want to lose "their" personnel specialist, budget analyst, or accounting clerk. They should not begin to lose these individuals until reliable alternatives are in place and have been tested. As EEOC develops additional cross-servicing agreements or decides to operate, for example, its own centralized human resources service, it should involve office directors in system design and plans for implementation.

CONSIDERING THE HEADQUARTERS STRUCTURE FOR PROGRAM WORK

EEOC's restructuring should not be limited to the field. EEOC needs to have clearer organizational distinctions between private sector enforcement and other functions, such as mediation, outreach/prevention, and technical assistance. As a small organization that has made some major changes in work methods in the past decade (including a revised charge processing system and stronger focuses on mediation, outreach/prevention, and technical assistance), EEOC needs to consider whether its program direction and implementation functions need to be more separate than they now are. One reason for this is stakeholder concern that the field's traditional enforcement side of the house also manages mediation and outreach/prevention.

> **The Academy Panel recommends that EEOC establish more distinct focuses of accountability at the headquarters level for:**
>
> - **Prevention and technical assistance**
> - **Enforcement**
> - **Mediation**
>
> **These three areas should have appropriate priority in field offices, even though resource allocation cannot be equally divided.**

The Panel considered whether EEOC needed to create separate entities for these major functions. On the surface, this may not be not in keeping with the Chair's goal of delayering. However, the panel did not want to suggest only one approach.

The report presents two examples of organizational design, which are shown in Figures 3-2 and 3-3 in Chapter 3. Figure 3-2 shows EEOC if it were to establish separate offices for Private Sector Charge Enforcement, Mediation, and Prevention/Technical Assistance. Staff would be drawn from OFP and the Office of Legal Counsel (OLC). OFP's role would evolve to one of resource management and coordination, with program oversight and policy-setting coming from the new program offices. Figure 3-3 shows EEOC if it were to establish three program offices within OFP. It would still be appropriate to draw staff from OLC, so that policy setting and program development are within the same units.

CAN FOCUSING LITIGATION BY CIRCUIT ENHANCE THE STRATEGIC FOCUS?

It is not uncommon for a federal circuit's cases to be handled by several EEOC district offices. Three circuits have all of their cases handled in a single district, three circuits (Atlanta, Cincinnati and Chicago) must deal with a different EEOC district office for each state the circuit covers. Another circuit (New Orleans) has three states but has to work with five EEOC offices, and the St. Louis Circuit also works with five EEOC offices. The other circuits have similar multiple EEOC offices handling their cases.

While this may or may not be a problem for the federal court, individual EEOC offices can encounter difficulties working with multiple circuits. The following districts work with two

circuits: Chicago, St. Louis, Indianapolis, NY, Philadelphia, Phoenix, Memphis, Milwaukee, and Birmingham. Denver works with three circuits. While several EEOC staff advocated organizing litigation work by federal circuit, there was little sentiment among officials interviewed for returning to "regional litigation centers," a past organizational structure in which all attorneys were in five locations. Also, many investigators and attorneys cited the benefits of having attorneys and investigators working closely together, something the litigation centers prevented.

Given that circuit precedents vary, the Panel discussed whether EEOC would have a more strategic focus for some of its legal work if the same team of lawyers handled the work for one circuit. Would having all the attorneys who work with one circuit on the same team better coordinate case preparation and take advantage of lessons learned in previous presentations before that court? Would it be appropriate for groups of lawyers to specialize in certain kinds of cases, such as in class action suits or all cases dealing with the Americans with Disabilities Act (ADA)?

These questions should be considered further as part of EEOC's restructuring efforts. It is important to note that organizing litigation work by circuit does not imply that attorneys need to be located in the same city as a federal Circuit Court of Appeals.

CONSIDERING WHERE LEGAL WORK IS DONE

EEOC has an Office of General Counsel (OGC) and an OLC, each of which requires top-level staff and administrative infrastructure. Though functions are different, there are some operational roles in each.

> **The Academy Panel recommends that EEOC put all operational legal work in the Office of General Counsel and ensure that the Office Legal Counsel maintains a policy guidance and internal advice role.**

As an organization that enforces federal laws, EEOC has an OGC, which works directly on enforcement issues, and an OLC that provides legal advice to the Chair and Commissioners and develops policy for the Commission. OLC has an ADA Policy Division that drafts commission decisions related to that Act.

As EEOC works to delayer and streamline operations, it should examine whether it needs two complete office infrastructures for its legal work. The Panel recognizes that an OGC function in non-regulatory agencies is to advise, represent, and defend the agency, and that in EEOC the OGC function is an integral part of the agency mission. Should the Commission want to have legal counsel to advise the Chair, that is a matter of the Chair's discretion. However, this can be a small staff reporting to the Chair or within OGC. Prior to OLC's creation, the OGC set policies and conducted enforcement litigation. If there is a true conflict of interest in this mode of organization, then it is inappropriate. However, if one office can do both and the OLC can be an advisor to the Chair and represent EEOC when it is a defendant, there will be fewer management layers and possibly some fewer positions.

CONSIDERING FEDERAL SECTOR WORK

The Commission's federal sector work has changed substantially since 1999, when field-based administrative judges (AJs) began to issue rulings rather than recommendations on federal employee complaints, and federal agencies had to appeal if they did not want to implement a ruling. The Chair is consulting with stakeholders to determine the most appropriate way to manage federal sector complaints that come to EEOC. Because the Commission has this series of consultations underway, the Academy Panel did not develop broad recommendations in this area. However, it does have some observations about this work. The one area in which the panel does have a recommendation deals with review of federal agency affirmative action programs.

The Office of Federal Operations (OFO) manages the national affirmative action program, which advises federal agencies and reviews their programs. Most of this work is in Washington, DC, because most federal programs are there. The field affirmative action supervision comes from district directors or AJs, and their policy guidance comes from OFO. As of September 2002, seven district staff perform affirmative action reviews of federal agencies and are located in six EEOC districts, all of which are in federal regional cities.

> **The Academy Panel recommends that the staff who review federal agency affirmative action programs report directly to the Office of Federal Operations.**

Given the constraints on EEOC's travel budget, it may make sense to leave some of this staff in the field, although EEOC may want to reexamine the extent to which the work requires an ongoing physical presence in the field. This section of the report also has some general observations about federal sector work and the possibility of using federal sector and private sector attorneys to reinforce one another.

DISCUSSING THE "BIFURCATION" ISSUE

In the field and headquarters, EEOC staff repeatedly brought up the issue of whether reporting in the field should move along functional lines or whether the head of an office should have full resource and operational control over a field office. This is usually referred to as the "bifurcation issue," because regional attorneys not only receive technical guidance from the OGC, but also have a separate budget allocation from that office. In the recent past, the regional attorney received all resources through the district director and that individual had to approve any litigation proposal before it went to the OGC. This is no longer the case.

The current EEOC organizational mix of budget and reporting has led to tension in some districts, though in others the district director and regional attorney have excellent lines of communication and work together on investigation and litigation issues and strategies. This is a good example of how good managers can work well together in any structure or any set of

processes. However, the structure and processes should facilitate good management, not impede it.

The Panel does not have a specific recommendation as to whether the regional attorney budget should go through the district director, but it does lean this way. If investigation and litigation are to work in full coordination, there should be one person clearly accountable. The district director would not provide the technical guidance for a regional attorney, even if the director were an attorney. Technical guidance should come from the OGC.

HARNESSING TECHNOLOGY TO ACHIEVE THE MISSION

EEOC has established funding priorities to use technology to increase agency productivity and make information more easily available to its employees, customers, and stakeholders. These efforts include developing its public web site, placing computers and Internet access on every desk, developing local and wide-area networks, and creating an internal web site to do such things as share best practices and communicate policies. While these are basic systems, they largely did not exist at EEOC prior to 1999. More recently, EEOC has implemented the Integrated Financial Management System (IFMS) and Federal Personnel and Payroll System (FPPS).

EEOC is piloting the Integrated Mission System, which will replace the cumbersome Charge Data System and permit staff to access case data in all other offices, and is developing electronic charge filing, which will be implemented in FY 2003. However, some actions may be delayed, because EEOC has targeted IT funds for reprogramming to cover other expenses.

OMB has supported past EEOC initiatives for technology improvement, and EEOC's restructuring efforts clearly tie in with administration priorities. The Commission will need to develop a comprehensive assessment of its added technology needs, and supplement this with data on long-term cost savings brought about because of reduced rental costs and, over time, possibly fewer staff.

Although EEOC has focused on developing its technological resources, there is still work to be done to use IT capabilities to meet mission needs. The Panel believes the top priorities should be on balancing technology with customer service, creating the tools needed to make the workforce more mobile, and expanding the Commission's telework resources. In the short term, EEOC will benefit from enhancing its analytical capabilities and addressing operational technology needs. Because of the efficiency gains possible through better data and employing effective software tools, these two areas are discussed prior to the mobile workforce and telework recommendations.

BALANCING TECHNOLOGY WITH CUSTOMER SERVICE

Technology will enable EEOC to better serve the public, but it is not sufficient to provide all the services employees and employers need. For example, an Internet-based system will provide

information and help individuals screen themselves out if their concern is not one that EEOC addresses. If individuals do wish to file a charge electronically, they will provide details, but this information will not replace the judgment an EEOC investigator can exercise in a face-to-face or phone interview. The challenge for EEOC is to develop methods of electronic input that provide sufficient information to permit the Commission to begin its work, and yet do not require a potential charging party to have advanced computer knowledge or keyboarding skills.

> **The Panel recommends that the secure technology tools for electronic filing be designed so that customer service is user-friendly, staff routinely follow up on Internet-filed charges with phone or in-person interviews, and information is promptly provided to those whose queries or submissions do not involve employment discrimination.**

The Academy Panel believes that the e-filing system is a critical infrastructure component that, combined with mobile outreach to underserved communities, will allow the agency to reach a substantially larger audience and to break away from having solely a bricks-and-mortar traditional workplace structure. Once the agency is less dependent on a traditional workplace configuration, it will be able to more easily reach and serve a variety of populations that are currently not well-served or not served at all. It is also breaks the agency's dependence on traditional office space and its attendant costs. While creating and managing a mobile workforce has costs, they are not as rigidly fixed. For example, if the population or the problems needing attention shift, EEOC can seek staff to transfer as teleworkers to a new location, or send a mobile workstation into an area on a periodic basis.

NEED FOR ENHANCED ANALYTICAL CAPABILITIES

The EEOC processes thousands of individual private sector charges (84,442 in FY 2002) and interacts with hundreds of thousands of people and thousands of organizations each year. It collects massive amounts of charge data and processes countless charging documents, court records, hearing documents, legal documents, and mediation agreements. A number of employees, as well as external stakeholders, identified the need to be more strategic in identifying problems and focusing the proper resources on preventing and resolving these problems.

> **The Panel recommends that EEOC enhance its analytical capabilities by acquiring software that will allow it to access and analyze data from its multiple systems to improve its strategic decision making.**

Current data systems hold a rich source of information for the agency to use in its strategic decision making, but they do not permit EEOC to pull together the varied types of data to better inform its decisions on current and emerging issues, or provide focus for the Commission's prevention activities as well as its charge processing and litigation activities.

To become more strategic in its information use, the agency must be able to access its data across technology systems. For example, EEOC must be able to assess it workload statistics against

workforce data. It also needs to be able to analyze industry and demographic trends in terms of how they affect the agency's work and the overall field of employment discrimination. EEOC will then be more able to assess how the agency should optimize deployment of its scarce resources to combat these issues and problems.

MANAGING TECHNOLOGY FOR OPERATIONAL NEEDS

EEOC uses litigation software only in the few district offices that have purchased it independently, so most staff continue to search for documents and coordinate case-related paperwork manually. In addition, office software platforms are not compatible with those used by most public and private sector organizations, which has created compatibility problems in handling some work. EEOC plans to purchase the Microsoft Office Suite®, but there are as yet no plans underway to purchase officewide litigation software.

The Panel recommends that:

- **EEOC invest in litigation management software and new primary office software platforms to better support program delivery. If funds are not available to purchase the entire primary office software, the agency should begin its investment with the presentation software to allow preparation of outreach and other presentations.**

- **EEOC conduct business case analyses on some longer-term possibilities for savings and more effective operations. These include: reducing the square footage for district libraries by creating a good virtual library; and using videoconferencing or web cameras for mission activities such as mediation or conciliations, and internal organization meetings.**

SUPPORTING A MORE MOBILE WORKFORCE

A key element in improving service to the American public while reducing EEOC's costs is to create an organization in which EEOC staff can go to employers and employees who need service rather than having them come to the Commission. While technology improvements such as electronic charge filing will provide better access for many, there are millions of people who do not use or have access to the Internet. There are likely many who do not know about how EEOC can assist them.

The Panel recommends that EEOC:

- **Develop the secure technology tools to support teleworkers and other staff who travel to the customers. This would include secure remote access to major EEOC systems, appropriate equipment, and methods to keep the workforce current on EEOC software and data systems.**

- **Protect data at the sensitive-but-unclassified level by such things as Protective Key Infrastructure for mobile staff. This includes adequate firewalls, anti-virus protection for clients and servers, intrusion detection systems, one-time password authentication ID systems, and encryption software for laptops.**

One EEOC district office has already created a mobile workstation that permits staff to create and print witness affidavits for immediate signature. The mobile workstation is also used for mediation. This office envisions eventually marrying this approach with wireless networking technology to permit exchange of documents between parties, or to allow retrieval of missing or needed documents via email or fax.

CONSIDERING EEOC'S OPTIONS FOR TELEWORK

EEOC has 914 employees who are now on alternate work schedules, and some of these telework at least one day per week. Recognizing the value of telework, the Chair asked the EEOC's Inspector General (IG) to conduct an analysis of the potential costs and benefits of telework for the agency. OIG staff reviewed potential costs and benefits of frequent telework at four EEOC field offices. The primary objective was to determine if EEOC could save on infrastructure costs and achieve other benefits through extensive use of telework, while sustaining or improving mission performance. A recent OIIG report presents the results of this work.

The Academy Panel supports the Office of Inspector General recommendation that EEOC institute pilot telework programs.

The OIG found that telework requires start-up costs in the first two years, but would begin to show savings by the third year for each of the four offices it studied. The cost model the OIG developed shows cumulative savings of about $1.3 million after five years. The Academy Panel found the EEOC OIG telework study to be thorough and well presented.

ADAPTING THE ORGANIZATION'S CULTURE TO TECHNOLOGY

There is a difference between using a computer well enough to send emails or compose short memos and fully understanding how technology can enhance how the work gets done. There were offices the Academy staff visited where technology was the primary tool for monitoring activity and using the information to change work methods, and there were others where this was clearly not the case.

EEOC has made a strong commitment to improve services to the public and give its staff better technology tools. Overall, the technology culture needs to be broadened so that all staff, especially those in leadership positions, understand the importance of technology and how it can enhance EEOC's ability to provide a greater presence in all communities it serves.

To ensure that leaders can operate effectively in a technology environment, the Panel recommends that EEOC make it a condition of advancing to a senior management position that an individual understand the value of technology in accomplishing EEOC's mission and demonstrate that they can lead others in applying this value.

This concept needs to be built into EEOC's recruitment and training programs, performance management system, and rewards program.

MAKING THE BEST USE OF EEOC'S WORKFORCE

In any organization, human capital strategies must be directly linked to organizational mission, goals, and objectives. Given the breadth of the Panel's recommended restructuring, staff realignment is essential. However, before it begins realignment, the Commission needs to have its leadership structure in place and its comprehensive workforce planning well underway. These should be the Commission's the top three priorities as it develops its Strategic Human Capital Plan.

STAFF MANAGEMENT AND REALIGNMENT

Past budget shortfalls as well as some decisions related to management of Commission staffing and budget resources have led to some of EEOC's staffing constraints. In addition, given the breadth of changes EEOC needs to make in its organizational structure, there is likely to be a mismatch between some staff skills and/or locations. In addition, 23% of the agency's staff are in headquarters, and there were many comments throughout the study (from staff in headquarters and the field) that this was disproportionately high for an organization that serves most of its customers in the field.

Changing office structure and locations can create anxiety among staff, who are quite naturally concerned with relocating families and maintaining ties within their present communities. As EEOC makes a thorough assessment of where permanent office facilities are and what locations could be adequately served with mobile units, it should position itself to deal with the impacts these decisions will have on the workforce. EEOC has a large number of staff close to retirement, and some offices that might be closed are very close to others. This should lessen the need for directed reassignments. In addition, the enhanced use of telework may enable EEOC to retain most talented staff, though their workplace and methods may change.

The Academy Panel recommends that EEOC:

- **Assess agency position descriptions to determine such things as which are current, which need to be redesigned to reflect new work methods, whether existing career ladders are appropriate, and whether positions accurately distinguish supervision from production.**

- **Seek approval from the Office of Personnel Management for a targeted early-out retirement option for staff in those headquarters and field offices that will be downsized.**

- **Design and implement a cost-effective career transition center.**

- **Work in partnership with EEOC's unions as the agency makes decisions to realign staff work locations.**

A key element of the workforce planning process will be to review current positions in terms of their relation to mission, skills they require, and whether they are in the appropriate geographic locations. Agencies that have most effectively realigned work or integrated technology most successfully have often worked with their unions, such as the Internal Revenue Services and its partnership with the National Treasury Employees Union.

The extent of its budget constraints will likely mean that EEOC will need to close some locations and find new ways to make its services more accessible to the public through alternate service delivery methods, such as electronic charge-filing, the National Call Center, mobile offices, and teleworkers. The Chair has said repeatedly that she wants to avoid a reduction-in-force, and that is a commendable goal. To achieve this goal efficiently, EEOC needs to be prepared to retrain a number of staff and work closely with its unions to ensure that any needed employee relocation decisions are made in ways that meet organization needs but also accommodate employee needs as often as possible.

It does appear that the current CFO and director of OHR have established sound projections for staffing costs and can apply these to related decisions. In addition, the implementation of new software systems that improve the agency's ability to manage financial and human resources will assist in better monitoring the impact of staffing decisions on budget. It is essential that EEOC ensure that its human resources decisions are adequately funded for the short and long term. This does not mean an increased layer of review for individual decisions. Once the agency knows its appropriations level, senior staff can decide how much of the appropriation to allocate to salary and benefits costs, considering the number of hires and separations throughout the year and any expected cost-of-living increase. This will permit the CFO to advise senior management on whether there are funds for promotions and hiring to replace those who leave the agency.

LEADERSHIP IS ESSENTIAL

All EEOC executives, managers, and staff that the Academy staff interviewed were dedicated to eradicating employment discrimination, most even passionate about it. However, there is no well-understood model of what successful leadership looks like in the organization, nor is there an established approach to developing strong managers and effective leaders. This may be the primary reason Academy staff heard such varied opinions on the quality of current leadership.

The Academy Panel recommends that EEOC build a model of leadership that integrates achieving results, leveraging resources, maintaining accountability, and improving the organizational culture. Using this model, EEOC should:

- **Create executive development activities for all senior executives and managers by partnering with other federal agencies for mobility assignments, developmental activities, and enhancement of leadership skills.**

- **Partner with whichever federal, academic, nonprofit, or for-profit entities can most effectively tailor leadership development training programs for all levels of EEOC staff.**

- **Hold all managers accountable for performance, reward those whose performance meets or exceeds expectations, and provide assistance or sanctions for those who fail to meet expectations.**

- **Design performance measures and metrics that support accountability and the full scope of management.**

- **Focus on inspiring, leading, motivating, and sustaining high-performing organizations and offices within the EEOC as well as managing staff resources and workload.**

Agency staff interviewed did not view EEOC as a high-performing organization. Time and again, in individual and group interviews, agency employees characterized themselves and their agency as one that was "beleaguered," constantly short of resources, and unable to successfully confront performance issues to either reward those who were performing or assist or terminate those who were not performing.

However, EEOC staff repeatedly singled out several field offices as having strong leadership and corresponding high performance, and Academy staff visited some of these offices. A number of factors that influenced this success were observed during the site visits, noted in analysis of office statistics, and provided in written surveys EEOC staff sent to the Academy. The factors included:

- Continual communication between the director and deputy and the staff. The staff felt included and knowledgeable of relevant issues
- Established performance goals for processing private sector charges and conducting mediation
- Consistent monitoring of performance through a range of office-developed tracking mechanisms and through individual performance discussions
- A positive working relationship between the regional attorney and district director and an open-door policy between attorneys and investigators
- Available tools for staff to do their work

- Encouragement to staff to play to their strengths—some investigators enjoyed doing outreach presentations, others liked to stick to research and interviews, and the differences were recognized as appropriate

This was in contrast to some other offices in which staff said they rarely saw or communicated with top management, were resentful because some had to work harder to compensate for those who did not (and they thought management paid no attention to this), indicated that the district director and regional attorney were at regular loggerheads, or thought some managers treated staff disrespectfully. In a number of survey responses, staff said that EEOC's top leadership was aware of their office's problems and did nothing.

Whether the staff assessment is reality or perception, a sufficient number of employees believe this to warrant top management resolution. For the agency to become a high-performance organization, these practices and perceptions will need to change.

WORKFORCE PLANNING

EEOC does not yet have a workforce plan, but is working with outside consultants to develop one. Workforce planning provides the opportunity to link an organization's mission with its best resource, its staff. It is always important, but even more so now, as most federal agencies face substantial retirements in the next three to seven years. EEOC is no exception. Some other agencies have done a better job of preparing for these retirements or devising methods to reskill employees. While, for example, some basic investigative skills stay the same, the tools EEOC staff use to conduct them involve more Internet access and the data available grow more complex. Many staff have acquired more analytical and computer skills; others have found it difficult to do so. From discussions with staff, it appears EEOC also faces skill shortages in foreign languages and technology. When EEOC finishes its assessment of current and needed skills (termed a gap analysis) it will have a road map to designing approaches to fill the gap.

The Academy Panel recommends that EEOC expedite its workforce planning effort and link it to the planning and budget processes. This is a complex and long-term effort and the agency cannot wait until its completion to institute its components. The first components the Panel suggests be implemented are:

- **Develop an inventory of the competencies required to perform mission-critical work such as investigation, litigation, mediation, analysis, outreach and prevention.**

- **Determine which of those staff who are eligible to retire plan to do so, the gaps this will create in individual offices, the size of the pool needed to replace those retiring from specific positions, and the level of training or outside hiring required to put people with the right skills in the areas most critical to mission fulfillment when they are needed.**

- **Prepare a comprehensive cost estimate for skill development needs so that EEOC can present an integrated strategy with cost implications to the Office of Management and Budget.**

- **Prepare Individual Development Plans for staff so that EEOC has better information on the skills that staff have and whether anticipated development efforts match staff aspirations and agency needs.**
- **Revise individual performance appraisal elements to reflect changes in roles and the linkage to achieving organizational performance goals.**

- **Develop the metrics for the revised performance elements.**

Given the start-and-stop nature of EEOC's recruiting and training, staff may not understand that workforce planning is not only an EEOC goal, but is part of the administration's broader management agenda. The Chair's leadership is essential. If she names the members of the workforce planning efforts, publicly defines her expectations, and sets an ambitious timeframe, it will help EEOC move ahead quickly.

In addition, EEOC should develop true cost estimates for the many steps that will flow from the workforce plan and present the case for these funds to OMB as strongly as it has pushed to get funds for technology improvements. The agency must convince OMB and Congress that there is no choice but to develop EEOC's workforce to provide the best service to customers and eliminate discrimination in the workplace.

LIMITED TRAINING FUNDS TO MEET SKILL NEEDS

EEOC's training budget has varied from substantial ($3.5 million for FY 1999 and $2.7 million in FY 2001) to modest ($745,347 in FY 2000 and $1.3 million for FY 2002). Such variations make it difficult to develop and sustain an effective program. The recent budget variations are simply continuations of the lack of consistent training, skill enhancement and staff development. Longtime senior staff said that there was training in the mid-1970s, a 1988 conference on full investigation, a one-week training on ADA in 1992, and training for new investigators and in mediation in 1999. The fact that senior staff can provide such a short synopsis of EEOC's episodic agencywide training is indicative of the ad hoc nature of training and the lack of a continuous learning philosophy buttressed by a systems approach to setting priorities and meeting staff training and development needs. Consequently, much of the return on investment, such as on the substantial funds spent to train new investigators and mediators in 1999, will be lost.

The Academy Panel recommends that EEOC develop:

- **A multi-year training plan, anchored in the competencies required for mission-critical staff, that reflects an adequate, stable level of spending through a mix of on-site, e-training, and other methods, and use this plan as the basis for funding requests.**

- **A strong first-line supervisor and mid-level manager training program, so that individuals moving into these and into more senior leadership positions have the competencies they need to succeed.**

- **An expanded SES Candidate Development Program that leverages EEOC resources with those of other federal organizations for such things as mobility assignments or developmental activities.**

Many federal agencies with a core group of mission professionals have extensive training programs. While their programs would not meet EEOC's needs, the approach they have taken to developing them could provide a framework for designing and marketing to OMB a comprehensive, mission-based development program. Every other federal, law enforcement organization has such a program, and Congress has traditionally funded them reasonably well.

As EEOC pursues its training programs, it could explore whether other law enforcement agencies have investigation training courses Commission staff could attend, or whether its attorneys could attend the Department of Justice trial attorney/litigation skills seminar. While these might not be 100% related to EEOC's needs, this would enable staff to receive such training while EEOC designs its own programs and secures more stable training funds. One EEOC field office, for example, has an agreement with the FBI to provide investigative skills training to its investigators.

Training does not stop with technical skills, whether for enforcement, mediation, or outreach/prevention. There must be a comprehensive, visible program to identify which top-performing mid-level managers can translate their technical skills to broader management and leadership abilities, and ensure that they receive the kind of internal and external training needed to assume top leadership positions. The current SES Candidate Development Program has involved only field staff. While there are more senior leadership positions in the field at this point, headquarters also has a number of SES positions and needs a pool of well-trained potential candidates available for consideration when vacancies occur.

ALIGNING SKILLS WITH RESPONSIBILITIES

The role of support staff changed with the advent of personal computers. In the past it was largely focused on document production. Now that many staff do much of their own data entry, support needs may be reduced, but this does not mean an organization wants its program and management staff doing routine administrative tasks on a regular basis. Throughout government, especially in high-cost cities, it has also become difficult to recruit and retain administrative support staff, who generally receive higher salaries in the private sector.

The Academy Panel recommends that EEOC:

- **Determine, by office and function, the extent to which higher-grade employees are spending time on support-like functions, and consider,**

within the availability resources and work priorities, whether investment in additional support staff would be justified by a measurable increase in productivity.

- **Provide adequate training and career development for administrative and support staff.**

The 40% of the 186 survey respondents who cited the lack of administrative and support staff in EEOC mentioned such things as the need for receptionists, a duty that some senior staff sometimes shared with investigators as a form of moral support. Most staff do all their own clerical work. This was particularly vexing to a number of attorneys who said their work was very paper intensive, especially as they were preparing for trials. Fifty percent of those in litigation cited the need for more clerical support. It is important to note that there was no specific survey question on this, these were responses to open-ended questions about additional tools needed or what the strategic human capital plan should address.

There has been what is termed "the professionalization of the clerical staff and the clericalization of the professional staff," according to the International Institute of Administrative Professionals, which ascribes this condition to the advent of personal computers. PCs help everyone become more productive, and have essentially obviated the need for the typing pools of old. However, administrative staff perform a wide range of other responsibilities. It is one thing for non-clerical staff to make a few copies or address an envelope as needed, but quite another to do bulk copying or prepare 20 documents for mailing.

EEOC's approach to assessing the potential inefficiencies resulting from inadequate clerical support should be based on an analysis of productivity. Adding clerical staff may not be the right approach if it results in lowered productivity. Therefore, the Commission should structure an approach that makes the measured change in productivity the key factor in deciding whether to realign staff around this issue.

STAFF AWARDS AND PERFORMANCE EVALUATION SYSTEMS

EEOC has had an inconsistent employee rewards program, which sends a message to staff that there are only a very few among them who should be recognized for outstanding performance. Also, there were literally dozens of EEOC staff who said that the Commission's employee evaluation system did not appropriately identify employees with performance problems and that it was difficult to remove them even when the problems were severe. At a time when skill needs are changing and resources are constrained, EEOC needs to create incentives for good work, recognize strong performers, and take action against poor performers.

The Academy Panel recommends that EEOC:

- **Revamp the agency awards systems to ensure they meet the four key elements of effective reward design: performance requirements (financial, operational, customer satisfaction); talent needs (skills,**

experience, behaviors, employee preferences); cost and funding (affordability); and culture and branding (alignment with mission, vision, values).

- **Revise the process for evaluating, counseling, and (if necessary) terminating poor performers to ensure that EEOC's cadre of staff includes those who are not only dedicated to its mission but demonstrate this through effective performance.**

EEOC allocated no funds to its awards program in FYs 1999 and 2000, and in 2001 allocated $700,000, but only to the former Chair's awards program, which usually recognizes groups of staff. For the 2001 program, there were no published selection criteria, which led to a number of questions as to how award decisions were made. For 2002, funds and authority were given to headquarters office directors and district directors. Although staff described the amount they could distribute for FY 2002 awards as "a pittance," they indicated that the new awards program is very flexible.

Often cited was that EEOC does not support managers in disciplining or firing poor performers. In its June 2001 Workforce Analysis submitted to OMB, EEOC noted that difficulty in removing poor performers impeded its ability to recruit and retain a high-quality, diverse workforce. Every agency wrestles with this issue. However, though Academy staff hear about cumbersome employee removal processes at other agencies, the extent and forcefulness of the comments at EEOC were unusual.

EEOC needs to create a performance culture. This is straight forward, but not at all simple. Components are:

- The strategic plan sets the goals and outcomes.
- These are translated to each executive and office through the organizational and individual performance plans, with timetables, metrics, and clearly stated outcome expectations.
- The performance of those organizations and individuals who exceed those expectations is identified, rewarded and celebrated very publicly.
- The performance of those who do not meet the expectations is identified, and the individuals receive coaching and counseling to improve. If they improve, the improvement is recognized and celebrated. If they do not, the individual is either reassigned to a position that more properly fits with his/her interests and capabilities, or the individual is asked to leave the organization.
- The leaving can be through mutual agreement and assisted with coaching and counseling, administrative time to look for another job, and the like. Leaving can also be through the adverse action process of termination.

PERFORMANCE-BASED MANAGEMENT

The agency budget is the vehicle that translates the goals, performance standards, and measures of the Strategic and Annual GPRA plan and the Chair's Five-Point Plan into resource allocations. EEOC is now in the process of developing program performance measures that can be used to make management and budget decisions. The challenge will be to make this more than a paper effort, to help staff see that their daily work is directly related not only to achieving specific production or outreach goals but also to reducing discrimination through better performance as individuals and as an agency. In the short term, the chair's Five-Point Plan presents the broad priorities, but it is not a substitute for having the long-term strategic plan integrated with the budget.

The top priorities for achieving performance-based management in EEOC are to use budget management to enhance accountability, achieve balance in case management, and expand the Commission's capacity to apply best practices.

USING BUDGET MANAGEMENT TO ENHANCE ACCOUNTABILITY

EEOC is developing stronger financial systems and has started relating the performance measures in its Annual Performance Plan to program results. Like most agencies, it does not yet have an integrated budget and performance process, and is in the early stages of defining and integrating performance measures into agency budget submissions and operations.

A high-performing organization builds the capacity of its senior managers to make program decisions and manage the budgets that relate to them and vests that authority in them, as appropriate. As capable managers gain more control over resources they will have more control over production/other results and EEOC can more readily hold them accountable for the work of their units.

The Panel recommends that EEOC:

- **Delegate authorities to senior executives with accompanying budgets, management tools, and accountability.**

- **Include with the delegation for compensation funds such features as a requirement that the Office of Chief Financial Officer provide each year's funding level and an estimate for the following year, as well as the requirement that the funding for hiring, promotions, within-grade step increases and the like must be within budget allocation for the current year and the estimate for the following year.**

- **Train field and headquarters senior executives and associated staff to manage that portion of the EEOC budget for which they are accountable, and phase in additional delegations as appropriate.**

- **Periodically review program accomplishment against expenditures for which each senior executive is responsible.**

- **Annually assess the quality of budget and other resource deployment by each senior executive. Ensure that this assessment is a significant factor in performance appraisals, and withdraw or modify the delegation where circumstances indicate the need.**

- **Conduct a periodic review of spending by all offices to inform the reallocation of resources during the year to adjust for unanticipated imbalances in workload and new needs.**

EEOC needs to let its managers manage to a budget. This does not mean there is no centralized management of the overall EEOC budget, but does mean that EEOC should involve managers in budget development and use its budget execution process as a tool for managers. A centrally managed budget process can work well. However, EEOC is an agency in which the mission-critical work is done in the field, and its top field executives need to be responsible for the resources related to the work undertaken there. As EEOC moves toward a smaller number of "lead" offices than the current 24 districts, it should seek to staff them with senior executives and associated staff who have the capability to manage budgets and other resources.

There are plans underway with OFP and OCFO to decentralize the salaries and benefits portion of the budget in FY 2004. They expect this will include training for field staff and probably a transfer of resources, since the OCFO will no longer handle day-to-day management of these funds.

ACHIEVING BALANCE IN CASE MANAGEMENT

Thirty-six of the 146 survey and interview responses (a number of which involved groups of respondents) said that EEOC puts more emphasis on closing a given number of cases than on the decisions made as the cases were closed. They thought that stressing quotas could lead to questionable "cause" findings. While this is difficult to verify, the concern seemed strong enough that it would be worthwhile to examine whether the Commission's emphasis on reducing case-processing time is having any adverse influence on the thoroughness of case investigation.

The Academy Panel recommends that:

- **The Office of Field Programs routinely examine a random sample of closed cases from each office, on a rotating basis, to ensure that they were adequately investigated given the information the charging party and respondent provided.**

- **The Office of Field Programs circulate and discuss aggregate case-processing timeliness data from each field office and use it to: determine whether variations are the result of especially good or poor work methods or management styles; share the best practices with other field offices; and work closely with offices that have problems to correct them.**

- **The Commission stress that cases are to be closed with the most appropriate resolution at the most appropriate time.**

Clearly, it is appropriate to set goals such as the 180-day target for investigating and resolving a case. However, at the same time, there will be factors that impede achieving this in some instances, such as case complexity or a language barrier, that do not permit the charging party to speedily answer EEOC's requests for additional information.

CREATING A MORE STRATEGIC FOCUS BETWEEN ENFORCEMENT AND LITIGATION

EEOC has stressed the need for early attorney involvement for several years. The Chair's Five-Point Plan notes that EEOC's enforcement, litigation and federal sector programs will identify emerging trends and issues to become better able to make informed decisions on what topics merit Commission attention and allow the Commission to better integrate its policy, guidance, investigative, litigation and federal coordination functions to prevent employment discrimination.

The FY 2001 litigation workload (which consists of active cases at the beginning of the year plus lawsuits filed during the year) among districts varied from 66 in New York to 19 in New Orleans. There were 405 cases resolved that year, and these represented a combination of consent decrees, settlement agreements, favorable and unfavorable court orders, and voluntary dismissals. These ranged from 7 in New Orleans to 30 in Philadelphia.

These data come from a recent five-year study of the EEOC litigation program, which the OGC prepared. Overall, district attorney staffing numbers grew from 196 in FY 1997 to 248 in FY 2002. During this time (starting in 1999), EEOC began putting attorneys in its area offices, a decision many believe has led to stronger case development. The litigation workload has varied from 582 in 1997 to 750 in 1998, to 890 in 1999; it then drops to 875 in 2000 and 842 in 2001. As EEOC examines the number of office locations, and as the amount of private sector litigation appears to be decreasing, there is an opportunity to examine attorney staffing levels and determine whether private sector litigation work could be aligned differently.

EXPANDING CAPACITY TO APPLY BEST PRACTICES

EEOC will have greater potential to bring more consistency to its work methods as it moves toward having fewer field locations and a National Call Center. EEOC's anticipated electronic filing system will also contribute to this. All EEOC field offices do not need to function the same way any more than all headquarters managers should use the same methods to motivate staff.

However, some methods clearly work better than others, and effective methods should be identified and applied.

The Academy Panel recommends that EEOC:

- **Expand its capacity to analyze, validate, and disseminate information on best practices and take this one step further to correlate work methods or processes with results. If some methods are clearly better, the results achieved through them should be used in designing new standards of performance.**

- **Reinforce that the director of the Office of Field Programs is the individual who can determine which methods or operations appear most effective and require that all offices either use these methods or achieve similar results with the methods they use.**

- **Reward those offices or key staff within them when their work methods are selected as best practices that other offices can emulate, and ensure that those with poor practices are directed to improve and receive the support necessary to do so.**

EEOC staff said that prior to 1995 the approach to field operations was rigid, and since then flexibility has been the key. This would account for the different approaches to some core functions that the Academy staff observed, and may allow EEOC to apply some best practices to organizations that are not now using them.

Chapter Six discusses some examples of variations observed in mediation, intake procedures and issues related to litigation workload. These are examples of the kinds of management analysis that can be overseen and acted upon by the more visible, senior-level staff the Panel recommended should handle the policy and analysis functions for prevention/technical assistance, enforcement, and mediation. A focus on process or methods can make a major difference in performance.

DEVELOPING THE CAPACITY TO LINK PERFORMANCE TO OUTCOMES

EEOC has done a great deal to assess and improve its operations, such as its charge-handling task force review that led to the Priority Charge Handling Process, and its review of best EEO practices of private sector employers. As EEOC processes charges faster, its work may have made more of a difference in the lives of charging parties. It is harder to document EEOC's impact on reducing discrimination overall.

As with most other federal agencies, it is easier to examine work processes rather than the results or impact of the work. For EEOC, this is in part because there are a number of factors that can affect employment discrimination besides EEOC activities, such as the economy, employers' organizational cultures, the growth of the immigrant population, personal biases, and many others. In addition, actions EEOC takes in one area affect others, and can be interpreted differently. For example, if EEOC does more outreach, charge filings may rise. While a higher

volume of charges may appear to indicate more employment discrimination, they may simply mean more individuals know how to seek redress to discrimination they believe they have experienced. A reduced number of EEOC court filings as charge filings increase may appear to show lax enforcement. However, a larger proportion of cases may be resolved through mediation, therefore allowing EEOC to concentrate on more complex litigation and use its attorneys to help investigators develop better cases.

The Academy Panel recommends that EEOC develop methods to demonstrate the impact its work has on reducing employment discrimination in the workplace. This would be a multi-phased process, including:

- **Developing baseline discrimination metrics for certain industries, nationwide firms, or geographic areas**

- **Planning specific EEOC activities to direct toward the industries, firms, or areas that are implementing the activities and recording the level of effort**

- **Tracking discrimination levels in the selected industries, firms, or geographic areas**

This will have to be a very focused approach. For example, EEOC could target a given industry or nationwide firms based on factors of EEOC's choosing (such as past practices, proportion of workforce that has low literacy or English-language capabilities and thus may not understand their rights) and establish the current baseline for charge filing with state Fair Employment Practices Agencies and EEOC. EEOC could then develop an enhanced education and outreach efforts for employers and employees, and monitor charges over time. In theory, the increased exposure would lead to more charges in early years and reduced charges over time. The words "over time" are important. Impact assessments are longitudinal studies, not short-term assessments.

IMPLEMENTING THE EEOC RESTRUCTURING PLAN

The administration's timeframe for agency restructuring plans is five years; the timeline proposed in this implementation strategy and plan is four years. If sufficient resources are made available it may be possible for the Commission to accomplish these recommendations within three years. A few of the recommendations can be implemented almost immediately, and others can be phased in over the next several years. Implementation must be addressed with commitment and a sense of urgency. The more quickly the agency can proceed with its restructuring, the more quickly it can improve its efficiency and effectiveness and ensure a total focus on mission accomplishment.

Organizational transformation demands leadership and the involvement of all the organization's stakeholders - political and career leaders, managers, supervisors, individual employees, unions and interest groups, as well as the OPM, OMB and congressional committees and staff who

provide oversight and assistance to the EEOC. With the commitment and involvement of these individuals and groups, the agency will have a powerful coalition of supporters who can assist its transformation efforts.

Organizational transformation also requires substantial upfront investments to realize the ultimate benefits of organizational restructuring and performance improvement. Examples of investments the EEOC will need to make include those associated with: the transfer and outflow of employees as the workforce is reshaped; the need to invest in technology to realize productivity increases; the information technology investment needed to facilitate telework and other forms of a more mobile workforce; and the leadership and staff time and effort required to develop and refine the Strategic Human Capital Plan items, such as identifying and developing competencies, assessing the degree to which the workforce has those competencies, and related activities.

Implementation Strategy and Plan

The implementation plan must identify who has the overall responsibility for the implementation process. In the Panel's judgment this is the Chair's role, with delegation to appropriate subordinate staff. The plan should identify every action to be taken, who is responsible for that action, the date it is to start and the date it is to be completed, as well as identify the responsibilities of executives, managers, supervisors, employees, union representatives, and external stakeholders.

> **The Academy panel recommends that the EEOC develop an implementation strategy and detailed implementation plan for the changes it decides to make and use the plan to manage the implementation process.**
>
> **As part of the implementation strategy the EEOC should:**
>
> - **Decide which of the Panel's recommended changes do not require extensive consultation and can be implemented immediately.**
> - **Identify a small staff responsible for planning, execution, tracking and implementation assessment efforts.**
> - **Present to OMB funding estimates and justifications for the multi-year restructuring plan, seeking the first-year resources at minimum as a change to the pending FY 2004 request now at OMB. Explore with OMB whether any additional resources for FY 2003 might be provided as a small amendment to the FY 2003 appropriation.**

A critical first step in successful change is to announce that the Chair, the Commissioners, and the EEOC executive staff are the champions of these recommendations and committed to implementing them. Among their most important tasks is to explain the impact, within and outside the organization, that the Chair expects the changes to have.

The Academy Panel recommends that:

> **The EEOC develop a communication strategy and plan that identifies all the internal and external stakeholders, the issues and communications methodologies to be used with each, the frequency of communications, and the mechanisms for stakeholder feedback.**

The communications strategy and plan are at the heart of successful implementation of the Panel's recommendations. The strategy must include: a philosophy of open, candid sharing of information and listening to the feedback it generates; top-down as well as bottom-up communications channels within the organization that include executives, managers, supervisors, employees and union representatives; and a commitment to involving external stakeholders, including interest groups, OPM, OMB, and General Accounting Office, and congressional committees and staffs.

Develop Resources Estimates

The goal of restructuring is to improve the EEOC's performance, its resource utilization and its service delivery. To achieve these outcomes will require significant upfront investments. Each action to be taken will require an assessment of the upfront investments and other related costs as well as the benefits to be gained. In addition, the agency will want to capture the metrics of what is currently being done, as well as develop metrics for what is to be done so that it can assess progress toward goal achievement, and make adjustments as needed.

> **The Academy Panel stresses that to achieve substantive improvements requires real increase in resources each year for several years. This would be over and above the flexibility that can be realized against internal realignment and reallocations.**

Provide Training

Training is a key ingredient if the EEOC is to realize the full benefit of the changes and investments it will be making.

The Academy Panel recommends that:

> **The EEOC develop appropriate training to ensure that staff who use or are responsible for the new methods and policies have the knowledge to fulfill new roles and responsibilities successfully.**

Just-in-time training will be a critical success factor for agency employees. The agency must identify what subject matter knowledge and process change knowledge is required for those who will be held accountable. The training should also include any related information about the metrics that will be used to judge performance.

* * * *

The EEOC is working to find the most effective ways to structure its organization, harness appropriate technology, utilize its workforce, and create a culture of performance. The Panel's recommendations and observations provide a framework within which the agency can achieve best use of its scare resources to achieve its strategic goals and ultimately provide the country's citizens with products and services that contribute to the elimination of discrimination in the workplace.

CHAPTER ONE
BACKGROUND AND METHODOLOGY

The EEOC was established by Title VII of the Civil Rights Act of 1964 and began operating on July 2, 1965. At that time, the agency's primary responsibility was to receive and investigate charges of unlawful employment practices and, for those charges found to be of "reasonable cause," to try to conciliate the disputes. In 1972, the Commission was granted enforcement power. The agency's roles and responsibilities have grown over the years with the enactment of new or amended legislation. Currently, the EEOC enforces the following federal statutes:

- Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination on the basis of race, color, religion, sex, or national origin
- The Age Discrimination in Employment Act (ADEA) of 1967, as amended, prohibiting employment discrimination against individuals 40 years of age and older
- The Equal Pay Act (EPA) of 1963 prohibiting discrimination on the basis of gender in compensation for substantially similar work under similar conditions
- Title I and Title V of the Americans with Disabilities Act (ADA) of 1990, prohibiting employment discrimination on the basis of disability in the private sector and in state and local governments
- Section 501 and 505 of the Rehabilitation Act of 1973, as amended, prohibiting employment discrimination against federal employees with disabilities
- The Civil Rights Act of 1991, providing monetary damages in case of intentional discrimination and clarifying provisions regarding disparate impact actions

In carrying out its mission, the EEOC interprets employment discrimination laws, monitors the federal sector discrimination program, provides funding and support to state and local Fair Employment Practices Agencies, and sponsors outreach and technical assistance programs. The agency plays an important role in shaping and influencing decisional case law through its litigation and filing of *amicus curiae* (friend of the courts) briefs.

EEOC's goals as set forth in its strategic plan are to strive to deliver fair, effective, and efficient service to the public by:

- Reducing the private sector charge inventory and average charge processing time by strategically managing the existing workload and by emphasizing the early use of voluntary mediation

- Strengthening collaboration between enforcement and legal staff to focus resources on the most significant issues, as identified in the National Enforcement Plan (NEP), for administrative resolution and, where necessary, for litigation

- Streamlining the federal sector complaint process through implementation of regulations revised in November 1999, by strategically managing the hearings and appeals workload and strengthening oversight of federal agency EEO practices, through improved data collection and analysis and focused attention on the most serious issues

- Partnering with state and local Fair Employment Practices Agencies (FEPAs) and Tribal Employment Rights Organizations (TEROs) to: increase the nation's capacity for addressing employment discrimination; conduct joint enforcement activities that address significant issues; and expand outreach, education and technical assistance, particularly to underserved populations, such as individuals with limited English-speaking ability

- Encouraging and facilitating voluntary compliance through tailored programs to meet the needs of employers, including small business and federal sector employers; and through programs to educate the public on EEO laws, including translation of informational materials into languages and formats accessible to underserved populations, such as sight or hearing-impaired individuals

- Providing executive direction and support that will result in policies that are readily understood by the public; results-based management of EEOC's human and other resources; a well-trained and motivated workforce; and technological, data collection, and analysis capacity that supports effective and efficient agency operations.

Information on measures associated with the goals expressed in the Strategic Plan is found in Chapter Six.

ORGANIZATION OF THE EEOC

The EEOC has five Commissioners and a General Counsel appointed by the President and confirmed by the Senate. The Commissioners are appointed for five-year staggered terms. The term of the General Counsel is four years. The President designates a Chair and a Vice-Chair when making Commissioner appointments.

The EEOC Organization Chart is shown at Figure 1-1.

The agency has a headquarters and a nationwide field structure. The field structure is currently comprised of 24 District Offices, the Washington Field Office, 18 Area Offices and 8 Local Offices. A district director manages each district office, with the assistance of a deputy director. Each district office also houses a regional attorney and provides the full range of EEOC services to the citizens in the geographic area including private sector intake, charge processing, mediation, enforcement, litigation, outreach, and the federal hearings. The regional attorney, who reports to the General Counsel, is responsible for overseeing the litigation staff (trial attorneys, paralegals, legal technicians and/or support) and recommending cases for Commission litigation. The district directors supervise the administrative judges (AJs), who conduct federal sector hearings in the field.

EEOC's field locations are the front lines for agency service delivery and perform the core mission functions for the agency. The local and area offices report to the district offices and provide primarily intake, charge processing and enforcement services with some having staff who perform mediation, outreach, federal hearings and litigation. All field offices share some

role in enforcement and litigation. Because field locations are the point of contact for discrimination complaints, nearly all individuals alleging acts of discrimination by their employers contact, visit, call, or write to these field locations to determine their rights, obtain information, initiate a charge, or follow up on a pending action.

EEOC has offices in 32 states. Ten states have multiple offices, a mix of district, local, and area offices: California (6), Texas (4), North Carolina (3), Florida (2), Georgia (2), New York (2), Ohio (2), Pennsylvania (2), Tennessee (2), and Virginia (2). States with no offices include all of the Upper Plains states (Montana, Idaho, Wyoming, North Dakota, South Dakota, Iowa, and Nebraska), most New England states (Rhode Island, Vermont, New Hampshire, Connecticut, and Maine), three in the west (Nevada, Utah, Oregon), as well as Delaware, West Virginia and Alaska. Figure 1-2 shows a map of the United States that depicts the district office jurisdictions.

Figure 1.1: EEOC Organizational Chart, 2002

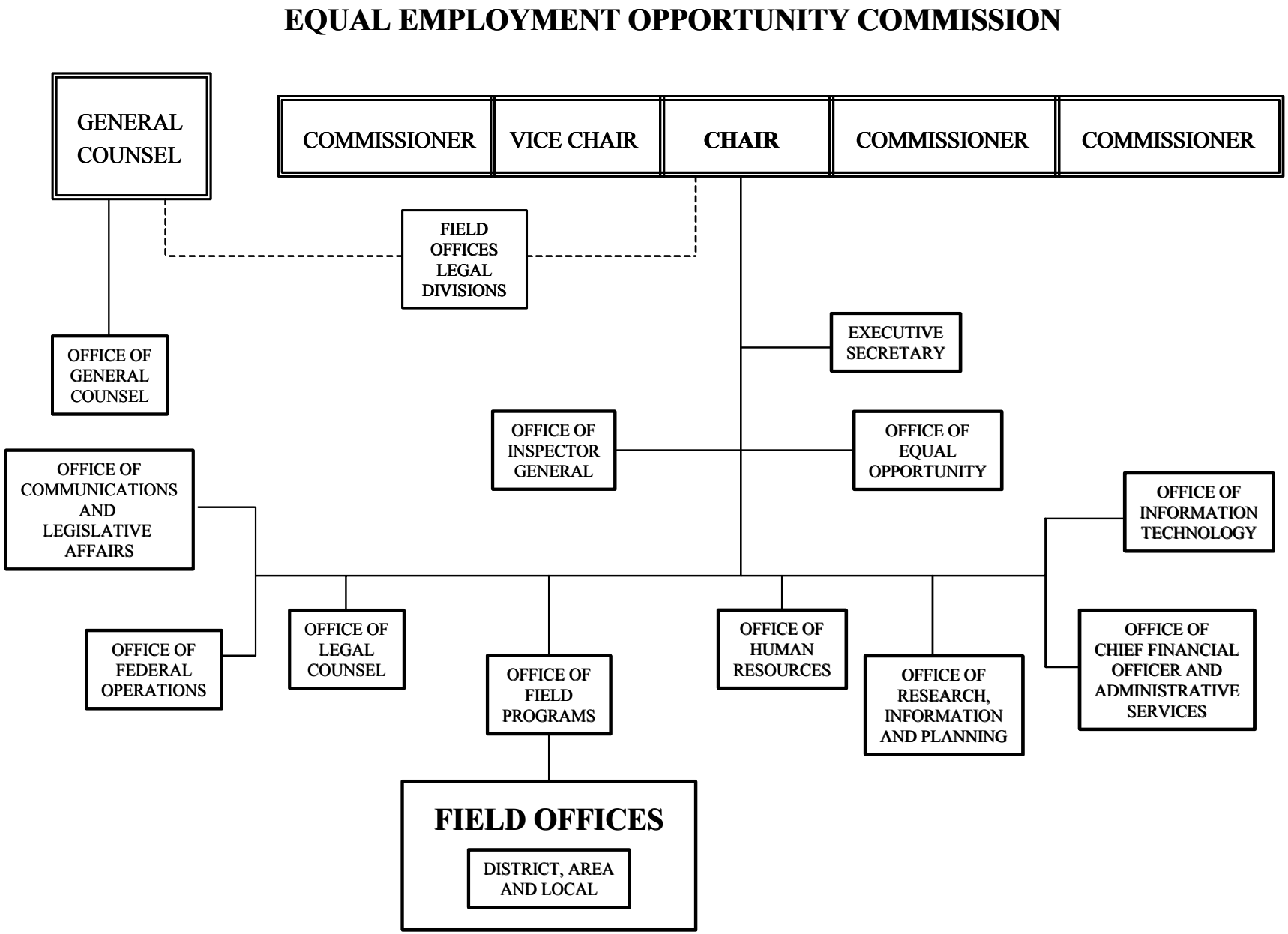
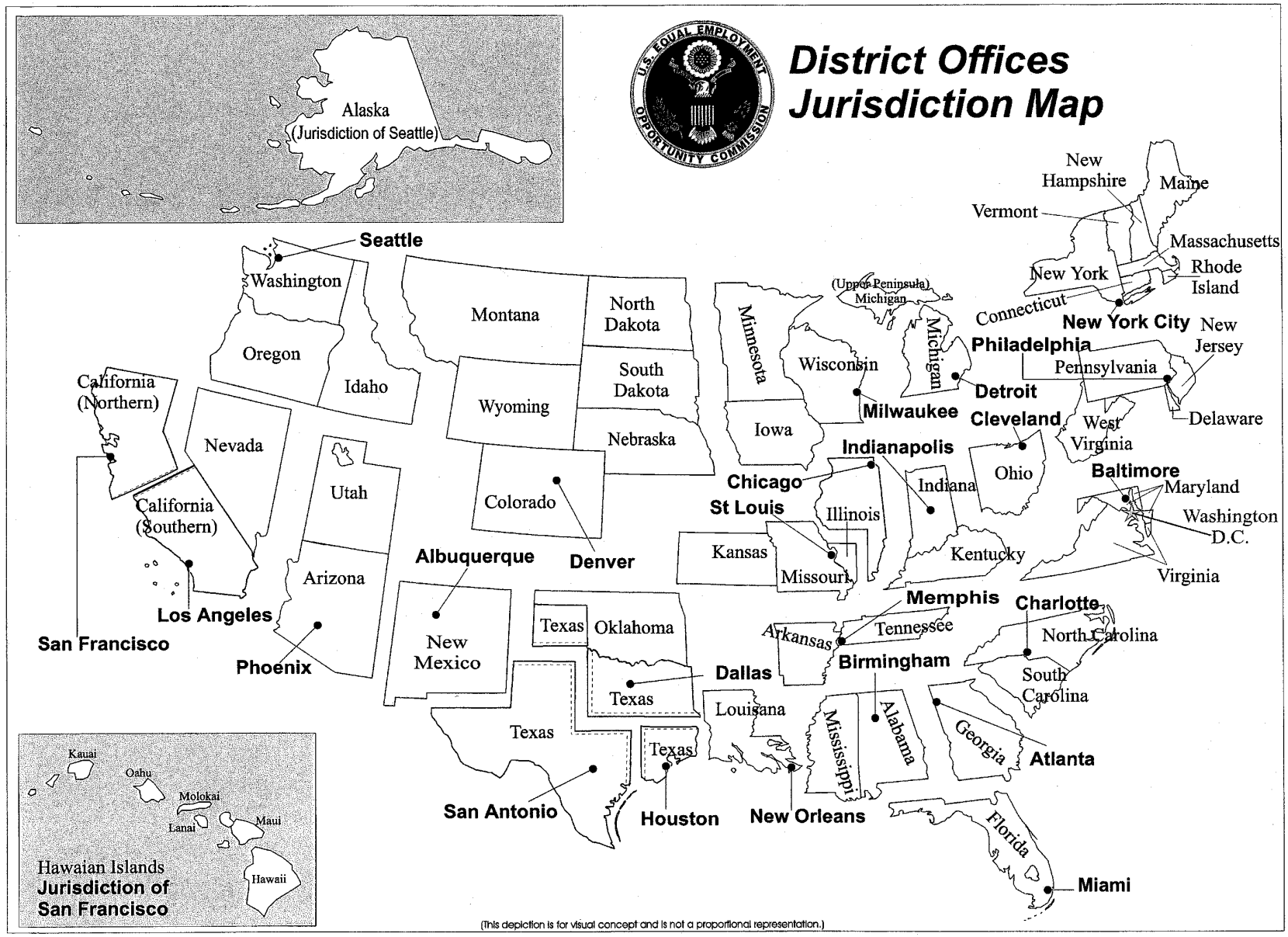


Figure 1-2: EEOC District Offices Jurisdiction Map



Following are brief descriptions of the headquarters' offices.

- Chair, on behalf of the Commission, implements Commission policy and administers the Commission, including appointing staff. The Chair recommends policies, procedures, and programs to the Commission.

- Vice Chair has the same functions as the commissioners, and serves as Acting Chair in the absence of the Chair.

- Commissioners develop and approve Commission policies, participate in all matters that come before the Commission, decide questions by majority vote, and authorize and approve filing suits.

- Executive Secretariat serves as the focal point for receipt, documentation, review, coordination and monitoring of all policy development and related activities and decision documents that flow to and from the Chair, Commissioners, and program offices. It coordinates and provides logistics of Commission meetings.

- Office of the General Counsel conducts litigation on behalf of the Commission, gives guidance to regional attorneys, and provides expert analysis for investigations and during litigation development.

- Office of Inspector General, an independent unit, conducts and supervises audits, investigations, inspections, and related projects. Results are reported to the Chair and Congress.

- Office of Equal Employment Opportunity develops, implements, and evaluates EEOC's internal equal opportunity programs and compliance operations.

- Office of Legal Counsel provides legal advice to the Chair, Commissioners and Commission staffs; develops Commission decisions, regulations and other statements of legal policy; represents the agency in legal matters; and reviews Commission litigation related to the Americans with Disabilities Act.

- Office of Federal Operations provides guidance to federal agencies on the federal government's equal employment opportunity program. Develops and implements Commission-approved affirmative employment policies, ensures federal agency and department compliance with Commission regulations and provides technical assistance to them, administers the review and appeals process for the federal sector, and provides program guidance to administrative judges who conduct hearings in the EEOC field offices.

- Office of Field Programs is the principal advisor to the Chair, Commission and FEPAs in administrative enforcement of the statutes EEOC enforces. OFP also: ensures management and implementation of the administrative enforcement program; manages the alternative dispute resolution (ADR) program; manages the Revolving Fund and

develops and oversees related training programs; develops and oversees Commission outreach programs; develops policies for FEPAs and TEROs, conducts special reviews of FEPA charge resolutions, and maintains partnerships with the organizations; and directly supervises all aspects of field office operations.

- Office of Research, Information and Planning coordinates preparation of the agency's strategic plan and annual performance report, and provides guidance and coordination for developing performance measures and indicators. Develops policies to ensure organizational compliance with external requirements (such as the CFO Act, GPRA, presidential executive orders, GAO standards). Conducts research, reviews and analyzes organization activities, recommends ways to improve operations, and provides library and information research services to the Commission and the public. Manages the Commission's Internet web page.

- Office of Information Technology plans, develops, and implements the Commission's information technology program, policies and procedures. Oversees the Charge Data System, provides hardware and software to all EEOC systems and databases, develops and maintains the LAN/WAN and financial and telecommunications systems. Provides help-desk assistance to field persons assigned IT duties in the field, and manages the Commission's Intranet (In-Site).

- Office of Communications and Legislative Affairs represents the Commission to the public, news media, and Congress. Serves as the primary link to these organizations and the wide range of EEOC stakeholders, and conducts internal communication between the Commission and field and headquarters staffs.

- Office of Human Resources plans, administers, and provides advisory services on classification, position management, recruiting, staffing and employee benefits programs. Serves as a partner with managers to formulate and execute mission strategies and goals. Analyzes restructuring proposals and advises managers on efficient organizational and position structures and the impact of organizational changes on employees.

- Office of the Chief Financial Officer and Administrative Services establishes, monitors, and maintains control over federal funds and accounting systems for them. It does this through divisions that handle budget, financial management, procurement management, and resource management.

EEOC'S BUDGET

EEOC's FY 2001 obligations were $303 million, and its FY 2002 obligations were $310 million. While this appears to be an increase, in FY 2002 the Commission experienced unexpected compensation costs, and lower than historical attrition. The FY 2002 budget is divided into the major categories shown in Table 1-1.

Table 1-1
FY 2002 EEOC Budget Categories

Compensation	$181	million
Benefits	42	
State and local programs (which are contracts)	30	
Rental payments to GSA	26	
Other services	19	
Communications, utilities and miscellaneous	5	
Equipment	2	
Travel and transportation	3	
Supplies and materials	2	
Total	$310	million

Included in these categories is $12 million for information technology, $3 million for litigation, $1.8 for ADR and $400,000 for outreach. The $310 million does not include the operation of the Education, Technical Assistance, and Training Revolving Fund. In FY 2001, the fund received $4.0 million in collections from which it reimbursed the agency $1.8 million.

THE PRESIDENT'S MANAGEMENT AGENDA

The Commission has been working on a number of separate initiatives to enhance its organizational effectiveness and is focusing on the *President's Management Agenda* (PMA), which was announced in the summer of 2001. The PMA is an aggressive strategy to improve the management of the federal government, and is based on having a government that meets three key principles--citizen-centered, results-oriented and performance-based. The PMA focuses on five areas of management across the government:

- Strategic management of human capital
- Competitive sourcing
- Improved financial performance
- Expanded electronic government
- Budget and performance integration

Office of Management and Budget Scorecard

The Office of Management and Budget (OMB) developed a management scorecard, *"Standards for Success Scorecard,"* which employs a grading system (green for success; yellow for mixed results; and, red for unsatisfactory results) to evaluate the five PMA areas. OMB has established core criteria for scoring each of the areas. In the case of strategic management for human capital, the six core criteria are:

- Agency human capital strategy is aligned with mission, goals, and organizational objectives. These include:

- integrated into budget and strategic plans
- consistent with OPM's human capital scorecard
- complies with standards for internal accountability systems to ensure effective merit-based human resources management

- The agency has a citizen-centered organizational structure that is delayered and oriented toward performing the mission assigned to it.

- The agency: sustains a high-performing workforce that is continually improving in productivity; strategically uses existing personnel flexibilities, tools, and technology; and, implements effective succession plans.

- No skill gaps/deficiencies exist in mission critical occupations.

- Agency differentiates between high and low performers through appropriate incentives and awards.

- Changes in agency workforce skill mix and organizational structure reflect increased emphasis on e-government and competitive sourcing.

Office of Personnel Management Scorecard

The Office of Personnel Management (OPM), which is the agency responsible for ensuring that executive branch agencies properly implement the Strategic Human Capital component of the PMA, has produced its version of a human capital scorecard to be used in combination with the OMB Scorecard. The purpose of the OPM scorecard is to target those areas that are necessary to achieve green status on OMB's Scorecard. The OPM scorecard was developed in conjunction with the federal government's Human Resources Management Council and draws on private sector practices that have been highlighted in the Balanced Scorecard Collaborative.[1]

OPM identified five dimensions of human capital:

- Strategic alignment
- Strategic competencies
- Leadership
- Performance culture
- Learning

[1]The Balanced Scorecard Collaborative (BSC) is a group of academicians, private sector companies, government agencies and other organizations dedicated to the worldwide awareness, use, enhancement, and integrity of the Balanced Scorecard as a value-added management process. Keying off the premise "measurement motivates," the Balanced Scorecard is intended to help organizations implement strategy rapidly and effectively by integrating the measurement system with the management system. BSC is headed by Drs. Robert Kaplan and David Norton.

STUDY METHODOLOGY

The EEOC asked the National Academy of Public Administration (the Academy) to assist in it in preparing its restructuring plan required by the President's Management Agenda (PMA), with emphasis on developing the strategic human capital management plan. EEOC also asked the Academy to help identify communication and implementation strategies in support of its restructuring and the strategic human capital plan.

Upon receipt of the contract from EEOC, the Academy assigned a staff to develop the study methodology, interact with EEOC leadership and staff, develop the required information, and prepare a report. The Academy also appointed a project Panel, composed of five Fellows, to oversee this study. Brief biographical sketches of the Panel members and staff appear in Appendix A. The Panel discussed and analyzed information developed by the project staff; adopted findings and recommendations emerging from the work; and reviewed this final report.

To conduct the study, the staff:

- Participated in the three-day EEOC Leadership/Management Conference in June 2002.

- Conducted structured interviews with 60 individuals or groups of individuals in headquarters and field offices and reviewed 86 responses that EEOC employees submitted as a result of EEOC making the structured interview guide available to all employees via its web site. The total number of individuals involved in the 60 in-person structured interviews was more than 100. The results of the structured interviews (sometimes referred to as surveys in this report) are in Appendix B.

- Conducted a number of other information interviews within EEOC and with OMB staff responsible for EEOC's budget.

- Visited five district, two area, and two local offices: Baltimore District; Charlotte District and its Raleigh Area and Greensboro Local Offices; Houston District; Indianapolis District and its Louisville Area Office; San Francisco District and its Oakland Local Office.

- Interviewed representatives of a number of stakeholder organizations, and met with community and stakeholder representatives during visits to two EEOC offices.

- Reviewed more than 50 reports, plans and other documents, some prepared by EEOC and some by other individuals or organizations. Appendix C lists the full bibliography of documents reviewed.

- Reviewed EEOC's work processes and associated workload volumes, staff distribution, and current workload-to-staff ratios.

- Researched innovative business practices for operations similar to EEOC's processing needs and presented appropriate benchmarks.

ROAD MAP TO THIS REPORT

Chapter Two provides an overview of EEOC's work, workforce, and how it is organized. It also discusses the major types of work the agency does and describes efforts to improve operations.

Chapter Three addresses ways to better align EEOC's mission and functions to better serve customers through a mix of place-based, mobile, and remote services. It examines the need for a National Call Center, alternatives to better align office locations with service needs, ways to put similar work in the same organizations, issues regarding federal sector work, and options for consolidating administrative support functions.

Chapter Four examines the need for enhanced analytical and information technology systems. It also examines actions EEOC can take to develop a more mobile workforce of teleworkers and to conduct more on-site work for mediation and investigation. It also discusses managing technology for operational needs.

Chapter Five discusses EEOC's workforce and the level of effort needed to plan for the future. This includes building a leadership model, creating a workforce planning process that assesses needed competencies and helps EEOC prepare for changes to the mix of skills its staff will need. The chapter also examines the need for succession planning and continuous learning opportunities, and discusses the staff rewards and performance management systems. As EEOC realigns work, it will need to retrain and realign staff. These issues are discussed with an example of how other agencies have worked with their unions to do this effectively.

Chapter Six examines performance-based management as the key to fully implementing EEOC's mission to eliminate employment-based discrimination. It looks at using the budget to enhance accountability, providing clearer accountability for key functions, achieving balance in case management, creating a more strategic focus between enforcement and litigation, and developing the capacities to apply best practices and to link performance to outcomes.

Chapter Seven discusses how EEOC can implement its restructuring and human capital plans, and stresses the need for broad employee and external stakeholder involvement, as well as the critical importance of continual communication on progress as a key to successful implementation.

CHAPTER TWO
EEOC'S WORKLOAD, WORKFORCE, AND WORK PROCESSES

The EEOC serves literally every industry, segment of the population, and part of the country. Its role in preventing discrimination in the workplace has it serve as a source of advice and technical assistance while its enforcement role can place it across the table from a firm or federal agency in a very different capacity. The Commission's workload nationwide and in its individual offices is affected by such things as the state of the economy, demographic characteristics of the workforce, the growing immigrant population of the nation, and the challenges of serving customers from diverse backgrounds and with varied English-speaking abilities.

MAJOR TYPES OF WORK

Private Sector Case Processing

Potential private sector charging parties can initiate contact with EEOC by finding basic information on the web, visiting a field office, calling the national 800 number (which refers them to the field office nearest them), or calling the nearest field office directly. Once they locate an office, they are served through office visits and phone intake. Some offices also conduct on-site visits with the charging parties' employers (called respondents) more than others, in part a function of office policy and in part because of resource limitations or travel distances.

The EEOC receives approximately 80,000 private sector charge receipts[2] annually from individuals who believe that they have been victims of employment discrimination. The number of charge receipts per year has fluctuated from 72,302 in 1992 to 79,591 in 1998 to 80,840 in 2001 and was expected to reach 81,540 in 2002. However, the number actually rose to 84,442. Because it generally receives more charges than it can investigate during a year, the Commission has at times experienced a substantial buildup of its case inventory. It undertook a number of initiatives to address workload demands such as a rapid charge processing system, an early settlement process, and delegation to district directors of the authority to make reasonable cause determinations.

In 1995, the Commission implemented the Priority Charge Handling Process (PCHP), through which all private sector charges are classified in one of three basic categories:

- Category A—priority charges to which field offices devote principal investigative and settlement efforts (about 39% of charges)

- Category B—charges that appear to have merit but more investigation is needed before a decision can be made on their merits (about 57% of charges)

[2] A charge is an allegation of employment discrimination. It is brought by an individual (the charging party) against a private sector employer. EEOC does an initial intake interview to determine if there is sufficient merit to continue with a full investigation.

- Category C—charges with non-jurisdictional, self-defeating or unsupported allegations that are immediately closed (less than 2% of charges)

Category A charges are often divided into A-1 or A-2, with A-1 charges seen as those with the most likely success in litigation. Category B charges are usually assigned to the mediation program. In FY 2001, EEOC:

- Received 80,840 private sector charges of discrimination (highest level since mid-1990s)
- Cut the pending inventory (backlog) of charges by 5% to 32,481 (lowest level in 20 years)
- Through pre-litigation administrative enforcement, obtained $247.8 million for victims of discrimination
- Reduced the average charge processing time to 182 days, a 33-day decline from the previous year

Private Sector Litigation

Through its litigation program, overseen by the Office of General Counsel, the EEOC files lawsuits on behalf of individuals whom EEOC has determined have been the victims of egregious discrimination. In addition, the agency files "friend of the court" briefs in appellate and trial courts in support of Commission positions, usually in cases involving issues important to the development of the laws the EEOC enforces.

Historically, the Commission has filed lawsuits in a relatively small number of cases. This is because EEOC decided to allocate attorney resources in the administrative resolution of cases rather than through litigation. In FY 2001, EEOC:

- Filed 385 suits
- Resolved 319 suits
- Maintained a litigation workload of 842 cases (which includes active cases at the beginning of the fiscal year and those filed during the year)
- Obtained $51.2 million in monetary relief for victims of discrimination

This compares to 437 suits filed in FY 1999 and 290 in FY 2000. In the latter year, EEOC delayed some filings because of budget constraints. The overall litigation workload has also varied, rising from 582 in FY 1997 to 890 in FY 1999, and then declining to 875 in FY 2000 and 842 in FY 2001.

Also, EEOC has recently litigated more class cases. In FY 1997, the number of class cases on the active litigation docket was 112 (30% of the total), and in FY 2001 this increased to 210 (40% of the total docket).

The EEOC's attorneys increasingly assist in the administrative conciliation efforts or cases. In most EEOC districts, attorneys now work with investigators to advise them on relevant legal matters as they investigate a case and, should the charge move toward litigation, help prepare a more legally sound case.

Mediation Program

Mediation in EEOC is a pre-investigation dispute resolution procedure that targets Category B cases for possible resolution. EEOC's expansion of mediation as a resolution tool has been a deliberate one. In 1991, it experimented with a pilot program in four field offices, and an evaluation indicated this was a viable alternative to traditional investigatory methods. In 1994, an ADR task force recommended fully implementing a program, and EEOC adopted a policy statement on using ADR and set forth core principles. By the end of FY 1997, each district office had a mediation program in place, with each office using a variety of mediation services. In January 1998, the administration proposed and Congress passed an EEOC budget that was increased to allocate $13 million to expand the mediation program. An ADR Working Group developed a strategy to do this.

In FY 1999, EEOC conducted a Commission-wide training program, and determined that EEOC would use a combination of internal mediators and those hired on a contract basis. Some field offices also use pro bono mediators, and anyone who mediates for EEOC must be trained in the laws EEOC administers. In FY 1999, EEOC increased the charges eligible for ADR from 17,800 to 41,800.

At the time a charge is filed, the charging parties are advised that voluntary mediation is available and asked whether they would like to participate. Once the intake staff member classifies the charge as a Category B and the charging party agrees to participate in mediation, EEOC sends the employer (the respondent) the charge and a letter that offers a mediation opportunity. If the respondent agrees to mediation, that process is kept separate from the pending, and now suspended, investigation, creating what staff called a "firewall" that ensures confidential information obtained during mediation is not disclosed to EEOC investigators. Mediation records are kept separately and are not shared with investigators. This is in case the mediation fails and an investigation proceeds.

EEOC uses a mix of EEOC staff and contractors, a number of whom are with the Federal Mediation and Conciliation Service (FMCS). A 2002 study of EEOC mediation work[3] surveyed participants on the performance of the EEOC mediation program. An overwhelming majority of participants (91% of charging parties and 96% of respondents) said they would be willing to participate in mediation again if they were a party to an EEOC charge.

For FY 2001 EEOC:

- Successfully mediated 6,987 charges, with 5,248 handled by EEOC staff and 1,739 by contractors
- Obtained $90.4 million in monetary benefits through mediation
- Reduced average resolution time for a mediated charge to 84 days, a drop of 12 days from the prior year

[3] Dr. E. Patrick McDermott, et. al., *An Evaluation of the Equal Employment Opportunity Commission Mediation Program*, September 20, 2000, prepared under EEOC Order No. 9/0900/7632/2.

- Secured agreement to mediate from 84% of charging parties; 33% of employers agreed to mediate

This compares to FY 2000, when there were 7,438 mediation successes, with 5,729 conducted by EEOC staff and 1,709 by contractors.

State and Local Programs

There are more than 100 state and local FEPAs. In fiscal year 2001, EEOC contracted with 92 of the FEPAs to resolve dual-filed charges. The Commission also contracted with 64 TEROs to promote employment opportunity on Indian reservations. Funds for FEPA and TERO activities are requested in EEOC's appropriation, and Congress has provided a stable amount at or near $30 million for several years.

The EEOC has reached Worksharing Agreements with the FEPAs and TEROs to avoid duplication of charge processing. Each charge of discrimination that is covered by an EEOC-enforced statute and a FEPA's law or ordinance is dual-filed under both laws, regardless of which agency receives it. The agreements prevent "dual-filed" charges from being investigated by two agencies. This way, employers avoid two investigations of the same matter, but the legal rights of the charging parties are still preserved under both laws.

Highlights for FY 2001 were:

- Resolved 54,851 charges through FEPA contracts. If these charges were added to the 80,840 charges EEOC received directly, they would greatly increase the Commission's workload.
- Conducted 30 joint outreach programs to educate and assist small businesses covered by EEOC-enforced statutes and reached underserved communities and groups.

Federal Sector Program

Unlike its private sector work, where complainants bring their proposed charges directly to EEOC, federal sector EEO complaints that come to EEOC have gone through an agency complaint processing program. Federal employees must first engage in the EEO process at the agency where they work or to which they applied for employment. There they work with an agency EEO counselor. After making this contact, the employee may be offered ADR if the agency deems the matter appropriate. If the employee accepts ADR, traditional counseling will cease and ADR will commence. If the employee is not offered ADR or does not accept it, he/she will continue with the counselor, who will conduct a limited inquiry into the matter and attempt to resolve it.

If either ADR or traditional counseling fails, the employee may file a formal EEO complaint with the agency. At this point, the employee must choose to file a formal complaint with the EEO program or in another forum, but not both.[4] When a complaint is filed with the EEO office,

[4] The exception is that employees at the United States Postal Service, Tennessee Valley Authority, and Postal Rate Commission can file formal complaints under the EEO process and the agency's negotiated grievance procedure.

the agency will either accept it for investigation or will dismiss it on procedural grounds. ADR may be offered during the investigative process. A federal employee may file a mixed case complaint before the Merit Systems Protection Board (MSPB) or the agency EEO office.

After 180 days from filing a complaint or upon completion of the agency's EEO investigation, the complainant has the right to request a hearing before an EEOC AJ or request a Final Agency Decision. If the complaint is a mixed case complaint, the agency will issue a decision without a hearing. The complaint comes to EEOC only when: the complainant requests a hearing, he/she appeals a dismissal or a Final Agency Decision; or he/she appeals an MSPB mixed case decision. A request for an EEOC hearing is made directly to the EEOC District Office that has geographic jurisdiction over the agency where the complaint arose, or to the EEOC Washington Field Office.

EEOC's federal sector work changed substantially in November 1999 when new regulations became effective (29 C.F.R. Part 1614). Most significantly, EEOC AJs no longer issue recommended findings and conclusions. After conducting a hearing, the AJ issues a decision to the complainant and to the agency, either finding discrimination or finding no discrimination. The federal agency must accept a decision in its entirety and implement it or appeal to the EEOC's Office of Federal Operations (OFO) within 40 days.

AJs may also dismiss complaints on procedural grounds, such as untimeliness or failure to state a claim. In addition, the amended regulations provide new rules for consolidations and amendments of complaints at the investigation stage and the hearing stage.[5] The AJ may, after giving appropriate notice, issue a decision without a hearing where there are no genuine issues of material fact in dispute. These 1999 changes directly affect the number of hearings requests, the pending inventory, and the number of resolutions.

The EEOC also ensures that federal agencies maintain EEO programs required under Title VII and the Rehabilitation Act, and coordinates all federal programs and administers EEO statutes, executive orders, regulations, and policies that have EEO implications.

For FY 2001, EEOC:

- Received 10,448 federal sector cases
- Consolidated these into 9,817 cases
- Closed 9,402 consolidated cases, which represented 11,346 nonconsolidated cases
- Had pending 11,659 consolidated cases at the end of the fiscal year, which were comprised of 14,323 nonconsolidated cases.
- Received 6.894 appeals
- Had 9,333 appellate closures, which reduced the appeals inventory to 7,536 - a 24% reduction from the previous year
- Had obtained $8.3 million in benefits for complainants as a result of compliance monitoring of appellate decisions.

[5] Consolidated cases are those that combine filings from the same employee against the same agency, or represent two or more complaints filed against the same agency by different complainants that raise substantially similar allegations of discrimination or relate to the same matter.

Table 2-1 shows the federal sector workload trends over fiscal years 1999-2001. Cases were not consolidated until FY 2000.

Table 2-1
Workload Data for Federal Sector Hearings

	FY 1999	FY 2000	FY 2001
Federal Sector Cases Received	12,637	14,329	10,448
Consolidated Cases	---	10,498	9,817
Nonconsolidated Case Closures	12,056	11,826	11,346
Consolidated Case Closures	---	10,183	9,402
Nonconsolidated Pending end of FY	35,258	15,221	14,323
Consolidated Pending end of FY	---	11,153	11,659

Among the indicators EEOC uses for federal sector work are percent of hearings older than 180 days, percent resolved within 180 days, and percent of appeal cases resolved within 180 days. Chapter Three discusses aspects of federal sector programs.

Outreach Activities

The EEOC has continued to expand its outreach, education and technical assistance initiatives over the years. The goal of the agency's outreach program is twofold: to encourage and facilitate voluntary compliance with the anti-discrimination laws among employers and employer groups in the private and federal sectors; and to increase knowledge about individual rights under the anti-discrimination laws among the public and employee groups, especially those most susceptible to discrimination.

For FY 2001, EEOC:

- Held 251 outreach events for employers to encourage participation in its mediation programs
- Provided education and information materials to 5,000 small employers (15-99 employees), as part of a special outreach initiative
- Served 52,983 private-sector and federal-sector employers who attended technical assistance activities, other than Revolving Fund activities
- Conducted 224 outreach, education, or other technical assistance activities to help federal agencies make EEO program improvements, including establishing ADR programs

Education, Technical Assistance and Training Revolving Fund Programs

In 1992, Congress created the EEOC Education, Technical Assistance and Training Revolving Fund. It is the vehicle through which EEOC can develop and deliver specialized external education, technical assistance and training related to the laws it enforces. It is made operational through the Technical Assistance Program Seminars (TAPS), which private and federal employers pay a fee to attend, and Customer Specific Training (CST).

In FY 2000, 2001 and 2002, EEOC conducted respectively 296, 367 and 426 Revolving Fund activities for private and federal-sector employees. Approximately 60 each year are TAPS, and the remainder are CST programs. EEOC staff deliver most of the programs, though there are plans to use more contractors in the future.

THE EEOC WORKFORCE

As of September 2002, the Office of Human Resources reported that EEOC's field offices had 2,156 employees and headquarters' offices in Washington, DC had 631 employees (23%), for a total of 2,787 on-board staff. Table 2-2 shows the number of staff per each HQ office, and for the field staff. Table 3-1 in Chapter Three lists the staff in each field office.

Table 2-2
EEOC Workforce by Office

Office Name	Staff #
Office of the Chair	16
Office of the Commissioners	9
Office of General Counsel	79
Office of Legal Counsel	53
Executive Secretary	8
Office of Equal Opportunity	16
Office of Communications & Legislative Affairs	22
Office of Inspector General	10
Office of Federal Operations	128
Office of Information Technology	65
Office of CFO & Administrative Services	70
Office of Human Resources	48
Office of Research, Information & Planning	48
Office of Field Programs	59
Headquarters Offices	631
District, Area, Local Offices	2,156
Total EEOC Staff	**2,787**

The grade distribution of staff is:

Grade	Staff #
GS 01-04	29
GS 05-08	478
GS-09-13	1,601
GS-14-15	636
Senior Executives	43
Total	**2,787**

Investigators and attorneys comprise about 60% of the EEOC workforce, with an additional 5% made up of information technology and human resources staff.

In June 2001[6], OPM estimated that of the 2,700 employees then on board, 1,067 would be eligible to retire within the next ten years and 525 within the next five.

Chapter Five discusses many characteristics of the EEOC workforce.

PAST EFFORTS TO IMPROVE PROGRAM OPERATIONS

Over the years the agency has undertaken a number of initiatives to improve work processes as well as program delivery and supporting functions. Various work groups and task forces have made substantive recommendations.

The March 1995 *Report of the Charge Processing Task Force* changed the essential methodology for organizing and setting priorities for the private sector workload. As a result of implementation of many of this report's recommendations, the Commission eliminated the full investigation practice and developed procedures to give priority to charges that had the most law enforcement potential. Decisions as to priorities were to be guided by national local enforcement plans. The PCHP, as it came to be called, decreased the large backlog of private sector cases.

Many of the issues outlined in the March 1995 report continued to be discussed as the Academy did its review. Among them, expressed in terms of the 1995 report recommendations, were:

- The Commission should take the necessary action to delegate authority to the appropriate level in the field, and to terminate excessive oversight by headquarters.
- The Commission should retain control of litigation authority for significant cases involving policy issues or other important matters.
- Regional attorneys should be delegated authority to file suit in the most "routine" cases, should have prosecutorial discretion to decline to file suit when conciliation fails, and should be permitted to refer Title VII/ADA public sector conciliation failures directly to the Justice Department.
- Performance measurements for field programs and offices should include effectiveness in achieving the goals of the enforcement plans, results obtained in achieving the agency's mission, quality of work, and innovation in enforcement matters.
- The relationship between headquarters and the field, among field offices, and between legal and enforcement staff must be improved so that communication is encouraged, and second-guessing and fault-finding are replaced by a culture of working together toward common goals.
- The agency's effectiveness depends primarily on how it uses the talents of its people. Continuing education and training at all levels should be emphasized.

[6] EEOC, *Workforce Analysis for the President's Restructuring Initiative*, prepared in response to OMB Bulletin 01-07, June 2001, p. 12.

The March 1998 *Priority Charge Handling Task Force Litigation Task Force Report* had themes that are still valid today, especially the recommendations in its fourth critical area, some of which were:

- The Task Force recommends that the Commission continue to break down barriers between legal and investigative staffs so that each office functions as a cohesive team, with district directors and regional attorneys jointly accountable for meeting Local Enforcement Plan goals, including:

    - building on recent successes in attorney-investigator collaboration in the development and litigation of National Enforcement Plan/Local Enforcement Plan cases in many offices
    - enhancing the level of attorney support to investigators in local and area offices

Another example is the introduction of a mediation program into the enforcement process. By formalizing ADR as a choice in the investigative process, fair settlements and quick resolution of a substantial segment of cases have resulted.

National, Local, and Comprehensive Plans

The National Enforcement plan (NEP) was developed in 1995 to serve as the Commission's strategy to prioritize its caseload and focus resources on issues of national significance. To develop the NEP, the Commission consulted with external and internal stakeholders, including dozens of representatives of the employer, employee, labor, and civil rights communities at the national and local levels. EEOC also consulted with several regional attorneys and district directors and asked all of them to solicit suggestions from a wide range of EEOC staff, including union representatives.

The NEP expressed the general principles governing the Commission's enforcement efforts, established national enforcement priorities, set general parameters to develop the Local Enforcement Plans (LEPs), and delegated significant litigation authority to the Office of General Counsel so that the Commission could most effectively accomplish its enforcement objectives. The principles are:

A. The Commission is committed to an enforcement plan that encompasses a three-pronged approach to eliminate discrimination in the workplace: (1) prevention through education and outreach; (2) the voluntary resolution of disputes; and (3) where voluntary resolution fails, strong and fair enforcement.

B. The Commission recognizes that given the budget constraints under which it operates, it cannot be all things to all of its constituencies. Moreover, the Commission must be candid with the public regarding the decisions that it makes.

C. The combination of limited resources and increasing demands on the Commission requires a carefully prioritized and coordinated enforcement strategy. Strategic enforcement will ensure the most effective use of the Commission's resources by

ensuring that available funds are devoted to efforts that have the potential to yield the greatest dividends in achieving equal employment.

D. The Enforcement Plan must ensure fair, aggressive and credible enforcement of all of the statutes enforced by the Commission regardless of the basis of discrimination or the issue.

E. Determination of whether a case should be pursued under the NEP will be based on the issue raised and an assessment of the strength of the case.

F. The Commission's enforcement activities will not be limited exclusively to the enumerated priority areas. With regard to charge processing, the Commission will issue cause findings in all cases in which it determines that it is more likely than not that discrimination has occurred and will proceed to conciliation in such cases. With regard to litigation, the Commission may pursue certain cases in which it has found cause, even though those cases do not fall clearly within an enumerated enforcement priority. At the same time, the Commission will not pursue litigation on every charge that falls within the NEP or LEPs.

G. Enforcement efforts must be directed to the resolution of the Commission's pending inventory… the National and Local Enforcement Plans must provide immediate strategies for continuing to reduce the existing inventory of cases.

The Comprehensive Enforcement Program (CEP) strategy built on the PCHP success and the NEP, and FY 2000 was the first full year of the agencywide CEP. The Private Sector CEP was designed to increase collaboration among front-line functions, from outreach and intake through case resolution. The Federal Sector CEP was to expand EEOC efforts to reduce discrimination and reduce the hearings and appeals inventories. Key to the Federal Sector CEP were the 1999 revised federal sector regulations, discussed previously in this chapter.

EEOC National Labor-Management Partnership Council

EEOC's National Labor-Management Partnership Council was formed in 1995. The Council established guidance and developed general parameters for the Commission's flexiplace program, which allows employees whose work can be accomplished at home to participate in the program on a volunteer basis with supervisory concurrence. In March 1996 the Commission received the Hammer Award[7] for implementing the partnership structure and improving the relationship between labor and management at the agency.

While the current administration abolished the Council, the agency and the union indicated they have a productive working relationship. When the New York Office was destroyed on September 11, 2001, the union was invited to participate fully in the discussions of what was to be done, and in the subsequent actions taken to protect the employees and the work of the

[7] The Hammer Award was presented by Vice-President Gore in conjunction with the National Performance Review, and recognized achievement and innovation in federal activities.

organization. The negotiation of a new labor-management agreement proceeded in a timely fashion and was signed in June 2002.

FIVE-POINT PLAN

The current Chair developed a Five-Point Plan, which is a strategic framework that places priority on coordination, innovation and results. Its five elements are:

- Proactive Prevention: provide information and solutions that will enable EEOC to identify and solve problems before they escalate into intractable conflict.

- Proficient Resolution: ensure that all EEOC activities and functions are consistent, accurate and timely, and seek ways to evaluate and improve every stage of the private and federal sector processes. A key component of these efforts is the new Integrated Mission System, which is designed to track the disposition of a private sector charge from initial contact through litigation, if necessary.

- Strategic Enforcement and Litigation: enforcement, litigation, and federal sector programs will identify workplace trends and issues so as to make informed decisions on what topics merit EEOC attention and allow the Commission to better integrate its policy, guidance, investigative, litigation, and federal coordination functions to prevent employment discrimination.

- Promotion and Expansion of Mediation/ADR: develop a comprehensive, agency-wide ADR program involving all enforcement activities and dispute resolution programs. Expand the use of ADR in federal sector programs and develop a model ADR program to handle EEOC's internal workplace disputes.

- EEOC as a Model Workplace: make readily apparent in EEOC's own programs the principles and standards the Commission promotes to businesses and other federal agencies. To achieve this, EEOC will build an organization committed to providing opportunities for employees to grow professionally.

FREEDOM TO COMPETE INITIATIVE

EEOC's national "Freedom to Compete" campaign is designed to eradicate discriminatory employment barriers and create a level playing field for all workers. In conjunction with the initiative, the Chair convened roundtable discussions throughout the country to gain insight into the major issues facing the EEOC and to explore new ways to broaden the agency's presence in the workplace. More than 100 individuals from many professions, industries, and backgrounds participated in the roundtable. Common themes stressed the need to:

- Enhance EEOC's image as an objective, independent and nonpartisan enforcement agency

- Recognize and reward best EEO and diversity practices in the workplace
- Separate enforcement activities from proactive prevention efforts
- Promote the business case for sound EEO/diversity practices
- Develop, design, and distribute self-assessment tools and comparative data for employers to rate EEO performance and ranking
- Communicate good news and stories of public interest

There were specific recommendations that participants determined to be most supportive of the themes and warranted EEOC's attention. These recommended actions are:

1. Create a clearinghouse of EEO and diversity workplace best practices within the Commission
2. Complement the agency's enforcement and litigation units with an equally strong and independent outreach/communications unit
3. Evaluate EEOC-collected data to anticipate trends and shifts in the workplace and share information with the public
4. Establish lines of communication at the highest levels of organizational leadership
5. Develop strategic partnerships and alliances with stakeholders that can influence positive change in the workplace
6. Recognize and reward excellent EEO practitioners

The Chair is convening work groups to act on these recommendations and to continue to explore other ideas raised during the roundtables. In reviewing the list of six recommended actions as well as other suggestions underlying each of the six themes, the Academy Panel found that many of the ideas were consistent with its recommendations.

A working group of agency executives and staff is now adjusting the EEOC's strategic plan to reflect the Five-Point Plan and the Freedom to Compete Initiative. The anticipated completion date for this work is the late winter of 2003.

RECENT EFFORTS TO MAKE IMPROVEMENTS

A December 2001 Andersen Business Consulting report, *Organization Assessment of Finance and Human Resources Functions*, examined the Office of the Chief Financial Officer and Administrative Services (OCFO) and the Office of Human Resources (OHR). For human resources, the report found that the EEOC decentralized human resources function did not effectively or efficiently support the mission and program office business operations. The lack of focus on strategic human resources planning resulted in overemphasis on processing personnel transactions, often at the expense of value-added activities. In addition, the report noted that customer service is impeded (reactive versus proactive) by the absence of uniform policy and procedural guidance, process inefficiencies, resource imbalances relative to workload, and skill deficits in the human resources workforce.

The report recommended that EEOC contract for services in recruitment, position classification and records management, and outsource its training design and delivery functions. It also

recommended consolidating EEOC human resources staff into two branches and eliminating most positions in the field. Andersen estimates that implementing these recommendations would save $4.4 million between FYs 2002 and 2004 and reduce the human resources staff by 44 full-time equivalent positions.

In finance, the report noted that the decentralized structure does not support the EEOC mission and program office business operations. Among other points, the report noted the lack of formalized policy and procedural guidance, processing inefficiencies, and inconsistencies in service delivery, specifically in vendor payments processing and travel management and voucher processing. The report was critical of the divided structure of the revolving fund accounts receivable, which is shared between the OCFO and the Office of Field Programs. Andersen Business Consulting made several recommendations to address these weaknesses.

CHAPTER THREE
ALIGNING MISSION AND FUNCTIONS

The EEOC structure of widespread field offices and a headquarters Office of Field Programs (OFP) that guides policy implementation and program focus for most work done in the field has worked reasonably well for its 30-year history. However, this approach was more appropriate when paper-based methods were the only ones available for processing complaints, interacting with respondents, or communicating with federal agencies. It was also designed for twentieth century programs and technology, and does not permit the Commission to meet all aspects of its current mission, which now emphasizes prevention and mediation in addition to enforcement, or to take maximum advantage of technology advances.

Technology will enable EEOC to move away from a solely place-based focus of interacting with its customers. This could not be more timely because EEOC cannot afford to maintain a bricks-and-mortar structure of 51 field real estate locations whose rental costs are rising at more than $1 million per year.

EEOC's restructuring should not be limited to the field and those headquarters organizations that support it. The agency needs to put similar functions together to minimize top-management infrastructure requirements and facilitate cross-training whenever possible. EEOC also needs to integrate the internal processes that support mission achievement, reduce staffing in administration, and consolidate some functions in locations where the cost of doing business is lower.

The Panel believes that major restructuring decisions need to consider principles such as:

- Organizational structure will best facilitate effective performance and maintain accountability if it is designed to meet distinct requirements of the agency's programs.
- The structure should minimize hierarchy and management layers.
- The structure should take full advantage of information technology.
- Business practices and processes should provide the highest level of customer service at the lowest possible cost.
- When field offices are the primary point of citizen service delivery, headquarters' functions should make their first priority supporting field service delivery.

A combination of in-person service and technology can enhance EEOC's service delivery and increase customer access and satisfaction. This will entail some major changes in how EEOC organizes to do business, and the Commission will need to consult with a broad mix of internal and external stakeholders. Ultimately, the Chair will need to make some difficult decisions; a thorough consultation process will permit everyone to be heard.

The Panel believes there is a set of factors the EEOC should consider in making these decisions. These are:

1. What have been the filing patterns for private and federal cases during the past three years by state and major metropolitan areas within each state? Does analysis of Census and other data indicate that patterns could change?
2. What are the filings-per-capita per state, and does this vary for states that have an EEOC office compared to those that do not?
3. Are there some industries or parts of the country that appear to generate more charges of discrimination?
4. How does the presence of a FEPA or TERO affect the need for an EEOC physical presence?
5. To what extent can a physical presence in some locations be replaced by a well-publicized, regularly scheduled EEOC site visits to the location?
6. Is it necessary to have all or nearly all EEOC services provided from a full-service office, or can there be some intake-only locations, supplemented by staff who conduct investigations while working out of their homes?
7. If there are some intake-only units, can they be co-located with another federal agency?
8. Can staff who conduct outreach, mediation, hearings, or technical assistance be attached to an office but work in a distant part of a state, coming to an office only occasionally and regularly visiting customer locations that are within a relatively short drive from their homes?
9. Is it necessary for EEOC offices to be located in prime downtown locations, or can they be located on the outer rim of downtown (where real estate might be less expensive), assuming they are served by public transportation?
10. Are there some locations to maintain, regardless of direct service provided there, because the distance to other EEOC offices is too great?

The Panel believes the highest-priority recommendations in the area of aligning mission and functions are those that address: establishing a National Call Center; realigning the field structure to reduce the number of physical locations; consolidating administrative support functions; and reorganizing portions of headquarters so that there are clearer organizational distinctions between private sector enforcement and other functions, such as mediation, prevention/technical assistance. The other issues discussed in this chapter are also essential, but these four sets of recommendations are those that will most substantially affect operations and thus customer service.

NEED FOR A NATIONAL CALL CENTER

The concept of requiring the public to do business with a government agency office close to where they live is a carryover from times when geography governed nearly all decisions related to where to shop, bank, work, or get an education. While proximity is still a factor in many such decisions, it no longer has to predominate, and there may be less expensive or more efficient ways to achieve the same objectives.

> **The Panel recommends that EEOC establish a nationwide, toll-free National Call Center staffed by individuals who have been thoroughly trained in**

responding to questions about EEOC's mission and services and in taking charges over the phone.

The purpose of the National Call Center would be to:

- Have highly trained staff in one location so that customers receive accurate and consistent information and can often have their questions or issues resolved in one call
- Relieve individual offices of a large proportion of routine inquiries and calls about the status of cases
- Probe and provide information so that callers understand whether EEOC is the appropriate agency to address their problem, and provide information on the alternative organizations
- Obtain sufficient information through telephone charge-filing so that a field investigator can begin work, or EEOC can determine that the charge is without merit
- Reduce operating costs through economies of scale

EEOC field offices get hundreds of thousands of calls directly related to service delivery, and field offices have varying staff and phone system capabilities to handle them. One office Academy staff visited had a backlog of more than 900 unreturned messages. At another district office visited, every phone call was entered into a tracking database that office had developed and the district director and deputy reviewed the status on a regular basis. An area office used carbon-based message books for each call and the assigned investigator had to record when the call was returned and how it was resolved so the manger could compare actions taken to the log.

Offices with backlogs generally said that staff shortages were the cause, noting that there were no longer receptionists to field calls or sufficient investigation support assistants to track or return calls. They also noted some phone systems were outdated, and advocated a common phone system that would enable callers to get routine information by selecting certain menu options, always with a "bailout option" to talk to a person. However, OFP staff said that some offices were in buildings that could not handle the modern phone systems without adding additional switch capability to the building. For example, in one location where EEOC explored this, it would have had to pay $25,000 just to install the switch. In addition, the past two administrations have strongly favored having a person answer the phone rather than an automated system. In at least one field office, an automated system had been discontinued to accommodate this goal.

Examining Other Organization's Call Centers

The federal government has been benchmarking private sector customer service call centers and creating its own for more than a decade. There are well-established systems at organizations such as the Social Security Administration (which gets more than 1 million calls per day) and Internal Revenue Service (about 70 million calls per year). The Federal Communications Commission's Consumer Center places its telephone menu guide on the web so that callers can know all the options before they place a call.

In a 1997 study,[8] the Federal Benchmarking Consortium found that companies that had successfully switched to one-stop customer service started by examining how key processes were designed and managed. Despite considerable differences in motivation, products or services, all of the organizations studied shared the following attributes:

- A reliance on technology as a key enabler of one-stop service
- A focus on cross-functional teamwork to provide comprehensive service
- The ability to manage change effectively by attending to the human factors[9]

Some firms had teams organized around geographic regions so that incoming calls could be automatically directed to the appropriate team based on the caller's area code. Most of the organizations used telephone systems with interactive voice recorders capable of sophisticated call routing based on the caller's selection from a menu of service options.

While this Academy study was underway, the District of Columbia's 9-1-1 system reported on the operator-assisted delivery of a baby. What made this particularly exciting was that the caller spoke only Spanish and the 9-1-1 operator did not. However, the operator had immediate access to a contract interpreter service that served as the essential link to a successful delivery. A decentralized system could not afford that level of technical support in each location.

The U.S. Census Bureau, which conducts dozens of ongoing surveys every year, has three call centers that initiate calls or receive them from its many survey respondents. One is located in Tucson, Arizona so that there is a readily available pool of Spanish-speaking staff, and the other two are in Hagerstown, MD and Jeffersonville, IN. At all three locations, operating costs are lower than if the call centers were housed at Census Bureau headquarters. Its Jeffersonville Center, the largest, also has bilingual capabilities and supplements them with a contract with the language department at the University of Louisville. Like EEOC, the Census Bureau deals with individuals in every demographic, ethnic, and age group. It may be a good organization from which to secure advice or even subcontract for some initial testing.

Appendix D provides information on using a call center to resolve EEO issues, benchmarking for call centers in the public and nonprofit sectors, and examples of savings from consolidating calls.

Panel Discussion: Need for a National Call Center

From retail to government, organizations have moved to centralized call centers to provide better customer service. Among the benefits for EEOC would be that a National Call Center allows some staff to specialize in phone interaction and allows others to focus on more analytical work. It may be a more effective use of the Commission's human capital.

An EEOC National Call center should be staffed with individuals who can do far more than provide information on the status of a private sector charging party's case. Developing necessary staff skills will require concerted initial training, and these skills will be best

[8] Federal Benchmarking Consortium, *Serving the American Public: Best Practices in One-Stop Customer Service*, Study Report, National Performance Review, November 1997.
[9] *Ibid*., Section 5 on Process Management.

maintained by having immediate access to information and regular interaction with others who provide the same service. Having a National Call Center would facilitate the development of a pool of bilingual staff in languages most commonly needed. It should also be easier to staff a central location in the evenings, when EEOC's customers may find it more convenient to call, and to provide regular staff training.

The technology investment will be substantial. However, private sector companies have documented savings that have more than offset the initial investment and updates over time. Agencies such as the Social Security Administration and the Census Bureau acknowledge that they could never meet their volume of calls without centralized calling centers. While EEOC does not handle the same volume, the economies of scale and enhanced customer service suggest that a National Call Center would be a wise investment.

ALIGNING FIELD OFFICE LOCATIONS WITH SERVICE NEEDS

EEOC needs to reduce the costs of maintaining its physical presence to operate within its appropriation without severely limiting customer service. Key components of an approach that would rely less on physical presence would include a National Call Center, secure electronic charge filing, and a group of permanent teleworkers, some of them living in areas near major rural employers so that they could conduct periodic intake interviews in nearby federal or local government offices. Electronic charge filing and increased telework are discussed in Chapter Four.

- **The Panel recommends that EEOC establish a network of lead offices in areas with high workload levels, defined to include private sector charge filings but also to consider other factors, such as local industries and population demographics and EEOC's mediation and outreach efforts. Lead offices might have satellite offices under them, and perhaps a mobile unit that could travel to areas not close to EEOC offices.**

- **Initial implementation should begin with pilots of this combination of place-based, mobile, and remote services so that the EEOC can develop and test service to customers, infrastructure support, management checks and balances, revised work processes, and supporting human resources systems for recruitment, training and performance assessment, and other components.**

The following sections discuss the costs of maintaining a large number of offices and the varied levels of service provided in them.

The High Cost of Fifty-One Locations

EEOC's rental costs rose from $25.6 million in FY 2002 to an estimated $29.4 in FY 2003 and $31.2 million in FY 2004. Part of the FY 2003 increase was attributable to the September 11, 2001 loss of the New York District Office and the more expensive rent for the new space. The

OCFO believes that the steady annual increase will continue if the agency does not find more cost effective alternatives.

EEOC's headquarters office is located at 1801 L Street NW in Washington, DC, in one of the most expensive rental areas of the city. Some field offices are in federal buildings, while others are in commercial space, some in more expensive parts of a downtown area than others. Escalation clauses vary, as do the square footage costs per location.

Table 3-1 shows the rental costs and for each office, the number of staff and the square feet and rental costs per staff member. The costs per staff member will vary substantially, in part because of variable rental costs. The square feet per staff member includes the square feet for individual staff offices plus all space for conferences, intake, copy equipment, reception, etc.

In general, if an office had fewer than 10 staff it had more than 500 total square feet per staff member, a reflection of the fact that, no matter how few staff there are, there has to be at least a small reception area, an intake area, and other common space. There were exceptions. Savannah with nine staff has 359 square feet per staff member. Buffalo, with only 12 staff, has only 247. Most of the offices with more than 70 staff (Atlanta, Birmingham, Chicago, Houston, Indianapolis, Miami, New York, Phoenix and San Francisco) are more likely to have closer to 300 square feet per staff member. Here, too, there were exceptions. Dallas has 82 staff and about 500 square feet and Los Angeles has 68 staff and 515.

Also, most offices had lost staff since they entered into their current lease. Had these calculations been done one year ago the average square footage per staff member would have been lower. In all of the offices visited, individual staff appeared to have cubicles or offices in accordance with GSA square footage regulations. However, some offices had vacant office space, since staff had left and not been replaced.

Ten EEOC field offices have leases that expire in late 2002 or 2003 (San Jose, San Francisco, Fresno, Savannah, Milwaukee, Chicago, Newark, Cleveland, Minneapolis, San Antonio). The total annual rent for these offices currently is $3.9 million; the new amounts were initially estimated to be $5.6 million, an increase of $1.7 million. To reduce this increase, the OCFO worked with the first three offices whose leases expire, to reduce square footage by doing such things as putting some staff in shared offices. They were thus able to reduce the increase for just three offices by $1.6 million.

Table 3-1
Workload Data by Office
FY 2001 and Total FY 1999-01 Private Sector Charge Receipts
Full-Year Mediations for Each District for FY 2001
FY 2001 Federal Sector Cases Received

Office	Total FY 99-01 Charge Receipts	Total FY 2001 Charge Receipts	FY 200l Mediations Completed	FY 2002 Fedl Sector Cases Recd	Sept 2002 Staffing Levels	FY 2002 Rental Cost	Total Sq. Feet	Sq ft/ Per Staff Mbr	Rent Per Staff Mbr
Albuquerque District	3,829	1,565	82	- -	28	$209,664	12,807	457.4	$7,488.71
Atlanta District	13,288	4,827			95	$771,773	30,085	316.7	$8,123.93
Savannah Local	1,910	579			9	$61,182	3,232	359.1	$6,798.00
Atlanta District Total	15,198	5,406	464	517	104	--	--	--	--
Baltimore District	4,001	1,215			82	$667,280	26,429	426.3	$10,762.58
Norfolk Area	2,109	681			18	$146,604	9,938	552.1	$8,144.67
Richmond Area	2,389	724			17	$128,503	8,660	509.4	$7,559.00
Baltimore District Total	8,498	2,620	250	543	97	--	--	--	--
Birmingham District	10,587	3,622			85	$668,257	27,042	318.1	$7,861.85
Jackson Area	5,140	1,640			28	$277,619	12,334	440.5	$9,914.96
Birmingham District Total	15,727	5,262	406	262	113	--	--	--	--
Charlotte District	6,149	2,112			57	$310,532	17,474	306.6	$5,447.93
Greensboro Local	1,423	455			8	$101,570	4,348	543.5	$12,696.25
Greenville Local	2,328	647			10	$134,258	4,989	498.9	$13,425.80
Raleigh Area	2,124	683			16	$156,350	6,520	407.5	$9,771.88
Charlotte District Total	12,024	3,897	336	359	91	--	--	--	--
Chicago District	14,832	5,260	378	325	111	$1,071,083	34,456	310.4	$9,649.40
Cleveland District	4,682	1,459			62	$743,693	25,875	417.3	$11,995.05
Cincinnati Area	2,489	854			15	$174,556	10,416	694.4	$11,637.07
Cleveland District Total	7,171	2,313	190	286	77	--	--	--	--
Dallas District	8,005	2,803			82	$644,057	41,321	503.9	$7,854.35
Oklahoma City Area	4,042	1,382			21	$142,071	9,159	436.1	$6,765.29
Dallas District Total	12,047	4,185	276	536	103	--	--	--	--
Denver District	4,161	1,234	291	364	62	$319,710	21,392	345.0	$5,156.61
Detroit District	4,939	1,766	107	137	53	$610,793	22,549	425.5	$11,524.40
Houston District	10,122	2,912	326	249	79	$562,602	28,839	365.1	$7,121.54
Indianapolis District	8,603	2,894			79	$452,557	23,204	293.7	$5,728.57

Office	Total FY 99-01 Charge Receipts	Total FY 2001 Charge Receipts	FY 200l Mediations Completed	FY 2002 Fedl Sector Cases Recd	Sept 2002 Staffing Levels	FY 2002 Rental Cost	Total Sq. Feet	Sq ft/ Per Staff Mbr	Rent Per Staff Mbr
Louisville Area	3,377	1,205			21	$97,459	6,427	306.1	$4,640.90
Indianapolis District Total	11,980	4,099	557	128	100	--	--	--	--
Los Angeles District	7,759	3,053			68	$889,149	35,037	515.3	$13,075.72
San Diego Area	2,446	692			21	$182,115	7,732	368.2	$8,672.14
Los Angeles District Total	10,205	3,745	290	728	89	--	--	--	--
Memphis District	4,171	1,469			62	$208,179	18,464	297.8	$3,357.73
Little Rock Area	4,440	1,580			24	$129,513	7,800	325.0	$5,396.38
Nashville Area	4,000	1,502			21	$107,480	6,935	330.2	$5,118.10
Memphis District Total	12,611	4,551	400	254	107	--	--	--	--
Miami District	10,293	3,200			96	$663,850	29,213	304.3	$6,915.10
Tampa Area	5,669	1,963			33	$189,037	8,913	270.1	$5,728.39
Miami District Total	15,962	5,163	409	581	129	--	--	--	--
Milwaukee District	3,352	1,214			51	$284,499	15,031	294.7	$5,578.41
Minneapolis Area	2,962	968			17	$113,932	6,695	393.8	$6,701.88
Milwaukee District Total	6,314	2,182	174	161	68	--	--	--	--
New Orleans District Total	7,101	2,532	173	252	68	$367,123	20,626	303.3	$5,398.87
New York District	8,114	2,528			90	$1,990,000	24,753	275.4	$22,111.11
Boston Area	1,524	489			21	$254,005	8,729	415.7	$12,095.48
Buffalo Local	2,408	819			12	$56,796	2,967	247.3	$4,733.00
Puerto Rico (cases w/ NY)					8	$242,325	5,996	749.5	$30,290.63
New York District Total	12,046	3,836	309	584	131	--	--	--	--
Philadelphia District	5,446	1,837			75	$389,345	25,474	339.7	$5,191.27
Newark Area	2,457	885			16	$227,286	6,900	431.3	$14,205.38
Pittsburgh Area	3,512	1,187			25	$210,542	9,170	366.8	$8,421.68
Philadelphia District Total	11,415	3,909	336	453	116	--	--	--	--
Phoenix District	8,291	3,124	232	287	70	$503,457	22,316	318.8	$7192.24
San Antonio District	5,566	1,726			64	$384,682	19,110	298.6	$6,010.66
El Paso Area	3,267	1,058			20	$114,710	6,586	329.3	$5,735.50
San Antonio District Total	8,833	2,784	159	366	84	--	--	--	--
San Francisco District	3,876	1,165			70	$500,590	19,444	277.8	$7,151.29
Fresno Local	495	147			4	$45,202	2,276	569.0	$11,300.50
Honolulu	1,169	287			7	$121,235	4,003	571.9	$17,319.29
Oakland Local	1,623	541			8	$108,542	4,166	520.8	$13,567.75
San Jose Local	1,347	518			8	$107,924	4,434	554.3	$13,490.50
San Francisco District Total	8,510	2,658	376	765	97	--	--	--	--

Office	Total FY 99-01 Charge Receipts	Total FY 2001 Charge Receipts	FY 200l Mediations Completed	FY 2002 Fedl Sector Cases Recd	Sept 2002 Staffing Levels	FY 2002 Rental Cost	Total Sq. Feet	Sq ft/ Per Staff Mbr	Rent Per Staff Mbr
Seattle District	4,299	1,419	177	260	49	$511,378	24,221	494.3	$10,436.29
St. Louis District	4,834	1,489			62	$483,713	24,437	394.1	$7,801.82
Kansas City Area	4,466	1,874			23	$119,370	$8,546	372.3	$5,190.00
St. Louis District Total	9,300	3,363	238	279	85	--	--	--	--
Washington Field Office	2,938	976	50	952	45	$458,823	15,218	338.2	$10,196.07
Total Districts/WFO	238,398	80,761	6,986	9,617	2,156	--	--	--	--
Headquarters Rent and Staff					631	$7,684,590	190,905	302.5	$12,178.43

The calculation for square feet per staff member includes all common space, such as conference rooms and reception area.
Because most offices have lost staff, the square feet per staff member and annual rent per staff member are larger numbers than they would have been even one year ago.

There are no federal cases listed for Albuquerque because that office does not conduct Hearings.

Workloads Vary by Location

The number of mediations per district and the private sector charges per district, area, and local offices vary considerably. In addition to rental costs, Table 3-1 also shows all private sector charge receipts and mediations for FY 2001, the total of FY 1999-2001 private sector charge receipts, and federal sector cases received during FY 2002. As these data show, there are wide variations among numbers of private sector charges among district offices; they range from three-year highs of approximately 15,000 for Atlanta, Birmingham, Chicago, and Miami to lows of less than 5,000 for Albuquerque, Denver, Detroit, Seattle, and the Washington Field Office. All of the districts with lower numbers have no area or local offices, though Chicago also has no other offices associated with it and it had one of the highest three-year private sector charge receipt totals.

Mediation data are reported by district rather than individual office, in part because there are a number of offices with only one mediator, and it would not be appropriate to report individual production numbers. In addition, mediators assigned to the district office may conduct mediations on behalf of area or local offices. Successful mediations (which EEOC defines as those that resulted in a resolution agreed to by both parties) ranged from 557 for the Indianapolis District to 82 for Albuquerque. The number of mediations differs in part because the number of opportunities for mediation relates to the number of charges, and those vary widely. Differences may also be because of the emphasis placed on mediation or how an office organizes its mediation work. (See Chapter Six.) While the Washington Field Office had only 50 mediations, it covers a city of 572,000, while other districts cover larger geographic and population areas.

The number of federal sector cases received also varied widely from 128 per year in Indianapolis, 137 in Detroit, and 161 in Milwaukee to 952 in the Washington Field Office, 765 in San Francisco, and 728 in Los Angeles. Cities with higher numbers are those that used to be defined as one of the ten standard federal regions,[10] and still have a major federal presence. Generally, the AJs who hold the federal hearing are assigned to district offices and travel to other cities as needed.

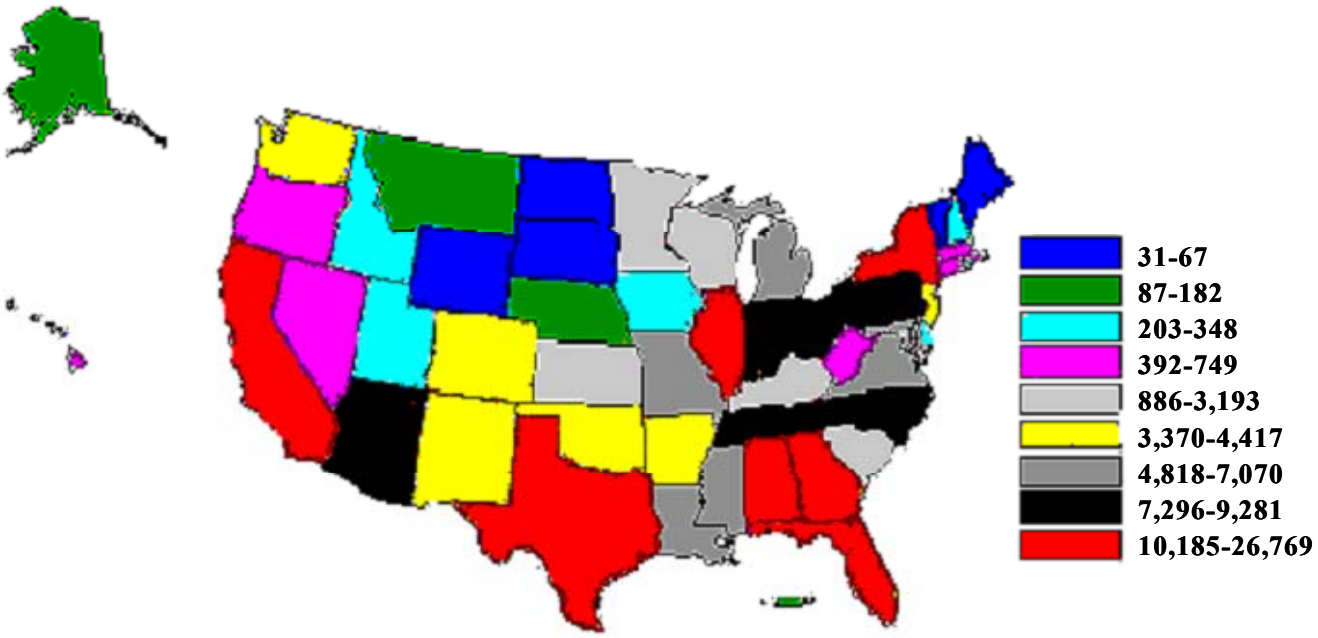
Thirty percent of the EEOC staff surveys cited the need to reexamine the number and locations of offices. The most often-cited example was west-central California, where there are offices in San Francisco, Oakland, and San Jose. There are also three district offices in Texas (Dallas, Houston and San Antonio), each staffed by an SES-level district director.

When arrayed on a map (see Figure 3-1), the more than 238,000 private sector charges received between FY 1999 and 2001 are heaviest in New York and through the Mid-Atlantic Region and into the Midwest and South, across to Texas, and in California. There are fewer in Minnesota,

[10] The designation of ten standard federal regions for major domestic departments or agencies was part of President Nixon's Reorganization Plan in 1969, and was more fully elaborated in OMB Circular A-105. The cities that were the regional headquarters were: Atlanta, Boston, Chicago, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, and Seattle. As part of the Reinventing Government effort, Circular A-105 was rescinded in June 1995. Federal agencies no longer need to adhere to these regional boundaries if another configuration makes sense. Even when it was in effect, smaller federal agencies or bureaus within departments did not have to conform to ten standard regions. For example, within the Department of Commerce (which itself had to conform to the ten), the Bureau of Economic Analysis has had eight and the Bureau of the Census has had twelve regional offices

Kansas, Colorado, New Mexico and Arizona and Washington, and far fewer in Iowa, Nebraska, Nevada, Utah, Oregon and all the upper Plains states.

Figure 3-1
EEOC Private Sector Charges Filed by State 1999-2001



Map does not depict territories served by EEOC
Charges shown by location of charging party.

Many things could account for the varied numbers of charges, population density first among them. However, it cannot be the sole factor. If it were, then New Mexico (1.8 million people) and Utah (2.2 million), which are located near each other and are reasonably close in size, might have similar complaint-density on Figure 3-1. Instead, Utah's is far lower. Factors other than population include the racial and ethnic mix of the population, types of industries, local economies, education levels, and proximity to an EEOC office. New Mexico has an office in Albuquerque and Utah has none, but New Mexico also has a more diverse population and the two states' industries are different.

Examining Private Sector Charges by State

Table 3-2 shows the states and some other locations' FYs 1999-2001 private sector charge receipts by state of origin of the receipts.[11] It also shows the 2000 population for each state, the

[11] When organized by state, charges combine workloads when there are multiple districts within a state. The total charges on this table are 238,053, while in other parts of this report, the charges are 238,398. EEOC's Charge Data

states' rankings in terms of U.S. population, the population growth in that state, and the number of people in each state per charge.

Table 3-2 shows that Texas (with three district offices) has the most private sector charge receipts and has the second-largest population. California (with two district offices) has 10,000 fewer charges, yet it has in excess of 13 million more people than Texas. Some other states have similar charge receipts and population rankings (only West Virginia is identical), while others (such as Alabama) rank high in EEOC charges and much lower in population ranking, or Massachusetts, which is low in charges and higher in population.

There cannot be an exact relationship between charge receipts and populations, but discussion and analysis would be able to explain wide variations. For example, Massachusetts has a strong FEPA, which handles a large proportion of charges that would otherwise come to EEOC.

System drew the information at two different times, and the results differed by 345 or .001. Since this is not statistically significant, the two sets of numbers were used rather than recalculating several tables.

Table 3-2
Comparison of 1999-2001 EEOC Private Sector Charge Receipts per State and 2000 State Population

Rank per EEOC Private Sector Charge Receipts	Charging Parties' State of Filing	Number of Private Charges	2000 Population	State Pop Rank	% Pop Growth Btw 1990-2000	No. of people in state per charge
1	Texas	26,769	20,851,820	2	22.8	779
2	California	16,572	33,871,648	1	13.8	2,044
3	Florida	16,464	15,982,378	4	23.5	971
4	Illinois	15,477	12,419,293	5	8.6	802
5	Georgia	15,195	8,186,453	10	26.4	539
6	Alabama	10,680	4,447,100	23	10.1	416
7	New York	10,185	18,976,457	3	5.5	1,863
8	North Carolina	9,281	8,049,313	11	21.4	867
9	Indiana	8,766	6,080,485	14	9.7	694
10	Arizona	8,132	5,130,632	20	40.0	631
11	Tennessee	8,041	5,689,283	16	16.7	708
12	Pennsylvania	7,376	12,281,054	6	3.4	1,665
13	Ohio	7,296	11,353,140	7	4.7	1,556
14	Louisiana	7,070	4,468,976	22	5.9	632
15	Missouri	5,736	5,595,211	17	9.3	975
16	Virginia	5,713	7,078,515	12	14.4	1,239
17	Mississippi	5,233	2,844,658	31	10.5	544
18	Michigan	5,057	9,938,444	8	6.9	1,965
19	Maryland	4,818	5,296,486	19	10.8	1,099
20	Arkansas	4,417	2,673,400	33	13.7	605
21	Oklahoma	4,126	3,450,654	27	9.7	836
22	Colorado	3,977	4,301,261	24	30.6	1,082
23	New Jersey	3,884	8,414,350	9	8.9	2,166
24	New Mexico	3,884	1,819,046	36	20.1	468
25	Washington	3,370	5,894,121	15	21.1	1,749
26	Kentucky	3,193	4,041,769	25	9.7	1,266
27	Wisconsin	3,142	5,363,675	18	9.6	1,707
28	Minnesota	2,896	4,919,479	21	12.4	1,699
29	South Carolina	2,647	4,012,012	26	15.1	1,516
30	Kansas	1,601	2,688,418	32	8.5	1,679
31	DC	886	572,059	--	-5.7	646
32	Hawaii	749	1,211,537	42	9.3	1,618
33	Massachusetts	740	6,349,097	13	5.5	8,580
34	Oregon	642	3,421,399	28	20.4	5,329
35	Nevada	529	1,998,257	35	66.3	3,777
36	Connecticut	495	3,405,565	29	3.6	6,880
37	West Virginia	392	1,808,344	37	0.8	4,613
38	Mariana Islands	348				
39	Utah	297	2,233,169	34	29.6	7,519
40	Iowa	279	2,926,324	30	5.4	10,489

Rank per EEOC Private Sector Charge Receipts	Charging Parties' State of Filing	Number of Private Charges	2000 Population	State Pop Rank	% Pop Growth Btw 1990-2000	No. of people in state per charge
41	Delaware	249	783,600	45	17.6	3,147
42	New Hampshire	216	1,235,786	41	11.4	5,721
43	Idaho	203	1,293,953	39	28.5	6,374
44	Alaska	182	626,932	48	14.0	3,445
45	Overseas	163				
46	Montana	94	902,195	44	12.9	9,958
47	Guam	90				
48	Rhode Island	89	1,048,319	43	4.5	11,779
49	Puerto Rico	88				
50	Nebraska	87	1,711,263	38	8.4	19,670
51	South Dakota	58	754,844	46	8.5	13,015
52	Maine	57	1,274,923	40	3.8	22,367
53	Wyoming	54	493,782	50	8.9	9,144
54	Vermont	52	608,827	49	8.2	11,708
55	North Dakota	31	642,200	47	0.5	20,716
56	Virgin Islands	28				
57	APO addresses	27				
58	Canada	19				
59	Miscellaneous	6				
	Total	238,058	281,421,906		13.2	

Perhaps the most telling information in Table 3-2 is the last column, which shows the number of people within a state for each charge filed. The larger the number the fewer the charges per capita. For example, Texas (with the most charges overall) has one charge per 779 people while California has one per 2,044. The smaller the number the more "dense" the charge filing pattern. States with the most charges per capita (the smallest number) are Alabama, Arizona, Arkansas, Georgia, Louisiana, Mississippi, and New Mexico. All are in the South or Southwest.

Panel Discussion: Aligning Office Locations with Service Needs

Having more options to accept charges (Internet filings, a National Call Center, mobile units that travel to more remote locations) would give private and federal charging parties, and private sector employers and federal agencies, more avenues to interact with EEOC.

A review of the number of private sector charges filed and mediations conducted at the 24 District Offices and the Washington Field Office shows that private sector workload levels vary, as do the approaches taken by the offices to manage charge processing and staffing for mediation. Workload cannot be the only factor for choosing office locations. However, as EEOC decides which offices to close or downsize, it will be an important consideration.

Analysis leading to a decision on the most appropriate number of lead EEOC offices should consider a number of factors, such as clients served, economies of scale, maintaining a core

group of staff for training and service-provision purposes, and the rental costs associated with each location. Previously, this chapter listed ten factors that EEOC can consider in making office location decisions. The Panel believes that regardless of the state and city, physical locations for EEOC work should, to the extent possible, be:

- Accessible to customers by public transportation
- Cost efficient to operate
- Organized so that staff can be trained effectively at a reasonable cost

No single approach to deciding the exact mix of physical locations and other modes of service can satisfy every situation. For example, Internet-based charge processing would be less expensive than office-based interviews, but not all workers have access to or are comfortable conveying sensitive information this way. Even though EEOC will always maintain some face-to-face charge taking, the more initial contacts can be made via phone or Internet, the more time investigators will have for follow-up work and investigation.

Cost effectiveness is important, and EEOC will want to think of its physical locations in terms of their returns on investment—number of clients served vs. rent, for example. However, there may be some locations that show a lower return but are important to maintain. For example, real estate is expensive in Honolulu and they process only a few hundred private sector charges per year. However, it may not be cost-effective to continually send staff there to investigate charges, and charging parties who need face-to-face interaction could not easily travel to other EEOC offices. On the other hand, does EEOC need 4,000 square feet?

Because the Commission's budget constraints have made location decisions even more urgent, EEOC could start by examining the impact of eliminating offices with the lowest private sector workload. Seventeen handled less than 1,000 private sector charges in FY 2001, including four of the six offices in California (one of which had less than 200). Of the three offices in North Carolina, two had less than 1,000, and both Virginia offices did. Though all four Texas offices handled more than 1,000, one was just above that level. EEOC cannot set an arbitrary caseload level, but when there are multiple offices in a state, lower workload levels at one or more of them could point toward consolidation options.

There may need to be relatively few full-service offices, but if staff in these offices have to travel throughout the country to conduct mediations or investigate charges at a respondent's location, the high cost of travel could erase many of the savings of having fewer offices. Perhaps in addition to the "lead" offices there can be several mediation or mediation and intake-only offices in locations distant from the lead offices. Another option could be to have mediations conducted by staff who are permanent teleworkers, with access to conference rooms for mediation sessions. The General Services Administration maintains telework centers in Maryland, Virginia, and West Virginia, and provides information on non-GSA centers in other parts of the country. As this concept (discussed more in Chapter Four) grows, there will be more ways for EEOC staff to work out of their homes and yet have access to a center that has the full range of office services and equipment, often including conference room use.

EEOC's rental payments to GSA are growing at a rate of more than $1 million per year, in part because of escalation charges, but also because the Commission has chosen to locate its offices in prime office space in major cities. The Panel understands that because the Commission interacts with the public and employers, it needs to be accessible and its space should present an appropriate setting. Charging parties and employers need to see that the federal government values the EEOC's mission, and professional office space is one way to make that clear. However, much of EEOC's work can take place in locations other than prime downtown buildings. Access to public transportation is important, so a far suburban location may not be appropriate. However, there are alternatives between the two types of locations and they should be explored. A key question is: are high-cost rents worth having less money to spend on technology updates or replacing staff who retire?

The Panel realizes that these are difficult decisions, especially given that some EEOC offices are in their present locations because of political considerations. Perhaps one way to mitigate the concern that could come with an office's closing is to present the full cost of maintaining ongoing place-based service and illustrate the services that cannot be offered because of these costs. For example, if it costs $400,000 for a location, how many outreach efforts cannot be conducted to advise citizens of their rights or educate employers on how to avoid discriminatory practices? What is the cost of the mobile EEOC unit that cannot be purchased and thus serve a wide area of rural or smaller towns on a scheduled basis? What portion of an electronic charge-filing system (accessible 24 hours per day) cannot be developed?

There are many factors to weigh. For example, if a lease is not up for immediate renewal, what is the cost of breaking it? It will likely be less than maintaining it, but it is important to consider.

There are also strategic considerations. Would OMB and Congress be willing to make the required investments in technology and training in one fiscal year to avoid spending several times that amount over the next few fiscal years? Can EEOC develop its technology systems fast enough to offset more limited daily physical presence and equip more staff for telework?

Options for the Number of Office Locations

While factors such as population density or historical patterns for charge filings may explain current office locations, with technology providing more opportunities than face-to-face contact, population may not be the predominant factor driving office location in the future. This section of the report describes three frameworks to consider in establishing office locations. The assumption in discussing a smaller number of "lead" offices is that EEOC will supplement brick-and-mortar locations with mobile units that can reach beyond them, and will locate teleworkers so that they can provide outreach to a variety of stakeholders in or near their locale.

Option 1: Maintain a Dispersed Group of Offices

Even with a National Call Center, EEOC could choose to maintain a mix of full-service offices throughout the country. These could be in different locations than currently, after EEOC looks at changes in demographics, immigration patterns, and employment trends. This would likely

entail having relatively few teleworkers, and making less use of a mobile workforce that travels to underserved locations. EEOC could also reduce rental costs somewhat by moving offices to city rims or sharing office space with other federal or state agencies.

Advantages to maintaining a dispersed group of offices are:

- Networks of staff that can train new employees and serve as resources to one another
- Opportunities for citizens to visit EEOC offices in a number of cities, on any given workday

Disadvantages to maintaining a dispersed group of offices are:

- Lack of budget flexibility, given that there will still be substantial real estate costs
- A wide span of control for the headquarters office that oversees field operations
- A relatively large number of office infrastructures to maintain, and the requisite costs of doing this

Option 2: The Ten Federal Regional Cities

Another approach to establishing the locations for the "lead" offices would be to start with the ten federal regions, and adjust from there to reflect EEOC's workload. The ten regions are:

1. Atlanta
2. Boston
3. Chicago
4. Dallas
5. Denver
6. Kansas City
7. San Francisco
8. New York
9. Philadelphia
10. Seattle

There are EEOC offices in all of these federal regional cities, and all but two (Boston and Kansas City) are district offices. EEOC could use these ten as a starting point and make necessary revisions. For example, if workload does not justify a lead office in Boston, the current structure, which has Boston under the jurisdiction of the New York office, could be retained.

Advantages for using the standard federal structure as a starting point are:

- Proximity to other federal agencies, making it convenient to negotiate partnership arrangements
- Access to cost saving arrangements for common services (such as sharing videoconferencing facilities or setting up a site for teleworkers to come in for occasional work)

- Entrée to state and local networks related to other federal agencies' programs
- Access to state agencies in these major cities, especially the ones that are state capitals or big enough to attract major state agency offices
- Substantially reduced rental costs, with more funds available for technology development, regular visits to underserved areas, and support for a network of teleworkers
- Proximity to federal agencies for review of their affirmative action programs and ease of federal workers' filing of complaints

The standard federal structure need not be a straightjacket. Since a large part of EEOC's workload comes from states in the southeast part of the country, it may be advisable to establish more than one lead office in that area. EEOC could also decide to supplement its major eight to ten offices with small intake-only centers that can serve as "home base" for a group of teleworkers. The decision should be based on a detailed analysis of current and projected workload, and has to be EEOC's.

Option 3: Locate Offices in Highest-Volume Cities

A third option is to examine those cities that have a history of the highest level of private sector charge receipts and position lead offices there. Table 3-3 shows cities which (based on the zip code of the charging party) had nearly 500 charges or more each year from FY 1999-2001. All of these cities currently have an EEOC office, thought not all are district offices.

Table 3-3
Cities with Approximately 500 Charge Receipts Per year
FY 1999-2001

Ranking	State	City	FY 99-01 Charge Receipts	Annual Average
1	IL	Chicago	5,615	1,872
2	TX	Houston	5,513	1,838
3	TX	San Antonio	3,023	1,008
4	AZ	Phoenix	3,003	1,001
5	IN	Indianapolis	2,978	993
6	TN	Memphis	2,808	936
7	AL	Birmingham	2,623	874
8	NC	Charlotte	2,270	757
9	TX	Dallas	2,202	734
10	FL	Miami	2,166	722
11	NM	Albuquerque	2,130	710
12	TX	El Paso	2,042	681
13	GA	Atlanta	1,973	658
14	WI	Milwaukee	1,863	621
15	CA	Los Angeles	1,596	532
16	FL	Tampa	1,481	494
17	MO	St. Louis	1,476	492

The disadvantage to this option is that it does not consider factors such as recent changes in population or population demographics that could cause future charge-filing patterns to change. In addition, it is possible that, while these offices may have received the most charge receipts in any circumstance, the availability of an EEOC office in these cities led to higher charge filing. This would not be as much a factor when EEOC has a National Call Center and electronic filing. Appendix E lists the 500 cities in which the most charges were filed. For the states that do not have any cities in the top 500 (New Hampshire, North Dakota, Rhode Island, Vermont, and Wyoming), the city with the most charges is listed at the end of Appendix E.

CONSOLIDATING ADMINISTRATIVE SUPPORT FUNCTIONS

There were comments in the field and headquarters about inadequate administrative support or some poorly trained staff in this area. The Academy Panel believes that EEOC's offices should receive effective administrative support when they need it at the least cost. A central (or regional) organization can provide the services well if it is customer-focused. Large federal departments and agencies have regionalized or consolidated most of these services, usually leaving a generalist in each major office to handle some things and coordinate with the central service provider. EEOC may want to try that. However, EEOC has had success in finance and in personnel processing by entering into cross-servicing agreements with the Department of Interior, and may want to continue moving in that direction with the department or other organizations.

The Academy Panel recommends that EEOC:

- Consolidate most administrative support functions, leaving in each major office one highly skilled, fully trained administrative staff member to provide those services that must be performed on site and coordinate those that are performed at another location.

- Locate at least some of its consolidated support functions (should EEOC choose to provide them directly) outside of Washington, DC, in locations where real estate costs are lower and it may be easier to recruit and retain staff.

- Develop the costs and benefits of establishing a full servicing agreement with the Department of Interior, instituting additional cross-servicing agreements with other federal organizations, or contracting out administrative functions to the private sector.

Each district has administrative staff in personnel, budget, or traditional administrative job series, though they may not have staff in all three kinds of positions. The ceiling in the field for these positions is 62, and 56 of the positions were filled as of September 21, 2002. All of these positions are in the 24 district offices and the Washington Field Office, none are in area or local offices.

Administrative officers perform a mix of finance and personnel functions, although in offices with a personnel management specialist they would focus less on human resources issues, and in

offices with a budget analyst they could deal less with finance. In the interviews Academy staff conducted and the surveys received, EEOC staff said that there was a wide mix of skills and backgrounds in these positions. In some, former clerical staff had been promoted to administrative slots, while in others there was a seasoned staff member with human resources or financial experience acquired in other agencies. In general, the focus is on transaction functions. All field administrative staff report to the district director (some through the administrative officer), and there is no technical supervision from either OCFO or OHR.

When Andersen Business Consulting did its December 2001 study, they noted that 40% (32.5 of 81.5) of the human resources positions are in district or headquarters programs offices, outside the direct control of OHR; 50% of the finance positions (42 of 84) were located outside of OCFO.[12] Each headquarters office has an administrative unit or employee, and EEOC describes their duties as coordinating one or more of the following:

- records management program
- preparation, procurement, and distribution of publications, directives, and blank forms
- preparation and tracking of personnel actions
- mail distribution and control
- individual and group training requests
- budget preparation and control of appropriated funds
- approval of overtime and submission of time and attendance cards
- personnel position authorization and ceiling and organization control matters including maintaining staffing patterns
- personal property and office equipment—procurement and control
- duplicating and printing services

In addition, the program office administrative staff allocate office space and requisition and distribute office supplies.

Varied Satisfaction Levels with Administrative Services

Staff in headquarters and the field said that in the recent past they had long delays in getting travel expenses reimbursed or worried that when they checked into a hotel the EEOC credit card they used would not be honored because it had been canceled for nonpayment. However, they were very complimentary of changes that had taken place in the past year, especially prompt reimbursement for travel expenditures.

On October 1, 2001, EEOC implemented the Integrated Financial Management System (IFMS), a commercial off-the-shelf financial software application composed of core accounting, budget execution, and project cost accounting modules. It provides centralized access to a corporate-wide financial database and a mechanism for consolidated reporting. EEOC's system operations and software maintenance are performed under a cross-servicing agreement with the Department

[12] Andersen Business Consulting, *Final Report: Organization Assessment of Finance & Human Resources Functions*, December 11, 2001, pp. 5-6 and 7-3.

of Interior's NBC. NBC also performs centralized commercial vendor and employee master file maintenance, travel voucher processing, and invoice and debt collection mail operations.

The reaction to human resources support was not as positive. Headquarters OHR staff said some field human resources staff are not qualified, and field management and headquarters staff almost universally said the service they get from OHR was not good. Many field staff talked about the length of time to get a vacancy filled or promotion processed, but it appeared that some of the delay was in getting permission to fill a position rather than processing time in OHR. Nonetheless, there were examples of identifying qualified candidates and being frustrated when they took other jobs because it took EEOC too long to hire them. In its October 2001 report, Andersen Business Consulting noted that, "The recruitment process is not timely and does not yield the information necessary to make informed hiring decisions without significant involvement of line managers."[13]

As Academy staff talked to OHR managers, it appeared that some changes were underway there. For example, in FY 2001, EEOC also implemented the Federal Personnel and Payroll System (FPPS), which is to integrate the HR and payroll data and permit EEOC to develop a compensation model to provide better management of staff attrition rates and better project FTE-related spending.

In FY 2001, OHR's GPRA goal for hiring was 10 weeks. In FY 2002, EEOC implemented the Secure Online Recruiting System (SOARS), an automated employment application processing system, which electronically prescreens and ranks candidates. As a result, OHR expects that the delays normally associated with rating and ranking candidates and issuing selection certificates will be lessened and has reduced its GPRA hiring goal to six weeks. OHR does not yet have measurement tools in place to assess these goals, and examples of recruitment problems from EEOC executives the Academy staff interviewed suggest that this goal is not yet met. Setting the goal is admirable, but OHR needs to track actual experience so that it can see when the goal is met and ascertain what circumstances prevented it from being met in other instances.

OHR indicated that the agency's Merit Promotion Plan and the Collective Bargaining Agreement, which requires that all announcements remain open for a minimum of 10 working days, affect its hiring goal. Depending on the uniqueness of the position, this minimum can be extended. After the vacancy closes, if more than six qualified applicants apply for the vacancy, the Merit Promotion Plan requires a three-person merit promotion Panel; scheduling conflicts are guaranteed. After the applications are rated, a selection certificate is issued. The hiring manager has 60 days to interview (or not interview) candidates and make a selection from the certificate.

The most innovative federal agencies allow no more than 30 days for the interview process. Agencies that hire more regularly than EEOC have generally developed more streamlined approaches. For example, the U.S. Geological Survey (USGS) purchased Quick Hire and worked with the vendor to develop an application for USGS use. Jobs are now filled in four days plus the length of time the position is advertised. USGS, which uses a web-based system for most of its personnel work, has also experienced a $6 million reduction in annual operating costs

[13] Andersen Business Consulting, *EEOC Current State Organization Assessment: Final Report*, October 25, 2001, Section 4.2, p. 31.

expenses, with an offsetting Quick Hire operating expense of only $1 million.[14] EEOC has purchased Quick Hire, but has not yet implemented it.

In some cases, EEOC managers requested lists of non-status candidates. In the past, this process was entirely dependent on OPM involvement and time schedules. OPM announced vacancies, accepted applications, and prepared selection lists. To reduce delays, OHR now has delegated examining authority for non-status candidates; EEOC no longer solely relies on OPM assistance.

There were a range of other support service concerns. Staff often spoke of needing approval for small purchases and delays in getting supplies and equipment. While some of the concerns appeared to be related to lack of funding, others were not. As one attorney pointed out, a trial attorney in a district office could handle multimillion dollar litigation but had to request, via memo, approval to send a package via overnight mail.

Agencies that have handled consolidation well have not begun to reduce administrative positions before deciding on and beginning implementation of the alternative service delivery mechanisms. The Academy has done substantial research on downsizing, and if not handled effectively it can result in decreased productivity, loss of organizational intellectual capacity, and a negative effect on mission accomplishment.[15]

How Other Agencies Have Consolidated Administrative Functions

Nearly all federal agencies have consolidated their administrative support in some way. Larger organizations are more likely to create their own service units. For example, the Department of Housing and Urban Development consolidated its financial operations in four offices (down from 81), and eventually moved all financial services to Fort Worth. Much of its HR processing function is operated from Chicago.

The Department of Commerce began implementing the Commerce Administrative Management System (CAMS) in 1998. The goal of this enterprise-wide system is to integrate most of the administrative functions to ensure that administrative tasks are streamlined, and that all administrative systems that feed the financial system are integrated to the extent that users are required to enter information only once. The Coast Guard moved its financial operations to the Norfolk, VA area and its information technology function to West Virginia. They report that both moves resulted in significant savings, improved service, and a greater number of well-qualified candidates for positions to be filled in each function.

Smaller organizations are more likely to enter into cross-servicing arrangements with organizations such as the National Finance Center (NFC) or the Department of Interior's National Business Center (NBC). NBC is providing FPPS and IFMS for EEOC, and the agency is planning to adopt NBC's Interior Department's Electronic Acquisition System--Procurement Desktop (IDEAS-PD), which is a windows-based electronic procurement system. Even larger

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[14] National Academy of Public Administration, *Task 2 Report: External Benchmarking*, Washington, DC, 2002, p. 75. The Benchmarking report was done for the National Institutes of Health HR Transition Committee.

[15] National Academy of Public Administration, *Downsizing the Federal Workforce: Effects and Alternatives*, Washington, DC, March 1997, p. xi.

agencies are likely to use an organization such as NFC or NBC for payroll services. The Agriculture Research Service has its SF-50 personnel actions processed under an agreement with the Department of Commerce, and all federal agencies now enter into cross-servicing agreements with the Department of the Treasury for delinquent debt collection.

Transaction-based functions have become common for outsourcing. However, some organizations are turning to cross-servicing agreements or other modes of outsourcing for such high-touch support as recruitment, staffing, or performance management. NBC provides these and other services.

The Merit Systems Protection Board contracted out its entire human resources function several years ago, and its staff say they continue to be pleased with service quality, quantity, and timeliness. The Internal Revenue Service is experimenting with a private sector vendor who is conducting supervisory assessments via telephone, and has contracted with a consortium of universities to develop and provide a variety of traditional and computer-based training directly linked to workforce competency requirements.

Panel Discussion: Consolidating Administrative Support Positions

Given the number of staff in administration, finance, and human resources, EEOC should have such things as streamlined systems, ongoing strategic workforce planning, regular reports to managers about the status of spending, and a procurement tracking system that is routinely updated and available to line managers. This has not been the case. It is clear that there is now strong leadership in headquarters (in the form of a new CFO appointed in 2001 and a new HR director appointed in 2002) to tackle these kinds of issues, and there has been progress. However, EEOC will find it difficult to marshal its administrative resources to full effectiveness if it maintains its labor-intensive, decentralized approach with varied skill levels throughout the organization.

Under EEOC's current system, a staff member is usually the lone individual in an office with expertise in their field. Internally combined services can enhance service, reduce staffing, and create a core group of cross-trained specialists. The perceived advantage to managers of the decentralized approach in the program or field office is that they can "reach out and touch someone" when they need something. However, when using a customer-service based service provider, the support is still available. Most service providers organize their staff in teams, so that each customer has "their" representative. Systems are characterized by quick turnaround because there is a well-trained cadre of staff who can fill in for one another as needed.

EEOC cannot afford its decentralized approach to administrative support. This does not mean that office directors should be without anyone to oversee implementation of decisions regarding contracting, human resources, finance, and procurement. The Academy Panel suggests that each major headquarters and field office have a highly skilled administrative officer who reports to the office director but receives technical guidance and support from offices such as OHR, OCFO, and OIT. The single staff member would, for example, prepare the office's request to execute a contract for mediation or forward an invoice for payment, but would not have to arrange for the contract or make a payment. The single staff member would also provide a range of higher-level

services as well, such as managing budget formulation and execution, identifying IT needs, and integrating the trade-offs among hiring, contracting out, and improving productivity by using information technology. This would be a manageable workload for one individual if EEOC develops standardized procedures, positions descriptions, and the like.

Given that some aspects of EEOC's central administrative support have not always functioned well, there could be resistance from office directors who do not want to lose "their" personnel specialist, budget analyst, or accounting clerk. They should not begin to lose these individuals until reliable alternatives are in place and have been tested. As EEOC develops additional cross-servicing agreements or decides to operate, for example, its own centralized HR service, it should involve office directors in system design and plans for implementation.

CONSIDERING THE HEADQUARTERS STRUCTURE FOR PROGRAM WORK

EEOC needs to have clearer organizational distinctions between private sector enforcement and other functions, such as mediation, outreach/prevention, and technical assistance. As a small organization that has made some major changes in work methods in the past decade (including a revised charge processing system and stronger focuses on mediation, outreach/prevention, and technical assistance), EEOC needs to consider whether its program direction and implementation functions need to be more separate than they now are. One reason for this is stakeholder concern that the field's traditional enforcement side of the house also manages mediation and outreach. As part of the administration's "Freedom to Compete" initiative, EEOC held ten roundtable sessions in major cities throughout the country. (See Chapter Two.) One of the themes that emerged was that EEOC should separate enforcement activities from prevention efforts. The Panel can understand the perception concerns.

> **The Academy Panel recommends that EEOC establish more distinct focuses of accountability at the headquarters level for:**
>
> - **Prevention and technical assistance.**
> - **Enforcement**
> - **Mediation**
>
> **These three areas should have appropriate priority in field offices, even though resource allocation cannot be equally divided.**

The Panel considered whether EEOC needed to create separate entities for these major functions. On the surface, this may not be not in keeping with the chair's goal of delayering. However, the Panel did not want to suggest only one approach. When an organization wants to make a clear break from a past way of operating, a change in structure or terminology can be action-forcing. However, these are not the only mechanisms.

Current Headquarters Program Organization

Most federal agencies with a field structure have headquarters program units that set policy and broadly oversee implementation in primary functions and have a field operations unit that oversees field implementation of these activities. GAO and Census are examples. Most work is in the field and there is a central field coordination office in headquarters, but other headquarters units oversee the substance of the various activities.

The way EEOC is organized, policy is established in the Office of Legal Counsel and all headquarters program functions are in the OFP (with headquarters staff of 59), so that organization oversees policy implementation of the programs the 2,156 field staff operate. The principal exceptions are litigation and, to a certain extent, federal sector programs. OFP also represents field office interests in all agency activities and initiatives.

In addition to the immediate Office of the Director, there are three key units within OFP. A portion, but not all, of their duties are summarized here.

> Field Coordination Programs (FCP) develops, coordinates, designs, and reviews field and agency programs, included mediation, outreach and education to the public (including training sponsored by the Revolving Fund). This includes strategic planning and field national training programs. It also coordinates with the Office of Federal Operations (OFO) regarding all aspects of the field's federal sector programs. There are designated coordinators for outreach, mediation, and federal sector programs, and these individuals are primary points of contact for field staff who work in these areas. They generally hold monthly conference calls for lead staff in each of these areas.
>
> Field Management Programs (FMP) has more of an across-the-board focus. It develops annual national goals and individual office goals in concert with the chair's priorities, allocates funds and staffing among the offices, and provides technical guidance on charge processing, operational or employee relations issues. It coordinates and monitors field office implementation of commission policies and programs, conducts on-site reviews of field operations, reviews charge files, and assesses field office (FO) performance in meeting agency goals. Using these data and information from other headquarters offices, FMP prepares the annual performance appraisals for district directors. FMP is also the FOs' liaison on administrative issues including information management, finance, staffing, and travel.
>
> State and Local Programs (SLP) administers the annual appropriation for state and local agencies' enforcement activities, which includes coordination with the state and local FEPAs. SLP monitors and evaluates those charges that are dual-filed with FEPAs under contract with EEOC, and works with the TEROs, which address discrimination occurring on or near Indian reservations. It also works with FOs in their oversight of FEPA and TERO contracts in their jurisdictions.

FCP staff do serve as coordinators for mediation, outreach and technical assistance, but these are GS-13 staff, not senior managers. The Chair also has a special assistant who also handles mediation.

Panel Discussion of Options for Headquarters Reorganization

It may be difficult for prevention and mediation to secure the emphasis that all want to see—within EEOC and among its stakeholders—when EEOC's organizational culture continues to emphasize the charge-processing aspects of enforcement. It is essential to create a national workplace in which there is less, or no, need to file charges.

As the Academy staff examined EEOC's reports and initiatives, it appeared that the litigation function focused on its initiatives very clearly and worked strategically with other parts of the organization, specifically OFP. The work of the Office of Federal Operations was also visible through its annual report, web page, and role with federal agencies. This could be solely a result of leadership, but it may also be because these two functions have top-level staff who are visible within and outside the organization.

To better achieve results, in headquarters there should be visible, senior-level staff who handle the policy and analysis functions for prevention/technical assistance, enforcement, and mediation. This could mean taking the policy-setting functions out of the Office of Legal Counsel. Most federal agencies consult with legal staff or have them vet policy drafts, but it is not common for the legal staff to have primary responsibility for policy-setting. That usually rests with the lead program office or an assistant secretary.

Suggestions, which are not meant to be all-encompassing, for the work of offices that would handle major areas are:

> **Prevention and Technical Assistance**. Set policy for and manage the national elements of the Outreach and TAPS programs, collect and disseminate employer best practices, identify underserved industries or parts of the country that need more information on EEOC's mission and services, and provide guidance and information to EEOC outreach staff in the field.
>
> **Enforcement.** Set policy for private sector enforcement work; coordinate with the Office of General Counsel to develop methods for seamless cooperation to ensure expert charge investigation and, thus, case development; and work with the Office of Information Technology on data collection and the Office of Information Research and Planning on data analysis.
>
> **Mediation.** Set policy for mediation work; educate more companies about the benefits of universal mediation agreements and urge them to sign them; examine mediation resources and results in the field; and assess what works well in mediation in some field offices and work with others to use similar methods.

Without distinct representation at the table, when enforcement, mediation, and prevention are under the same umbrella, the strong cultural tradition of enforcement as the primary tool takes precedence in resource allocation and program emphasis. More distinct lines of accountability may reassure charging parties, employers, and other stakeholders that private sector mediation and charge processing are not inappropriately intertwined, and better align organizational emphasis with the chair's goals of on using prevention to eradicate discrimination. Internally there may be stronger voices for mediation and prevention when the individuals leading those efforts are peers to the person leading enforcement.

Two figures (3-2 and 3-3) present revised EEOC organization charts that reflect the preceding discussion. Figure 3-2 shows EEOC if it were to establish separate offices for Private Sector Charge Enforcement, Mediation, and Prevention/Technical Assistance. Staff would be drawn from OFP and OLC. OFP's role would evolve to one of resource management and coordination, with program oversight and policy-setting coming from the new program offices. Figure 3-3 shows EEOC if it were to establish three program offices within OFP. It would still be appropriate to draw staff from OLC, so that policy setting and program development are within the same units.

Figures 3-2 and 3-3 show that the Offices of Human Resources, Information Technology, and CFO/Administrative Services are together reporting to the chair through another individual. On the organization chart, this is shown as the COO, but that is for purposes of illustration. This would decrease the number of offices reporting directly to the chair, and would ensure coordination of these important resource functions.

Figure 3-2. Revised Organization Chart with Separate Offices for Program Functions

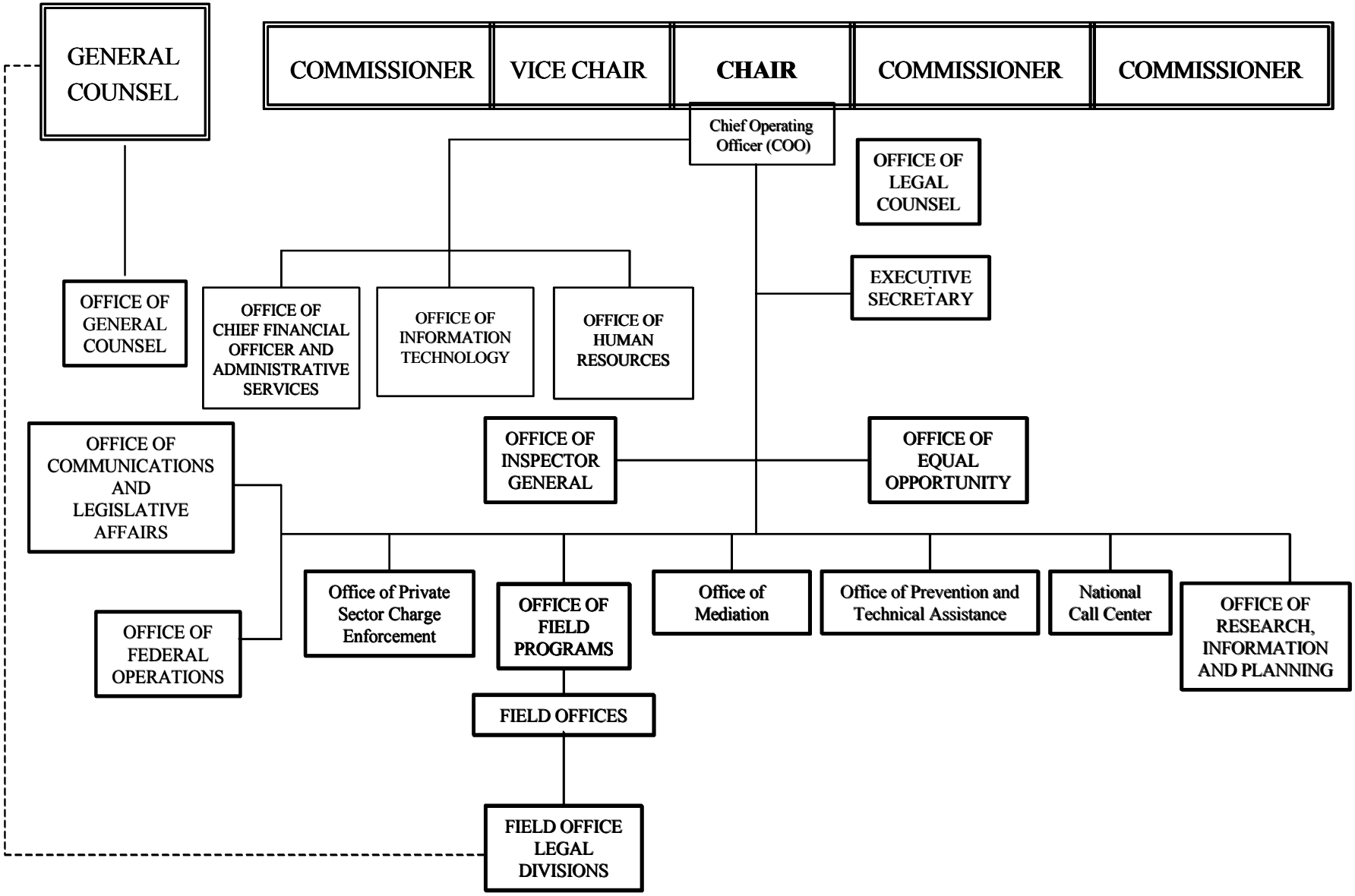
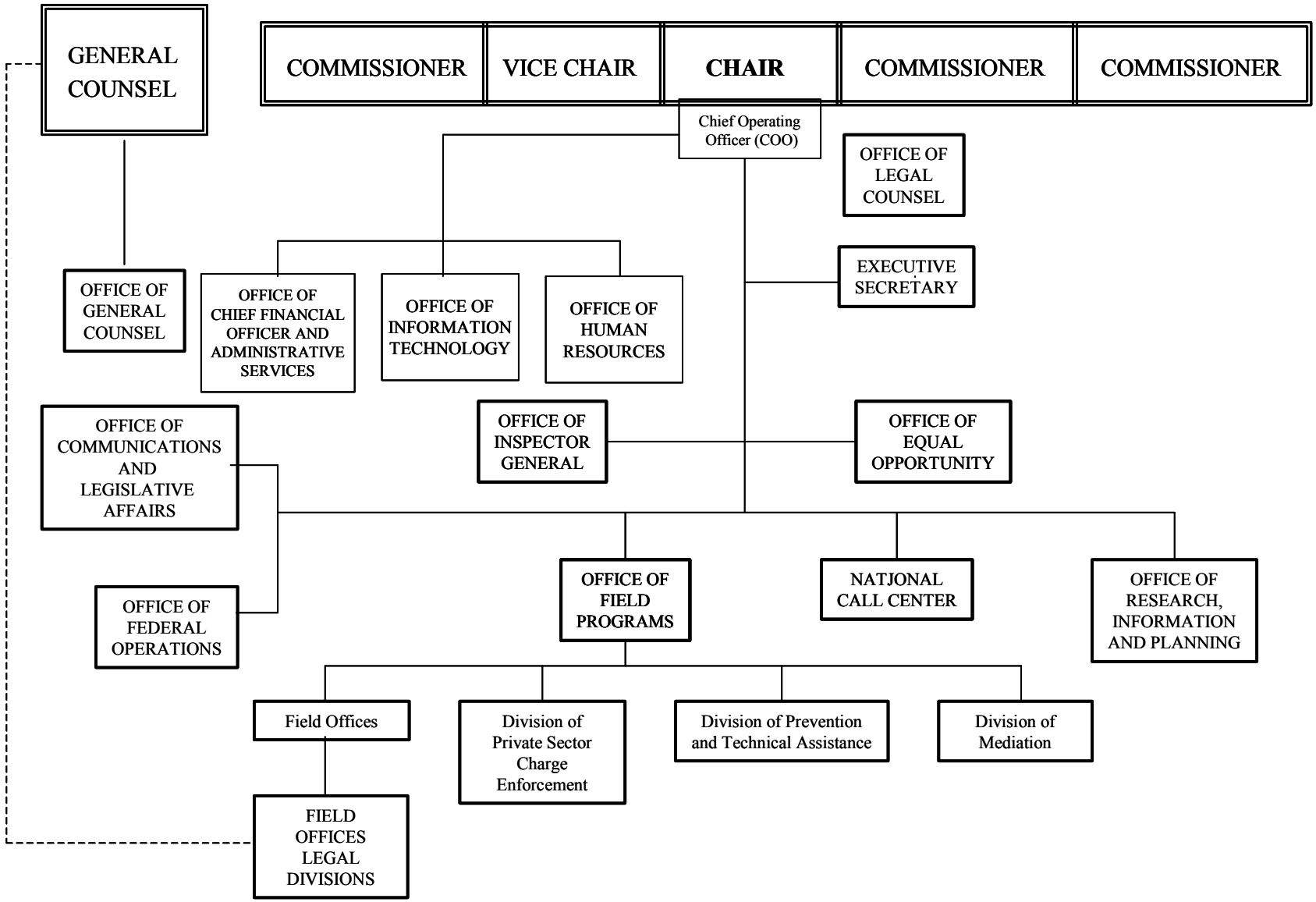


Figure 3-3. Organization Chart Revised Program Function within the Office of Field Programs



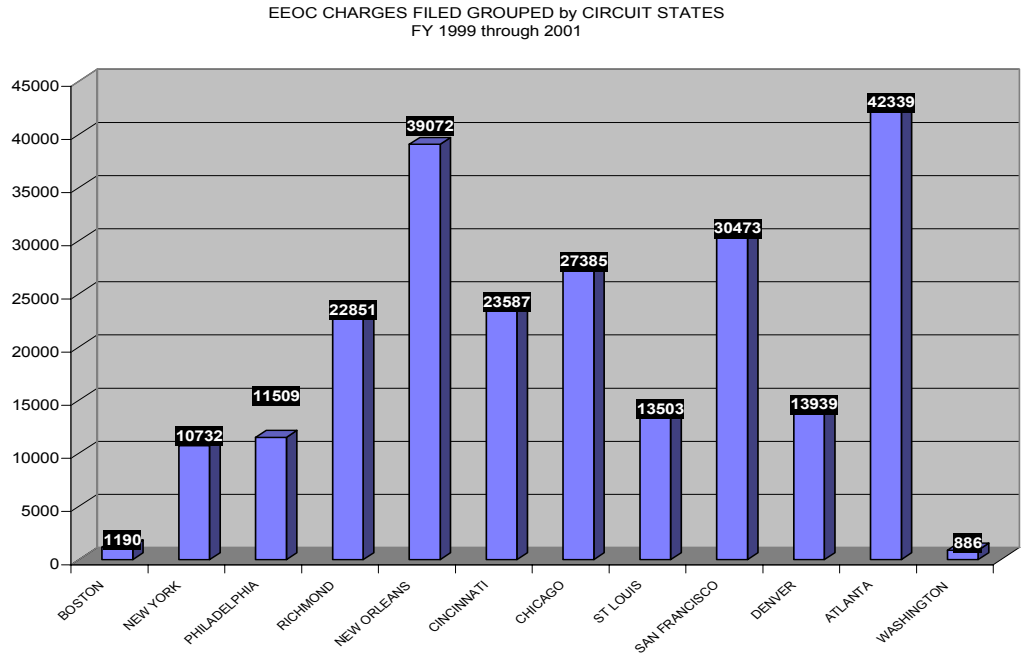
CAN FOCUSING LITIGATION BY CIRCUIT ENHANCE THE STRATEGIC FOCUS?

Would it save time (and possibly reduce or refocus a few positions) if attorneys generally only worked on cases that went before one judicial circuit? Would document preparation be easier if staff only had to learn one circuit's methods? Should some attorneys serve only as advisors to investigators while others litigate, should they do both, or should they rotate among the roles?

EEOC's cases come to the Commission's district office that handles a given geographic area, and if the agency litigates a case it would go to a Federal District Court in the same area. However, if there are multiple cases from a national company, the Commission could choose the court in which to file a suit. This is one of many issues the Office of General Counsel (OGC) considers as it prepares for litigation. Given that circuit precedents vary, the Panel discussed whether EEOC would have a more strategic focus for some of its legal work if the work for one circuit were handled by the same team of lawyers. In other words, would having all the attorneys who work with the 10th Circuit on the same team better coordinate case preparation and take advantage of lessons learned in previous presentations before that court? Would it be appropriate for groups of lawyers to specialize in certain kinds of cases, such as in class action suits or ADA cases?

The timeframe for the project did not permit the Panel to fully consider these questions, but they should be considered further as part of EEOC's restructuring efforts. It is important to note that organizing litigation work by circuit does not imply that attorneys need to be located in the same city as a Federal Circuit Court of Appeals. A relatively small proportion of the time the attorneys work on a case is spent in the trial phase. Figure 3-4 shows EEOC private sector charge receipts filed grouped by states within each Federal Circuit, for FYs 1999 through 2001. There are wide variations among circuits, and this is to be expected since the charges are not spread evenly throughout the country.

Figure 3-4



As Table 3-4 shows, it is not uncommon for a federal circuit's cases to be handled by several EEOC district offices. The 1st Circuit (Boston) and 2nd Circuit (New York) have all of their cases handled in the EEOC New York District, and the 3rd Circuit (Philadelphia) has all of its cases handled in the EEOC Philadelphia District, which also handles West Virginia (part of the 4th Circuit, which is located in Richmond). However, for circuits 6 (Cincinnati), 7 (Chicago), and 11 (Atlanta) there is a different EEOC district office for each state the circuit covers. The 5th Circuit has three states but has to work with five EEOC offices, and the 8th also works with five EEOC offices. The other circuits have similar multiple EEOC offices handling their cases. This may or may not be a problem for the federal court.

Where problems can arise for EEOC is having some of its offices work with multiple circuits. The following districts work with two circuits: Chicago, St. Louis, Indianapolis, NY, Philadelphia, Phoenix, Memphis, Milwaukee, and Birmingham. Denver works with the 8th, 9th, and 10th circuits.

Circuit requirements vary; for example, some will accept only electronic filings. Some EEOC offices have been pilots for all-electronic filings. These create added technology needs, such as high-speed scanners. Several survey respondents said things such as "our scanner broke" or "we have a scanner but our software is too old to use it efficiently." Staff saw these as resource issues, but if there were fewer than 24 lead litigation units there might be more resources to concentrate in the locations and there could be more than one scanner, for example. Just as important, if a circuit does not do electronic filings, work methods to prepare for these cases would be more labor-intensive in terms of making copies and might require more clerical staff and equipment.

While several EEOC staff advocated organizing work by federal circuit, there was little sentiment among officials interviewed for returning to "regional litigation centers," a past organizational structure in which all attorneys were in five locations. Also, many investigators and attorneys cited the benefits of having attorneys and investigators working closely together, something the litigation centers prevented. Several of the external stakeholders concurred with the EEOC staff assessment that regional litigation centers provided little added value, and their assessment was that there were benefits to attorneys and investigators working closely together. In discussions with attorneys in area offices, it appeared they were closely linked to the district office regional attorney staff.

Organizing work by circuit does <u>not</u> mean having offices in circuit locations or specifically isolating staff to prevent them from working in the same location as staff who work on another circuit's cases. For example, there are few charges and thus a low litigation workload in the New England region, and EEOC staff said this was because the FEPA in Massachusetts is particularly good. Thus, it may make sense to have a one "Lead Office" handle cases for the 1st and 2nd circuits, though within that office it may wish to have staff primarily assigned to one circuit's work.

Table 3-4
Charges Filed by Federal Circuit
For Private Sector Charge Receipts Filed from FY 1999-2001
Full Litigation Workload for FY 1999-2001

Circuit and Location of Circuit Court of Appeals	States in this Federal Circuit	EEOC District Offices and States they Cover that Correspond to Each Federal Circuit	FY 2001 EEOC DO Litigation Workload (1)	EEOC Priv Sect Chgs from States in Circuit
1. Boston	ME, MA, NH, RI, Puerto Rico	New York City: MA, ME, NH, RI	NYC: 206	1,190
2. New York	CT, NY, VT	New York City: CT, NY, VT	NYC	10,732
3. Philadelphia	DE, NJ, PA, Virgin Islands	Philadelphia: DE, PA, NJ	Phil: 148	11,509
4. Richmond	MD, NC, SC, VA, , WV	Baltimore: MD, VA Charlotte: NC, SC Philadelphia: WV	Balt: 135 Char: 117	22,851
5. New Orleans	LA, MS, TX	New Orleans: LA Dallas: TX Houston: TX San Antonio: TX	NewO: 82 Dallas: 101 Hous: 104 San An: 133 Birm: 128	39,072
6. Cincinnati	KY, MI, OH, TN	Cleveland: OH Detroit: MI Memphis: TN Indianapolis: KY	Clev: 81 Detroit: 116 Memp: 133 Indy: 80	23,587
7. Chicago	IL, IN, WI	Chicago: IL Indianapolis: IN Milwaukee: WI	Chic: 133 Milw: 96 Indy	27,385
8. St. Louis	IA, MN, MO, AR, NE, ND, SD	Milwaukee: IA, MN St. Louis: MO Denver: NE, ND, SD Memphis: AR	St L.: 78 Denver 86 Memphis Milw	13,503
9. San Francisco	AK, AZ, CA, Guam, HI, ID, MT, NV, OR, WA, Northern Mariana Islands,	Los Angeles: CA (part), NV Phoenix: AZ Seattle: WA, AK, ID, OR San Francisco: CA (part), HI Denver: MT	LA: 63 Phoenix: 105 Seattle: 136 San F: 144 Denver	30,473
10. Denver	CO, KS, NM, OK, UT, WY	Albuquerque: NM Denver: CO, WY St. Louis: KS Dallas: OK Phoenix: UT	Alb: (3) Denver St. Louis Dallas Phoenix	13,939
11. Atlanta	AL, FL, GA	Atlanta: GA Birmingham: AL Miami: FL	Atl: 92 Miami: 107 Birmingham	42,339
12. Wash, DC (2)	DC, Fedl Public Defender	DC Field Office: DC	WFO: 3	886
Total			**2,607**	**238,058**

(1) Each district's workload is listed only the first time the district appears in column 4.
(2) The litigation unit for the Washington, DC Field office was established during the fourth quarter of FY 2001, so there are data only for part of that year; thus, the low workload number.
(3) Albuquerque's litigation is handled by Denver.

CONSIDERING WHERE LEGAL WORK IS DONE

There were two areas where the Panel believed that specific functions needed to be realigned. One pertains to legal work, the other to reviews of federal agency affirmative action programs, which are discussed in the next section. EEOC has an Office of General Counsel (OGC) and an Office of Legal Counsel (OLC), each of which requires top-level staff and administrative infrastructure. Though functions are different, there are some operational roles in each.

> **The Academy Panel recommends that EEOC put all operational legal work in the Office of General Counsel and ensure that the Office Legal Counsel maintains a policy guidance and internal advice role.**

As an organization that enforces federal laws, EEOC has an OGC, which works directly on enforcement issues, and an OLC that provides legal advice to the Chair and Commissioners and develops policy for the Commission. This is similar to the National Labor Relations Board (NLRB), which has an OGC and an Office of the Solicitor. However, EEOC's OLC has also adopted some operational work.

The General Counsel is a presidential appointee who serves for a four-year term. It was the only legal entity within EEOC for its first 20 years. In the mid-1980s, then-Commission Chair Clarence Thomas saw a need for an in-house counsel separate from the OGC and created the OLC. Until the mid-1990s, the head of this office was a career SES appointee, but since that time the individual has been a non-career SES.

The overall mission of the General Counsel and thus OGC (staff of 80) is primarily to conduct litigation on behalf of the commission. The overall mission of the OLC (staff of 53) is to: provide legal advice and counsel to the Chair, Commission and Commission offices; develop Commission decisions, regulations, and other statements of the commission legal policy in connection with implementing the laws EEOC enforces; and represent the commission in litigation in which it is a defendant, on matters other than those arising out of enforcement litigation brought by the Commission. OLC has an ADA Policy Division that drafts Commission decisions related to that Act.

As EEOC works to delayer and streamline operations, the Panel believes it should examine whether it needs two complete office infrastructures for its legal work. The Panel recognizes that an OGC function in non-regulatory agencies is to advise, represent, and defend the agency, and that in EEOC the OGC function is an integral part of the agency mission. Should the Commission want to have legal counsel to advise the Chair, that is a matter of the Chair's discretion. However, this can be a small staff reporting to the Chair or within OGC. Prior to OLC's creation, the OGC set policies and conducted enforcement litigation. If there is a true conflict of interest in this mode of organization, then it is inappropriate. However, if one office can do both and the OLC can be an advisor to the Chair and represent EEOC when it is a defendant, there will be fewer management layers and possibly some fewer positions.

CONSIDERING FEDERAL SECTOR WORK

The Chair is consulting with stakeholders to determine the most appropriate way to manage federal sector complaints that come to EEOC. Because the Commission has this series of consultations underway, the Academy Panel did not develop broad recommendations in this area. However, it does have some observations about this work and the possibility of using federal sector and private sector attorneys to reinforce one another. The one area in which the panel does have a recommendation deals with review of federal agency affirmative action programs.

The Office of Federal Operations (OFO) manages the national affirmative action program, which advises federal agencies and reviews their programs. Most of this work is in Washington, DC, because most federal programs are there. The field affirmative action supervision comes from district directors or AJs, and their policy guidance comes from the Office of Federal Operations. As of September 2002, seven district staff perform affirmative action reviews of federal agencies and are located in six EEOC districts, all of which are in federal regional cities.

> **The Academy Panel recommends that the staff who review federal agency affirmative action programs report directly to the Office of Federal Operations.**

Given the constrictions on EEOC's travel budget, the Panel believes it may make sense to leave some of this staff in the field, although EEOC may want to reexamine the extent to which the work requires an ongoing physical presence in the field.

The issues the Chair is now discussing with stakeholders relate to the hearing component of the federal sector work. As the private sector enforcement litigation workload in the field has decreased, the federal hearings workload still has a large backlog of cases. EEOC's federal sector work changed substantially in November 1999 when new regulations became effective (29 C.F.R.Part 1614). In addition to issuing a decision rather than a recommendation to the agency, AJs [16] were given authority to dismiss complaints on procedural grounds, such as for lack of timeliness or failure to state a claim. Also, the amended regulations provided new rules for consolidations and amendments of complaints at the investigation state and the hearing state. The AJ may, after giving appropriate notice, issue a decision without a hearing, where there are no genuine issues of material fact in dispute. These changes directly affect the number of hearing requests, the pending inventory, and the number of resolutions. AJs believe cases have grown more complex because of these changes, but believe this is appropriate.

Table 3-5 shows that the private sector litigation workload (defined as active cases at the beginning of a fiscal year plus lawsuits filed during the fiscal year) has decreased recently. Concurrently, attorneys in some districts have been working more directly with investigators to build better cases. In addition, though EEOC has more trial attorneys than it did at the

[16] Administrative judges conduct, on behalf of EEOC, hearings in federal agency discrimination cases. They regulate the conduct of the hearing, rule on the admissibility of evidence, determine the credibility of witnesses, make specific findings of fact, and issue a finding of discrimination or non-discrimination, and direct an agency to take specified action. The agency can appeal an AJ's decision to OFO within 40 days. AJs do not have subpoena power.

beginning of FY 1999, they are now assigned to area and local offices as well as district offices. Table 3-5 also shows changes to the federal sector hearing workload and reductions in the pending inventory, which has been substantially backlogged.

Table 3-5
Workload Data for Private Sector Litigation[17]
And Federal Sector Hearings

	FY 1999	FY 2000	FY 2001
Enforcement Litigation Workload	890	875	842
Enforcement Litigation Suits Filed	464	328	430
Federal Sector Cases Received	12,637	14,329	10,448
Consolidated Cases	---	10,498	9,817
Nonconsolidated Case Closures	12,056	11,826	11,346
Consolidated Case Closures	---	10,183	9,402
Nonconsolidated Pending end of FY	35,258	15,221	14,323
Consolidated Pending end of FY	---	11,153	11,659

During Academy staff visits to field offices and on a number of the written surveys, EEOC staff raised the issue of to whom AJs in the field should report. The Academy Panel looked at this issue not just from the concept of federal sector reporting lines, but from the broader issue of use of attorneys in the field.

Most AJs report to district directors, and some to a regional attorney. As noted, oversight is from OFP, and policy guidance comes from the OFO, which also prepares the *Administrative Judge Handbook*. AJs believed that district directors had to put their time and priorities where most of the work of their office is, which is private sector enforcement and litigation. They also believed that the hearings function should report to OFO, which already sets policy and reviews AJ decisions that agencies appeal. OFO's other functions include: providing technical assistance to federal agencies on ADR and appropriate techniques for using ADR to resolve federal sector EEO complaints, developing and overseeing policies for agency affirmative action programs, coordinating with the Office of Field Programs on implementation of federal agency affirmative action programs, and preparing, from department and agency input, the annual report on federal sector EEO complaints.

In addition to broad questions of to whom AJs should report, there were tensions in some district offices because district directors did not believe that OFO staff should have direct contact with AJs. AJ views were summed up by one survey respondent who said that, "The prime problem is the management structure. The people who manage us have no accountability for our work; it is 25% of one element of a district director's performance appraisal." Several interviewees suggested that AJs should report to the regional attorneys, but several regional attorneys said they did not want the function. The Office of Field Programs believed that to have the AJs report to OFO would create a "stovepipe" in the field.

[17] Office of General Counsel, *A Study of the Litigation Program: Fiscal Years 1997-2001*, July 23, 2002, Table XV.

Panel Discussion: Considering Federal Sector Work

Constrained resources highlight the need to streamline an organization's infrastructure and consolidate or cross-train as much as possible. If EEOC decides to have AJs continue to report within the field office structure, they could continue to report to district directors or they could report to the regional attorneys, which would place all attorney resources together.

The Office of Regional Attorney and the federal sector hearings function in each field office use the same disciplines-- attorneys, paralegals, and legal assistants. The private and public sector attorney workloads have been changing, and while trial attorneys may be working more with investigators or doing mediation work, there is the potential to have some cross-training of trial attorneys in hearings work. In the short term, with the backlog in hearings, there may not be cross-training of AJs in trial work. Ultimately, this backlog will be reduced and with federal agencies doing more ADR work before cases come to EEOC, there may be fewer hearings. With the continuing constraints in EEOC's resource levels, the Panel believes that having all attorneys report to the regional attorney could make for better long-term workload management.

Regardless of whether the hearings function reports to district directors or regional attorneys, EEOC should develop consistent approaches for having the Office of Federal Operations provide guidance to the AJs. Because Office of Federal Operations staff handle federal agency appeals of AJ decisions, it can see trends or problems that needs to be resolved. In addition, it provides guidance to and oversight of federal agencies, so it has the best overall perspective on federal sector work. The Office of Federal Operations' interactions with AJs are not a matter of incursion on a field office's lines of authority.

Another option would be for the federal hearings function to report to the Office of Federal Operations (OFO). The reasons for considering this option are:

- The OFO staff hear the appeals from agencies when they do not agree with AJ findings. If there are consistent problems with an individual AJ's findings (or within one district), OFO staff are in a position to address these directly.

- When OFO wants to make substantive changes to hearings policy it must secure the approval of 24 district directors, only two of whom have experience in the hearings process.

- The AJs believe that they would function more effectively if they had direct supervision from managers in their function.

DISCUSSING THE "BIFURCATION" ISSUE

In the field and headquarters, EEOC staff repeatedly brought up the issue of whether reporting in the field should move along functional lines or whether the head of an office should have full resource and operational control over a field office. This is most often discussed as the "bifurcation issue," because regional attorneys not only receive technical guidance from the

OGC, but also have a separate budget allocation from that office. In the recent past, the regional attorney received all resources through the district director and that individual had to approve any litigation proposal before it went to the OGC. That is no longer the case.

What EEOC describes as the "bifurcation issue" between district directors and regional attorneys is one federal entities have wrestled with for years. For example, prior to 1993, the Department of Housing and Urban Development had regional directors in the field, and all functions (single family housing, community planning and development, etc.) reported to that individual, who made all resource decisions and set priorities for the regional office. In 1993, HUD changed to a functional structure, in which all of its field staff report directly to the headquarters policy unit that directs an area (such as Community Planning and Development). The respective assistant secretaries allocate resources and set priorities. However, within the Office of the Secretary is an Office of Field Policy and Management that coordinates a range of field issues, oversees overall budget issues, and ensures staff development. Some people think the HUD method has created "stovepipes" that do not interact well, while others believe that there is clearer focus within the program areas.

While HUD's program units do interact in the field, they also have many independent responsibilities. A multi-family loan package does not need approval from the community planning and development staff, though they may coordinate to encourage a developer to build in a given part of a city. Single-family and multi-family processing centers are not co-located. Conversely, EEOC's work flows from one unit to another. There is constant interaction between investigators and attorneys, and mediation staff may work with outreach staff so that more local firms will agree to participate in mediation.

The current organizational mix of budget and reporting has led to tension in some districts, though in others the district director and regional attorney have excellent lines of communication and work together on investigation and litigation issues and strategies. This is a good example of how good managers can work well together in any structure or within any set of processes. However, the structure and processes should facilitate good management, not impede it.

The Panel does not have a specific recommendation as to whether the regional attorney budget should go through the district director, but it does lean this way. If investigation and litigation are to work in full coordination, there should be one person clearly accountable. The district director would not provide the technical guidance for a regional attorney, even if the director is an attorney. Technical guidance should come from the OGC.

Ultimately, there is not one "right" or "wrong" answer. It is the Chair's judgment as to whether she wants a functional alignment or a geographic one, and there are reasons for both. For example, OGC wants some resource control in the field because without it a district director could decide s/he needed four attorneys instead of eight because s/he wants staff to do more mediation. From the OGC perspective, there could be too few attorneys to advise investigators or develop litigation. On the other hand, the district director may see that the meat packing industry should be the primary focus of investigation in a state, and that would mean the attorneys should be geared up to advise and litigate in this area. If the regional attorney disagrees (and the division director cannot use resources as a carrot or stick), there is an impasse.

The key is cooperation and effective management. Some districts have made the current system work well; they should be models for the others and the performance appraisal elements for division directors and regional attorneys should support the structure the Chair decides is most effective.

CHAPTER FOUR
HARNESSING TECHNOLOGY TO ACHIEVE THE MISSION

EEOC has set funding priorities to use technology to increase agency productivity and make needed information more easily available to its employees, customers, and stakeholders. These efforts include developing its public web site, placing computers and Internet access on every desk, developing local and wide-area networks, and creating an internal web site to do such things as share best practices and communicate policies. While these may sound like basic systems, they largely did not exist at EEOC prior to 1999. More recently, EEOC has implemented the Integrated Financial Management System (IFMS) and Federal Personnel and Payroll System (FPPS).

EEOC is also: piloting the Integrated Mission System (IMS), which will replace the cumbersome Charge Data System (CDS) and permit staff to access case data in all other offices; developing electronic charge filing, which will be implemented in FY 2003; exploring developing kiosks around the nation to make EEOC more accessible to citizens; and designing and testing electronic court document filing for all federal district courts. Some of these actions may be delayed, because EEOC has targeted IT funds for reprogramming to cover other expenses. Nevertheless, as this modernization proceeds, EEOC will need to ensure that its tools for electronic or telephone charges are supplemented with appropriate in-person customer service to develop information or respond to questions.

There is still much to be done to be able to use IT capabilities to meet mission needs. EEOC needs enhanced analytical capabilities and IT systems to use available information for strategic decision making. Examples are decision support tools that enable it to compare workload statistics against workforce data, and other tools for analyzing such things as industry trends and demographic data in terms of how they will affect EEOC work and the overall field of employment discrimination.

There are other basic needs as well, such as: enhanced telecommunications systems; videoconferencing or web cameras for remote case activity (such as mediation, deposition, hearings, conciliations); continued steps to enhance productivity and minimize the costs associated with repetitive operations; and office software that is compatible with what most respondents, charging parties, and stakeholders use.

Finally, there are many actions that EEOC needs to undertake to permit its workforce to be more mobile as telecommuters, to field mobile units for charge intake in underserved locations, and to conduct on-site work for mediation, investigation, and settlement negotiations. These include: converting from desktop to laptop computers for many positions; permitting secure at-home access to EEOC's internal systems; purchasing portable printers and scanners; and ensuring that all forms relevant to on-site work are available electronically.

The Office of Management and Budget has supported past EEOC initiatives for technology improvement, and EEOC's restructuring efforts clearly tie in with administration priorities. The Commission will need to develop a comprehensive assessment of its added technology needs,

and supplement this with data on long-term cost savings brought about because of reduced real estate costs and, over time, possibly fewer staff.

This chapter first defines EEOC's essential technology requirements and then describes technology initiatives underway. It then addresses five issues that EEOC needs to more fully address—1) balancing technology with customer service, 2) enhancing analytical capabilities, 3) managing technology for operational needs, 4) supporting a more mobile workforce, and 5) considering EEOC's options for telework.

ESSENTIAL TECHNOLOGY REQUIREMENTS

EEOC technology requirements should enable it to:

- Communicate with and be accessible to the public. This requires a telecommunications system, e-mail capacity, web presence, voicemail, and fax, including computer-based faxing. All these capabilities need to be operated in a secure manner to protect confidentiality and ensure information privacy.

- Produce, share, warehouse, and transmit case decisions, depositions, discovery documents, mediation agreements, court orders, subpoenas, and other court and litigation documents. These require software and word processing capability as well as data tracking and document storage.

- Provide forms, publications, and information to individuals with divergent language needs, living in varying locations, with widely differing levels of technological prowess on the user side.

- Compare its workload against its workforce to ensure alignment, deployment, resource allocation, balance, and effectiveness.

- Process personnel actions for its staff ensuring prompt payment of earnings, awards, and bonuses.

- Track spending, pay bills, and manage budget and finances. It must be able to process reimbursements, forecast spending, and determine resource requirements and make adjustments as warranted.

TECHNOLOGY INITIATIVES UNDERWAY

The *Information Technology Strategic Plan for FY 2001-05* links the overall EEOC Strategic Goals and Objectives to the IT goals. For example, Strategic Plan Goal 2.1 is to encourage and facilitate voluntary compliance with EEOC laws. There are three IT goals that correlate to this. They deal with: establishing and maintaining a cohesive enterprise IT architecture that will support the Commission's mission and achieve an efficient utilization of resources to enforce

employment discrimination law; providing the general public and EEOC partners means to submit or access information on-line to improve efficiency and reduce burden; and maximizing the value and managing the risk associated with IT investments. There are phased initiatives linked to the IT goals, and a Five-Year IT Strategic Plan, in compliance with OMB requirements. The Five Year Information Management Strategic Plan Objectives and Timeframes are found in Appendix F.

A substantial change will be the migration from CDS to IMS. While CDS was focused on private-sector charge tracking, IMS has components for: 1) private sector charge counseling, intake, investigation, mediation, settlement, and litigation; 2) federal sector hearings and appeals; and 3) Commission outreach and external training activities. In addition, staff in any office will be able to see information on cases across the organization. Currently, no one in the field can see cases from other district offices. District staff can see cases throughout the district, but area and local offices can only see those in their immediate office. To determine whether an employer has cases in other districts, staff must now request this information from headquarters, which is the only EEOC entity that can view all cases.

The Baltimore District has piloted IMS since summer 2002, and the Charlotte District was trained in September, with two more districts to follow in the first quarter of 2003. Lessons from the Baltimore pilot were incorporated into the IMS Change Management Plan, and are also being used to guide changes to standard office practices. Budget permitting, EEOC plans to implement IMS throughout the agency from January through July 2003. The Commission is using a train-the-trainer concept in which staff in each discipline (enforcement, legal, hearings, outreach, mediation) district, area, and local office will be trained and train others. The training for the trainers will be organized by the district clusters (such as Midwest, South, etc.), with staff from Baltimore assisting. Because IMS is Windows-based (which CDS was not), EEOC does not need any hardware to implement it, just funds for such things as training, travel, and manuals.

IMS was developed with user input, and that continues with a "Technical Assistance Team" of advisors as OIT designs the standard reports that it will contain. CDS permitted each office to design its own reports. Even though that led to a myriad of different reports, offices liked the flexibility. As the primary user, OFP set priorities for IMS reports, and tried to incorporate the better reports that offices had developed with CDS.

FEPAs use a system that feeds into CDS and this is the second phase of IMS implementation. If funds are available and EEOC can negotiate the migration with FEPAs, this could be done in 2004. Until that time, EEOC has to keep CDS operational, so even though EEOC staff will be using IMS, the computer screen will still look like CDS so that CDS and IMS can interact. Until FEPAs can use IMS, the full range of IMS possibilities (using Oracle) is limited. However, there will be better reports, the system will be more user-friendly, and staff will be able to merge IMS information with their word processing program.

BALANCING TECHNOLOGY WITH CUSTOMER SERVICE

Technology will enable EEOC to better serve the public, but it is not sufficient to provide all the services employees and employers need. An electronically filed charge may ask the filer to provide more detail in an area, but it will not replace the judgment an EEOC investigator can exercise in a face-to-face or phone interview. The challenge for EEOC is to develop methods of electronic input that provide sufficient information to permit the Commission to begin its work, and yet do not require a potential charging party to have advanced computer knowledge or keyboarding skills.

> **The Panel recommends that the secure technology tools for electronic filing be designed so that customer service is user-friendly, staff routinely follow up on Internet-filed charges with phone or in-person interviews, and information is promptly provided to those whose queries or submissions do not involve employment discrimination.**

Developing Electronic Charge Filing

EEOC created an e-filing Workgroup to develop electronic filing. The workgroup consists of IT staff, program staff from other headquarters offices, five district directors, and five advisory members representing the Chair's office, OGC, OLC, and ORIP. The advisory members provide input on legal and policy issues. The workgroup has developed a charter and defined the requirements for a web-based EEOC Assessment Tool and e-Questionnaire related to charge filing. The Tool and the Questionnaire will be implemented in FY 2003.

As individuals completes the on-line questionnaire, they will get general information about employment discrimination as well as information that may help them discern the difference (for example) between illegal and unfair. A situation can be unfair but not be employment discrimination, and that is the kind of issue an EEOC investigator would discuss with a potential charging party during an interview. EEOC plans for the process to help people file but also help them screen themselves out for things (such as housing discrimination) that are not in EEOC's jurisdiction.

EEOC plans to make the items mentioned and the electronic forms available in different languages, with Spanish as the first target. The Commission would like to make more forms available in other languages, but it will depend on funding and resources available.

Panel Discussion: Developing Electronic Charge Filing

The Academy Panel believes that the e-filing system is a critical infrastructure component that, combined with mobile outreach to underserved communities, will allow the agency to reach a substantially larger audience and to break away from having solely a bricks-and-mortar traditional workplace structure. Once the agency is less dependent on a traditional workplace configuration, it will be able to more easily reach and serve a variety of populations that are currently not well-served or not served at all. It is also breaks the agency's dependence on traditional office space and its attendant costs. While creating and managing a mobile workforce

has costs, they are not as rigidly fixed. For example, if the population or the problems needing attention shift, EEOC can seek staff to transfer as teleworkers to a new location, or send a mobile workstation into an area on a periodic basis.

Among the other benefits of the e-filing system will be minimizing duplicate work. The current private sector complaint system requires the charging party to fill out the charging document and the EEOC staff member to enter the same information into the agency's data system. An e-filing system will mean data for those charges can be entered only once, and when EEOC staff conduct an in-person or phone interview they can directly enter the data rather than writing it and entering it later. This will allow EEOC staff more time to focus on investigating complaints of employment discrimination.

NEED FOR ENHANCED ANALYTICAL CAPABILITIES

EEOC cannot serve employers and employees well unless it has access to a wide range of data and the capacity to relate it to EEOC's own workforce skills and needs. An individual district or area office director may have a good sense for changes in the local population or industries, but the Commission needs to examine local and aggregate data to know, for example, if it is providing access to those who most need its services.

> **The Panel recommends that the EEOC enhance its analytical capabilities by acquiring software that will allow it to access and analyze data from its multiple systems to improve its strategic decision-making**

Coping with Extensive and Diverse Information

The EEOC processes thousands of individual charges and interacts with hundreds of thousands of people and thousands of organizations each year. It collects massive amounts of charge data and processes countless charging documents, court records, hearing documents, legal documents, and mediation agreements. A number of employees, as well as external stakeholders, identified the need to be more strategic in identifying problems and focusing the proper resources on preventing and resolving these problems.

EEOC has plans to integrate its major IT systems (IMS, Fed Data, EEO1, HR, Finance, and Document Management) in 2004. There are also commercial, off-the-shelf (COTS) applications that can overlay charge data, human resources, budget, and other data sets and provide an enterprise level, multi-dimensional capacity to analyze trends, and issues and forecast future needs. These types of decision-support systems do not modify or enhance data in the various warehouses, but instead, extract data, synthesize it, and convert it to meaningful business information.

EEOC is building a data warehouse and designing report tools (using BRIO) that will integrate the data. The enterprise architecture the agency has adopted requires that data elements in smaller data systems must adhere to those in IFMS, FPPS, and IMS. Using their desktops, staff

will be able to pull together data from the different systems, compare the data, and display graphics. While the infrastructure requirements are in place and work is in progress, funding limitations mean the full project cannot come to fruition until FY 2006. However, even in FY 2003, the data from IFMS and FPPS are expected to be able to be integrated so that the agency can develop compensation models and thus project the impacts of retirements, promotions, or within-grade-increases and build this information into the budget formulation process.

Panel Discussion: Coping with Extensive and Diverse Information

Current data systems hold a rich source of information for the agency to use in its strategic decision making, but they do not permit EEOC to pull together the varied types of data to better inform its decisions on current and emerging issues, or provide focus for the Commission's prevention activities as well as its charge processing and litigation activities.

To become more strategic in its information use, the agency must be able to access its data across technology systems. For example, EEOC must be able to assess it workload statistics against workforce data. It also needs to be able to analyze industry and demographic trends in terms of how they affect the agency's work and the overall field of employment discrimination. EEOC will then be more able to assess how the agency should optimize deployment of its scarce resources to combat these issues and problems.

EEOC needs a system capable of arraying its charge data against its workforce to determine the economics of its current deployment. These same analyses could generate points of emphasis for enforcement or outreach activity. Moreover, they could generate reports, tables, charts, and graphics depicting opportunities for improvement.

Examples include:

- SAS Institute has enterprise-wide tools that can overlay multiple data repositories, regardless of data format, and provide multidimensional analysis of data displayed in a variety of ways.
- COGNOS permits consolidation of an organization's various data sources to create a unified organizational view.
- PeopleSoft, a human resources information system, provides a suite of employee and manager self-service applications. Agency data can be plugged into the PeopleSoft HR components, and the system can generate reports on the workforce.

There are examples of federal organizations that have enhanced their analytical capabilities through IT. The Administrative Office of the U. S. Courts has collected judicial workload data for nearly 70 years. The data are collected by type of court (Bankruptcy, District, Appellate), by type of case (civil, criminal) and by certain types of violations. Since 1997, the agency has converted all of its data systems to electronic collection, and has developed or purchased a variety of software tools to assist in data mining and data analysis for strategic decision making. The data are used to assist courts in assessing the speed with which cases are processed, trends in decisions, and the like. The workload data analysis is linked to workforce statistics and used to help project future workload and the workforce required to support the workload. This use of

data has been a key tool in helping the agency acquire the resources needed to accomplish its mission.

MANAGING TECHNOLOGY FOR OPERATIONAL NEEDS

EEOC uses litigation software only in thoses offices that have purchased it independently, so most staff continue to manually search for documents and coordinate case-related paperwork. In addition, office software platforms are not compatible with those used by most public and private sector organizations, which has created compatibility problems in handling some work. EEOC plans to purchase the Microsoft Office Suite®, but there are as yet no plans underway to purchase officewide litigation software. In addition, there are opportunities for enhanced operations and financial savings through the increased use of virtual libraries and video and web conferencing.

The Panel recommends that:

- **EEOC invest in litigation management software and new primary office software platforms to better support program delivery. If funds are not available to purchase the entire primary office software, the agency should begin its investment with the presentation software to allow preparation of outreach and other presentations.**

- **EEOC conduct business case analyses on some longer-term possibilities for savings and more effective operations. These include: reducing the square footage for district libraries by creating a good virtual library; and using videoconferencing or web cameras for mission activities such as mediation or conciliations, and internal organization meetings.**

Need to More Easily Connect with Stakeholders

EEOC staff often discussed that their office software platform is not compatible with software used by most of the public and the private sector, though there are some courts systems that use it. Though there is some transferability between the EEOC word processing programs and others, EEOC cannot exchange spreadsheet or database information, which means if a respondent wants to send, for example, hiring trend data in that format EEOC cannot open it. If EEOC wants to transmit information in its spreadsheet format, it has to convert it to a word processing format, and the recipient has to reload it into more standard spreadsheet data format.

When EEOC staff made outreach presentations, especially if they were one of a group of presenters, not having PowerPoint® was a problem. It meant they had to bring a separate laptop (if they had one), and sometimes it was not feasible to stop a presentation to change hardware. EEOC plans to migrate from its current office software to the Microsoft Office Suite® are in the conceptual stage, and it plans to do a cost benefit analysis in FY 2003 for FY 2004 requirements. Implementation is proposed as a two-year effort (FY 2004-05) with funding and licensing costs spread over three years.

Panel Discussion: Need to More Easily Connect with Stakeholders

The Academy Panel does not want to recommend that EEOC use one software package over another. However, the Commission does need to use software that enables it to communicate seamlessly with its stakeholders, and vice versa. EEOC's decision to migrate to a different system makes sense.

Need for Litigation Software

EEOC offices have developed their own databases to manage office operations. In some cases, there were no other options since, for example, there was no automated case-tracking system or litigation software. While IMS will help regional attorneys track cases in the office, this is not the same as the case management software used by the private law firms against which EEOC litigates. The software attorneys cited most often was Summation®, which brings together transcripts, documents, issues, and events related to a case. Some courts and judges now require attorneys appearing before them to use this software for exchange of court documents and depositions. Summation® (and most other litigation case management software) allows the attorney to:

- View electronic versions of transcripts
- Search depositions and annotations
- Zoom from search results to testimony to winnow through potentially relevant testimony
- Flag key testimony, add comments, attach issues/themes of the case, dates, etc.
- Generate digests of key testimony sorted by issues or dates
- Print deposition pages with key testimony underlined, to present to the arbitrator or judge
- Read, review, and annotate real-time testimony as it is keyed in by a court reporter
- Create report of marked testimony

Whether required or not, EEOC's attorneys believe that the benefits of this type of software exceeded the costs, and would save time and be more effective.

In a July 26, 2000, *New York Law Journal, Litigation* article entitled, "The Invaluable Database," Patricia Nieuwenhuizen, Esq., CEO and President, Fast Track Litigation Support noted that:

> Faster, smarter and better approaches to litigation, especially in pre-trial preparation, can give law firms a competitive advantage and improve their bottom line while simultaneously saving clients hundreds of thousands of dollars. How? Automation…Today, even small civil cases can routinely generate more than 10,000 pages of documentary evidence, and it is not unusual for a larger case to produce over one million pages, or over 400 bankers boxes of documents.

Nieuwenhuizen provides a hypothetical situation to illustrate that it may actually be less expensive to automate rather than continue with manual systems.

> Your company is involved in a lawsuit. There are 100 boxes of discovery documents containing in total 250,000 pages. This hypothetical case requires 30 searches of the documents in order to prepare for 15 to 20 depositions, a summary judgment motion and reply, and several discovery motions. 150 hours each time the paralegal searches the boxes. Thus, performing 30 separate searches of the 100 boxes, without the benefit of a database, would take 4,500 hours. The same 30 searches performed with a database would take, at most, 2.5 hours, assuming that each search would take 5 minutes to run. This is not much of a contest. But of course, in order to run database searches, the investment must be made. Assuming the paralegal's hourly rate is $75 per hour, the total cost for manual labor is $337,500. And, assuming that a database of documents would cost approximately $165,000 ($.60/page for bibliographic coding and $.25/page for in-text coding of names for 25% of the documents), the cost of not automating is more than double the cost of the database. As this example illustrates, the "cost" of a database actually may be a savings.

Using the metrics provided by Nieuwenhuizen, if EEOC litigates only 80 cases in a year consisting of the minimum 10,000 pages of documentary evidence even small civil cases can routinely generate, EEOC faces sifting through 800,000 pages annually (at least three times the volume – 4,500 - used in Nieuwenhuizen's example). Thus, by tripling the 4,500 hours in the example, the search time could total 13,500 hours. Generally, EEOC paralegals are Grade 11 with an average salary of approximately $50,000 (or roughly $24 per hour). This sample of search time shows that EEOC could be spending as much as $324,000 annually on performing document searches that could be automated for a cost reduction.

Using similar metrics, EEOC could perform a more accurate cost-benefit analysis specific to its litigation programs and processes and identify a dollar value that is currently being consumed by manual searches and retrievals of records and documents.

Panel Discussion: Need for Litigation Software

Utilizing litigation software eliminates substantial clerical and research time spent in document analysis and cross-referencing litigation party information. In addition, not having the current state-of-the art litigation tools their opponents use can put EEOC at a disadvantage during a trial. Given that EEOC's attorneys collaborate on cases across districts, it might want to use an online litigation support and case management program, or it could administer its own web server infrastructure. Short of this, case management software will at least permit better shared data.

Supporting Decentralized Locations

All of EEOC's locations are supported through OIT. When an organization has a lot of locations, if there is vulnerability on a router, they have to patch all routes (51 for EEOC). If EEOC implements a major new application, OIT staff travel to 51 locations. Connections with field offices are slow because bandwidth is expensive, and EEOC said they cannot upgrade some without upgrading all offices. Some offices do all access with 64K; for most organizations the minimum standard is 128K. The new Document Management System EEOC will implement is graphics-heavy, the offices now use FPPS and IFMS, and the latter is planning to add a

procurement module. There is thus consistent activity on these servers, which operate only marginally faster than 56K.

Field IT staff report to the district directors, who select them. During Academy staff interviews, there were several reports of varied skill levels among field computer specialists and assistants. While less common among other decentralized organizations today, it was not uncommon in the past because individuals moved to computer positions because they were interested in the work even though they may not have had formal training. Since early 2001, OIT staff have participated in interviews for field computer specialists, to help bring more consistency to skill levels among staff. They noted this is essential because there is more demand on field IT staff now. They used to do only CDS and PC support, but now have a file server, email systems, LAN administration, and more kinds of software. They have to know every new system and support it. OIT said they support field staff on a regular basis.

Panel Discussion: Supporting Decentralized Locations

If EEOC reduces the number of its office locations, there will obviously be fewer locations requiring IT support. However, IT staff in the field offices will have to support a large number of teleworkers and probably provide assistance to EEOC's mobile units. It will be essential to have current technology in field locations and staff who are well-trained in using it.

IT positions are hard to fill, given the higher salaries available in the private sector. Internal staff may develop proficiency and want to migrate to one of these positions. However, if EEOC does promote staff from, for example, clerical positions to computer assistant positions, it needs to ensure that those staff get training before they assume the new duties, and they should be expected to perform to the same level as external hires.

Accessing Shared Information Through Libraries and the Intranet

Several individuals questioned why EEOC needed to use so much space for library services, especially in the field, when so much research is now conducted on-line and EEOC has purchased Lexis/Nexis and Westlaw for legal research.

Each district office has library space, although the cost of maintaining 24 collections limits what they contain. Staff in some federal buildings have access to other agencies' libraries. With rent costs as high as $75 per square foot, an 8'x10' library can cost $72,000 annually in space costs alone.

Online libraries contain case information, precedent setting decisions, rulings, program developments, statutory changes, implementation and enforcement policy. Most universities ensure that their graduates know how to use virtual libraries for research, so that some portion of the training costs for using these systems need not be spent.

EEOC staff also said that they would like shared network drives or space on the agency intranet (In-Site) on which to post such things as administrative judges' rulings, court decisions, policy documents, case management strategies, or best practices. A few field staff said that the lack of

easy access to what other offices have done means that charging parties can get different information from EEOC staff in different locations.

Panel Discussion: Accessing Shared Information Through Libraries and the Intranet

The Panel and staff did limited work in this area, but believes EEOC would benefit from further study of the savings potential. The Commission can look to law firms, the Department of Justice and the Administrative Office of the U.S Courts for advice on the choices they have made. All three sources have invested substantial resources in analyzing existing alternatives.

As an agency that performs the same work in varied locations, it is essential that EEOC's staff be able to share best practices. While that can be done via paper, that is not efficient, especially given the volume of work and diverse industries and companies with which EEOC deals. The Commission developed its Web capabilities later than some other agencies, but its staff are well aware of how the Web can be used to facilitate their work. The Panel realizes IT resources are limited, and there are many demands. To the extent possible, the Commission should develop its intranet capabilities so that staff can take full advantage of one anothers' experiences.

Using Videoconferencing and Web Cameras as an Alternative to Travel

In interview and survey responses, there were several comments about the benefits of developing videoconferencing capabilities. Some saw potential use for mission-critical work, such as mediations or hearings, while others thought it could be used for training. EEOC had planned to pilot videoconferencing in 2003 and implement it in 2004, but budget constraints may prevent this. The Commission did conduct some technical testing, but did not include it in FY 2003 plans. They would like to reinitiate this project when funding permits.

The initial investment for equipment, satellite dishes, transmission equipment and the like is substantial. However, they can lead to savings in direct travel costs and reduced time for travel. For example, Table 4-1 shows how $2,103 could easily be consumed on a three-day, moderately priced business trip for a single EEOC employee to settle a single charge. While the employee's compensation costs would be expended regardless of whether the employee traveled, videoconference or web camera capabilities could mean one day of salaried time instead of three days devoted to the settlement.

Many federal agencies--the Postal Service, HUD, federal judiciary to name only a few--have made the investment in this equipment. Some AJs already have arrangements with other agencies to use their videoconferencing facilities and equipment.

Table 4-1
Estimate Cost of a Session When the Employee Has to Travel

Airline ticket	$500
Hotel (2 nights @ $150)	$300
Meals (assuming $45 per diem)	$135
Ground Transportation (taxis, mileage, subway, etc.)	$75
Airport Parking or shuttle	$40
Employee Compensation[18] for 3 days	$1,053
TOTAL	**$2,103**

A less expensive alternative can be web cameras, through which personal computers essentially become TV screens. This is used, for example, in some court systems so that a prisoner does not have to physically visit a courtroom for arraignments and other fairly simple proceedings. This technology may be effective for internal meetings or small-group sessions rather than larger gatherings. The Defense Finance and Accounting Agency uses web cameras to conduct weekly staff meetings with managers in offices across the country. It also uses the web cameras to share best practices. For example, its human resources executives share successful recruitment sources and strategies on a monthly basis and its accountants use this system to discuss and resolve financial issues.

SUPPORTING A MORE MOBILE WORKFORCE

A key element in better serving the American public and reducing EEOC's costs of doing so is to create an organization in which EEOC staff can go to employers and employees who need service rather than having them come to the Commission. While technology improvements such as electronic charge filing will provide better access for many, there are millions of people who do not use or have access to the Internet. There are likely many who do not know about how EEOC can assist them.

The Academy Panel recommends that EEOC:

- **Develop the secure technology tools to support teleworkers and other staff who travel to the customers. This would include secure remote access to major EEOC systems, appropriate equipment, and methods to keep the workforce current on EEOC software and data systems.**

- **Protect data at the sensitive-but-unclassified level by such things as Protective Key Infrastructure for mobile staff. This includes adequate firewalls, anti-virus protection for clients and servers, intrusion detection**

[18] Average compensation costs for an EEOC employee is $91,651 annually. This includes $62,080 for salary and 30% for benefits. A 2,087-hour work year results in an average daily salary of $351.

systems, one-time password authentication ID systems, and encryption software for laptops.

Among the most critical components for a successful mobile workforce program are:

- A trusting relationship between the supervisor and the employee
- A well-thought-out written agreement
- Recruitment, selection, development, and retention of employees who understand, desire, and possess the self-discipline to work in a mobile, independent working environment
- A predetermined and agreed-upon set of performance standards
- Secure information technology equipment and infrastructure at the sensitive but unclassified level

How Organizations Become More Mobile

In the private sector, a number of firms have assigned laptops to some staff rather than PCs. This allows staff to connect to the network when in the office and access it remotely when at home or traveling. For staff who generally work out of the office, an organization will have a certain number of offices or cubicles that are not assigned to anyone specific, and can be used by anyone who is in the office for a day.

One EEOC district office has already created a mobile workstation that permits staff to create and print witness affidavits for immediate signature. It is also used for mediation. As soon a settlement is agreed to, terms are entered into the settlement document on a laptop, the information is then shared, edited, finalized, printed, and signed. This office envisions eventually marrying this approach with wireless networking technology to permit exchange of documents between parties, or to allow retrieval of missing or needed documents via email or fax from remote offices.

According to the Boston Consulting Group, "Organizations that adopt mobile solutions, and thus become “untethered enterprises,” will reap significant economic benefit. Even organizations that have embraced relatively simple wireless tools for sales force automation or customer relationship management have already seen productivity gains ranging from 10 to 50 percent."[19]

The Bureau of the Census can provide an example for managing a large workforce that rarely comes to a regional office. All of the generally part-time 5,000 staff who conduct the Bureau’s ongoing surveys[20] use laptops and relay the data to the Bureau each evening. They work from home with regular access to IT support, which includes remote diagnostics of software or hardware problems.

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[19] Manget, Joe; Dean, David; Gilbert, Marc, “Opportunity for Action: The Untethered Enterprise,” Boston Consulting Group, May 15, 2002.

[20] The Bureau is best-known for the decennial census, but it also conducts dozens of surveys, usually for federal agencies such as the Bureau of Labor Statistics and Department of Health and Human Services, on an ongoing basis. The census-takers who come to the door once every ten years have always collected data via paper, though the data are read via computer. However, all but one of the ongoing surveys are administered by a person who records the data directly into a laptop.

Other mobile workforce examples include United States Probation Officers and local police officers. Probation Officers are provided a cell phone, a laptop, a fax and a data line if needed. These individuals, who provide probation services in less-populated territories, are able to work directly from a home office or car with periodic visits to the U.S. District Court with which they are affiliated. Police offices in many jurisdictions have computers, faxes, cell phone and related equipment in their cars, thus providing access to needed databases.

OPM and the General Services Administration provide the general policy guidance and oversight for federal telecommuting and mobile workforces. They provide a wide variety of best practices, cost information and other relevant information. The website www.telework.gov is an excellent source of information about successful programs and practices. Among the more innovative programs are the IRS, the patent examiners at the U. S. Patent and Trade Office, and the Coast Guard. All three are discussed in detail on the telework website.

Panel Discussion: How Organizations Become More Mobile

It is not likely that EEOC's staff will remain desk-bound. Its workforce of the future must be mobile, whether they work out of an EEOC office, mobile unit, or a home office. Even those staff who do work in offices will need laptops so they can interview charging parties, witnesses, and respondents in federal and private sector cases. Litigating attorneys need to be able to download data to alter a presentation, and mediators may need information on a similar kind of case if they are at an impasse during a session.

EEOC's IT plan discusses upgrading staff PCs in 2003-05. That decision may need to be modified to include substituting laptops for PCs in many instances. However, it is not just a question of purchasing hardware and security resources. Program staff will routinely need technical support while they are in the field or working from home, and EEOC will need to develop ways to train staff to stay current on its technology and information systems. Such major infrastructure development is expensive.

CONSIDERING EEOC'S OPTIONS FOR TELEWORK

The Academy Panel supports the OIG recommendation that EEOC institute pilot telework programs.

EEOC has 914 employees who are now on alternate work schedules, and some of these telework at least one day per week. Recognizing the value of telework, the Chair asked the EEOC's Inspector General (IG) to conduct an analysis of the potential costs and benefits of telework for the agency. OIG staff reviewed potential costs and benefits of frequent telework at four EEOC field offices. The primary objective was to determine if EEOC could save on infrastructure costs and achieve other benefits through extensive use of telework, while sustaining or improving mission performance. An OIG report presented the results of the work.[21]

[21] Office of Inspector General, Equal Employment Opportunity Commission. *Assessment of Reducing Infrastructure Costs through Increased Use of Telework*. Washington, DC. 2002.

The OIG found that telework would require start-up costs in the first two years, but would begin to show net savings by the third year, for each of the four offices it studied. The cost model in Table 4-2 shows net savings of about $1.3 million in the first five years.[22]

Table 4-2
OIG-Projected Cumulative Savings from Telework
(Negative Numbers in Parentheses)

Field Office	2003	2004	2005	2006	2007
Dallas	$ (190,533)	$ (90,660)	$ 14,880	$ 126,302	$ 243,829
Los Angeles	(152,992)	(40,146)	73,559	188,129	303,568
Miami	(179,536)	(43,879)	98,595	248,146	405,041
Washington, D.C.	(46,923)	40,457	132,346	228,924	330,379
Totals	**(569,984)**	**(134,228)**	**319,381**	**791,501**	**1,282,818**

Source: Clifton Gunderson LLP, EEOC Telework Cost Model, August 2002.

The OIG calculated cost savings using the Optimum Model, whereby 85 percent of those employees well-suited for telework (investigators, AJs, trial attorneys, mediators) are required to telework two or more days per week, allowing more efficient use of central office space through office sharing or similar arrangements. Cost savings under the Survey Model are about one-half of those in the Optimum Model. The Survey Model uses the number of interested teleworkers as self-identified in the survey. Both models include office sharing that results in reduced space needs, thereby lowering costs for real estate and producing savings that are substantially higher than the costs to set up and maintain a frequent telework program. Cost savings for the offices in commercial space depend on implementing frequent telework when a lease expires (the Washington Field Office and Miami District Office leases expire in April 2004).

Key questions addressing the objective included:

- What types of staff are suitable for frequent telework?
- How do lease conditions affect the cost-effectiveness of frequent telework?
- What equipment, training, and other items do staff need to be productive frequent teleworkers?
- What are the impressions of managers and staff on frequent telework?

The OIG review found:

- AJs, investigators, mediators, and trial attorneys are well-suited for frequent telework.
- Most managers, supervisors, and staff see substantial benefits for frequent telework, including providing opportunities for focused, concentrated thought, better work-life balance, monetary benefits, and reduced stress.
- Many staff are concerned whether some individual staff, and the office as a whole, can

[22] The OIG chose to assess four field offices showing strong potential cost savings characteristics such as: an existing telework program, many staff, high rent costs, and difficult commuting environment.

meet the needs of customers and stakeholders in a frequent telework environment.

- Frequent teleworkers need these items to be effective--computer with standard EEOC software, capability for good quality copying, faxing, and printing, Internet service, EEOC email access, strong phone service–including long distance calling, telework training, and additional storage space.
- For the two offices in commercial spaces (WFO and Miami), timing for implementing telework is critical for cost savings. Cost analysis and expert opinion show that commercial space is prohibitively expensive to vacate before the lease expires.
- Savings are significantly higher under the Optimal Model than under the Survey Model. After five years, cumulative savings for the Optimal Model are $1.3 million, which is $600,000 greater than the Survey Model savings—$0.7 million.
- Annual savings are strongly negative in the first year, due to start up costs. In the second through fifth years, savings are large and steady.
- Because the lease for the Headquarters building expires in 2008, and simply vacating commercial space before lease expiration is not cost effective, it would be challenging for EEOC to achieve real estate savings at its Headquarters building by simply vacating.

OIG Conclusions

1. Major cost savings can be achieved at each of the four offices studied, beginning in the second year of frequent telework for one office, with major cumulative savings begin in the third year for all four offices.
2. Federal office space offers greater flexibility in when to implement frequent telework to achieve cost savings.
3. Savings are maximized through use of the Optimum Model.
4. Due to the up-front costs of frequent telework, and the financial advantages to beginning frequent telework near lease expiration, a nationwide pilot would not be prudent.
5. If savings estimated in the cost model could be applied to all EEOC district offices, savings would be substantial, and average about 10% of real estate costs for those offices, over a five-year period.
6. Options for real estate savings through frequent telework may be possible for the Headquarters Building (e.g., subleasing parts of the building, bringing the WFO into the Headquarters building, or buying out of the lease).

Based on the conclusions, the OIG offered two recommendations.

1. EEOC should consider implementing a pilot frequent telework initiative to achieve cost savings for one or more of the following offices the OIG visited and identified as having the potential for substantial cost savings:

    - Dallas District Office
    - Los Angeles District Office
    - Miami District Office
    - Washington Field Office

2. EEOC should join one or more telework organizations, such as the Mid Atlantic Telework

Association and Council and International Atlantic Telework Association and Council. Benefits include access to telework experts and opportunities to network with other federal agencies engaged in telework efforts.

The Academy Panel found the EEOC OIG telework study to be thorough and well presented.

ADAPTING THE ORGANIZATION'S CULTURE TO TECHNOLOGY

There is a difference between using a computer well enough to send email or compose short memos and fully understanding how technology can enhance how the work gets done. There were offices the Academy staff visited where technology was the primary tool for monitoring activity and using the information to change work methods, and there were others where this was clearly not the case.

EEOC has made a strong commitment to improve services to the public and give its staff better technology tools. Overall, the technology culture needs to be broadened so that all staff, especially those in leadership positions, understand the importance of technology and how it can enhance EEOC's ability to provide a greater presence in all communities it serves.

> **To ensure that leaders can operate effectively in a technology environment, the Academy Panel recommends that EEOC make it a condition of advancing to a senior management position that an individual understand the value of technology in accomplishing EEOC's mission and demonstrate that they can lead others in applying this value.**

This concept needs to be built into EEOC's recruitment and training programs, performance appraisal system, and rewards program.

CHAPTER FIVE
MAKING THE BEST USE OF EEOC'S WORKFORCE

In outlining the context for her Five Point Plan, the EEOC Chair discussed that today's workplaces are different from those of even a decade ago. Technological advancements, the globalization of world markets and demographic shifts are reshaping the American workplace. The workforce is more mobile with more contingent and alternative work arrangements. Employers and employees are dealing with complex issues such as talent shortages, greater competition for talent, and the advent of family friendly work programs such as telework, job sharing and flexible work schedules. EEOC's assessment of these workplace trends is consistent with the Academy's research on the evolution of the workplace.[23]

EEOC believes that a carefully developed and executed strategic management plan will integrate its Five-Point Plan, the PMA, and other administration and agency initiatives. The desired outcome is that the integration will result in a model workplace in which EEOC can effectively and efficiently accomplish its goals in an environment conducive to good employment practices.

As EEOC implements its plans, it should strive to create a culture of performance and a culture in which performance is managed. Key elements of this are a system that sets clear expectations, rewards top performers, and improves the performance of or disciplines poor performers. Anything less than this creates poor morale and a substandard work environment.

The first step in workforce evolution is to define the competencies required to produce the outcomes and products identified in the strategic plan. The changing outcomes and products mandated by introducing aggressive prevention strategies, mediation, information technology and similar initiatives also mandate a revised set of competencies. The Strategic Human Capital Plan must identify the competencies needed for mission-critical occupations and use these to select, train, promote, assess, and reward staff. In the short term, this will not be budget-neutral. EEOC will need to make substantial investments to identify the competencies, develop the recruitment sources, create a continuous learning environment, and establish the assessment programs and methodologies for staff, managers and leaders. For example, the EEOC will need to leverage training funds with such things as e-learning, web-based sharing of best practices, mentoring programs, tuition assistance, and strong support for employees willing to spend their own funds to enhance their skills.

As EEOC realigns work to do more electronically and reduce the number of physical locations, it will need to focus on how to reskill and realign staff. This will require human resources management systems that provide the flexibility to hire quickly and reallocate staff to respond to EEOC priorities. Staff realignments can be painful for the staff and the organization, and the Panel urges EEOC to retrain or assign to new locations as many talented staff as possible. Others may be able to continue service as telecommuters. Still others may choose to retire resulting in fewer directed reassignments. No matter how they work to achieve EEOC's mission,

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[23] National Academy of Public Administration, *The Transforming Power of Information Technology: Making the Federal Government and Employer of Choice for IT Employees*, (August 2001) and *The Case for Transforming Public-Sector Human Resources Management* (July 2000), Washington, DC.

staff need to perform at their highest level of expertise to achieve the agency's strategic goals and outcomes. To the extent that a lack of clerical support inhibits this, the EEOC needs to adjust its staff distribution.

The Panel believes that a sound human capital management strategy reflects the following principles.

- Human capital strategies must be directly linked to organizational mission, goals, and objectives.
- A workforce planning process is essential to define core competencies for staff, identify current and upcoming skill gaps, and design specific approaches to fill them.
- Managers are provided flexible tools to recruit, retrain, and reward employees.
- Incentives are in place to achieve a "high-performance culture" and develop staff to contribute to it.
- High-performing employees are rewarded and those who do not perform well are counseled, retrained, or removed.
- There is a conscious effort to identify and develop talented staff for leadership positions.
- Workforce diversity is high on the list of goals to achieve and maintain, and is supported by any organizational change.

Success hinges on hiring and developing strong leaders, delegating decision making and program implementation to them, and holding them accountable for results. Currently, EEOC does not have results-based objectives, results-based performance measures in employees' annual plans, performance reports that tie to objectives, and a system that rewards outstanding performance or applies sanctions when performance is not acceptable. It also does not provide managers all the tools they need to be effective.

Given the breadth of the Panel's recommended restructuring, staff realignment is essential. However, before it begins realignment, the Commission needs to have its leadership structure in place and its comprehensive workforce planning well underway. These should be the Commission's the top three priorities as it develops its Strategic Human Capital Plan.

STAFF MANAGEMENT AND REALIGNMENT

Past budget shortfalls as well as some decisions related to management of Commission staffing and budget resources have led to some of EEOC's staffing constraints. In addition, given the breadth of changes EEOC needs to make in its organizational structure, there is likely to be a mismatch between some staff skills and/or locations. In addition, 23% of the agency's staff are in headquarters, and there were many comments throughout the study (from staff in headquarters and the field) that this was disproportionately high for an organization that serves most of its customers in the field.

Changing office structure and locations can create anxiety among staff, who are quite naturally concerned with relocating families and maintaining ties within their present community. As EEOC makes a thorough assessment of where permanent office facilities are and what locations

could be adequately served with mobile units, it should position itself to deal with the impacts these decisions will have on the workforce. EEOC has a large number of staff close to retirement, and some offices that might be closed are very close to others. This should lessen the need for directed reassignments. In addition, the enhanced use of telework may enable EEOC to retain most talented staff, though their workplace and methods may change.

The Academy Panel recommends that EEOC:

- **Assess agency position descriptions to determine such things as which are current, which need to be redesigned to reflect new work methods, whether existing career ladders are appropriate, and whether positions accurately distinguish supervision from production.**

- **Seek approval from the Office of Personnel Management for a targeted early-out retirement option for staff in those headquarters and field offices that will be downsized.**

- **Design and implement a cost-effective career transition center.**

- **Work in partnership with EEOC's unions as the agency makes decisions to realign staff work locations.**

Workforce Management

A key element of the workforce planning process will be to review current positions in terms of their relation to mission, skills they require, and whether they are in the appropriate geographic locations. Agencies that have most effectively realigned work or integrated technology most successfully have often worked with their unions, such as the Internal Revenue Services (IRS) and its partnership with the National Treasury Employees Union (NTEU).

The 2001 Workforce Analysis notes that the agency is hampered in workforce restructuring by limited funds for training and relocation, and union resistance to relocation, reduction in grade, or reduction in positions required to do the work. In talking to field and headquarters staff, they saw staffing constraints brought on by budget shortages, especially not being permitted to backfill for any vacancies, as a major problem. Forty-eight (33%) of the 146 individuals or groups interviewed or who responded to the survey cited staffing shortages. Thirty-eight were in the field and ten were in headquarters.

EEOC offices have engaged in workforce management. For example, each district reports to OFP on its staff levels twice per month. In January 2000, the District Director's Council submitted the report of the "Field Task Force on Staffing." It recommended an adequate staffing pattern that would allow districts to meet CEP, GPRA and related performance goals. They suggested that staffing losses below the approved pattern would lead to adjustments to performance expectations. The report had a number of specific workload assumptions, such as one mediator per 1,000 charges an office received, each investigator would handle approximately 87 private sector charge receipts, and an office would have one attorney for each 500 charge

receipts. The Directors believed that the overall report recommendations would lead to an equitable balance across functions within an office and across the agency.

For most of FY 2000, EEOC was under a hiring freeze, which the agency indicated was because it received an increase in funds of only 0.7% when more than 4% was needed to maintain staffing levels carried into FY 2000. In the agency's FY 2001 appropriation (approved in December 2000), OMB raised the FTE level from 2,839 to 3,055, consistent with EEOC's request. In early 2001, OFP received authorization to hire 26 investigators in offices that had had the most serious gaps between staffing and charge receipts, and the agency issued a national vacancy announcement. Positions were largely filled in spring 2001.

In May 2001, which was prior to establishing the FY 2002 hiring freeze, each EEOC office received authorized staffing levels. Some were lower than FY 1999 levels, and field offices were expected to maintain past performance levels. At that point, each office was to be allowed to maintain its staffing level by being allowed to replace staff who left, unless there was a budget impact or the replacement was within then-current limitations on hiring at certain grade levels. The exceptions to automatically replacing staff were: staffing a position where the grade level would be higher than that of the prior incumbent; detail of non-SES employees to SES positions and details within the SES; reclassification resulting in upgrade; increases in part-time work schedules; or filling positions at GS-15 and above. EEOC entered into an interagency agreement with OPM to expedite postings and prepare certificates for a variety of specialized positions, and to maintain open registers for investigators.

The efforts to work through the processes outlined in May 2001 ended with the hiring freeze imposed in August 2001. When budget estimates were being prepared the long-term budget implications of some staffing decisions had not been fully considered, and this led to shortfall projections. For example, at the end of FY 2001, before hiring and promoting several hundred staff, EEOC staff in the Office of Finance determined that there were funds in the FY 2001 budget to fund the promotion costs. However, there was no analysis of the impact this would have on FY 2002 and beyond. As a result, the average salary (not including benefits) has risen from $58,900 in FY 2000 to $61,500 in FY 2001 to an estimate of $66,400 in FY 2002. It may rise as high as $68,300 in FY 2003.

The rise from $58,900 to $68,300 in current dollars in four years is an increase of 16%. EEOC's budget has remained fairly stable. It has effectively decreased in real dollars because the agency had underestimated the costs of FY 2002 promotions ($1.5 million in the budget but $2.5 million was spent), had to absorb $1.9 million in FY 2002 as the agency share of the FY 2002 salary increase, and had its historical attrition rate of 10 attritions per pay period dropped to 4.5 per pay period after September 11, 2001. It has stayed at or near that level ever since. These substantially higher compensation and benefits costs had to be absorbed, and EEOC appears to have done this primarily by restricting hiring.

IRS and NTEU Cooperation

Congress mandated changes to IRS' structure and functions through the Restructuring and Reform Act of 1998, and IRS management asked NTEU to work with it to implement these change. IRS proposed having eleven Design Teams staffed by subject-matter experts and NTEU representatives, with an IRS manager in charge of each Design Team. The teams met for six to eight months to benchmark other organizations and develop alternatives. They presented these to the IRS Executive Review Board (ERB), which was comprised of the IRS Commissioner, IRS executives, and the NTEU president and vice-president.

The role of the ERB was to ensure all issues were identified and resolved and that proposed design alternatives made sense. The Design Teams would then further vet their alternatives with other IRS staff who knew the particular lines of business or functions. The teams would then return to the ERB for final approval. Once a Design Team's report was approved, their work was finished.

IRS then set up a new team to look at its global structure. Teams were comprised of bargaining unit employees and managers. They worked out the detailed restructuring issues and briefed internal stakeholders. When the latter were satisfied, the team briefed the Transition Board with all the details. Once this step was completed, the proposal went to the IRS Commissioner for final approval. When the Commissioner approved a proposal, the IRS business unit could begin implementation.

IRS staff believe that what made all this work was the broad consultation with stakeholders and the IRS commitment that no one would lose their job. The process was to move all employees with the primary sets of new skills into new jobs. Others were then assigned as work warranted, based on their skills.

Each employee received a letter explaining their new assignment. Employees could agree and be reassigned. If they disagreed, they could ask for review, and submit a statement of reasons about why their reassignment should be changed. If the Transition Review Board agreed with the employee, then the assignment was changed. If the Board disagreed, the employee could either accept the assignment or appeal the decision through the grievance process. IRS staff believe that the reason few employees appealed was because the Transition Team spent considerable time working out the assignments.

Panel Discussion: Staff Management and Realignment

The EEOC budget is essentially a salaries and expense budget. That means that short-term cost savings can largely be achieved only through freezes on hiring and promotions, or through reduction in contract costs. In EEOC, the major contracts are for FEPAs and TEROs, and are thus not an option for major cuts without affecting these programs. Thus, while the Academy Panel does not wish to imply that well-performing employees should not be promoted or that EEOC should stop all hiring until potential budget shortfalls are addressed, these are understandable strategies. As the Commission knows from experience, the inflexibility

generated by these methods can affect operations. However, this inflexibility is less drastic than reductions-in-force (RIFs) and immediate office closings.

However, the extent of its budget constraints will likely mean that EEOC will need to close some locations and find new ways to make its services more accessible to the public through alternate service delivery methods, such as electronic charge-filing, a centralized National Call Center, mobile offices, and teleworkers. The Chair has said repeatedly that she wants to avoid a RIF, and that is a commendable goal. To achieve this goal efficiently, EEOC needs to be prepared to substantially retrain a number of staff and work closely with its unions to ensure that any needed employee relocation decisions are made in ways that meet organization needs but also accommodate employee needs as often as possible.

It does appear that the current CFO and director of the Office of Human Resources have established sound projections for staffing costs and can apply these to related decisions. In addition, the implementation of IFMS and FPPS (software systems that improve the agency's ability to manage financial and human resources) will assist in better monitoring the impact of staffing decisions on budget. It is essential that EEOC ensure that its human resources decisions are adequately funded for the short and long term. This does not mean an increased layer of review for individual decisions. Once the agency knows its appropriations level, senior staff can decide how much of the appropriation to allocate to salary and benefits costs, considering the number of hires and separations throughout the year and any expected cost-of-living increase. This will permit the CFO to advise senior management on whether there are funds for promotions and hiring to replace those who leave the agency.

LEADERSHIP IS ESSENTIAL

All EEOC executives, managers, and staff, with whom Academy staff interviewed were dedicated to eradicating employment discrimination, most even passionate about it. However, there is no well-understood model of what successful leadership looks like in the organization, nor is there an established approach to developing strong managers and effective leaders. This may be the primary reason Academy staff heard such varied opinions on the quality of current leadership.

The Academy Panel recommends that EEOC build a model of leadership that integrates achieving results, leveraging resources, maintaining accountability, and improving the organizational culture. Using this model, EEOC should:

- **Create executive development activities for all senior executives and managers by partnering with other federal agencies for mobility assignments, developmental activities, and enhancement of leadership skills.**

- **Partner with whichever federal, academic, nonprofit, or for-profit entities can most effectively tailor leadership development training programs for all levels of EEOC staff.**

- **Hold all managers accountable for performance, reward those whose performance meets or exceeds expectations, and provide assistance or sanctions for those who fail to meet expectations.**

- **Design performance measures and metrics that support accountability and the full scope of management.**

- **Focus on inspiring, leading, motivating, and sustaining high-performing organizations and offices within the EEOC as well as managing staff resources and workload.**

EEOC staff repeatedly singled out several field offices as having strong leadership and corresponding high performance, and Academy staff visited some of these offices. A number of factors that influenced this success were observed during the site visits, noted in analysis of office statistics, and provided in written surveys EEOC staff sent to the Academy. The factors included:

- Continual communication from the director and deputy to and from the staff; the staff felt included and knowledgeable of relevant issues
- Established performance goals for processing private sector charges and conducting mediation
- Consistent monitoring of performance through a range of office-developed tracking mechanisms and through individual performance discussions
- A positive working relationship between the regional attorney and district director and an open-door policy between attorneys and investigators
- Available tools for staff to do their work
- Encouragement to staff to play to their strengths—some investigators enjoyed doing outreach presentations, others liked to stick to research and interviews, and the differences were recognized as appropriate

This was in contrast to some other offices in which staff said they rarely saw top management, were resentful because some had to work harder to compensate for those who did not (and they thought management paid no attention to this), indicated that the district director and regional attorney were at regular loggerheads, or thought some managers treated staff disrespectfully. In a number of survey responses, staff said that EEOC's top leadership was aware of their office's problems and did nothing.

Both of these leadership "models" exist in the EEOC, and both are rewarded. A review of the ratings for SES-level executives shows that, through 2001, the majority were rated Outstanding even though the stated perception by many is a substantial variance in levels of performance. This changed with the SES ratings for FY 2002, but full data on the reduced number of outstanding ratings were not available as this report was completed.

Table 5-1
Overall Ratings for SES Staff

Fiscal Year	Total SES	Number Rated Outstanding	Number Rated Highly Effective	Number Rated Fully Successful	Not Rated	New Appointees
2001	43	27	5	4	7	0
2000	37	23	8	2	4	0
1999	36	23	9	3	1	0
1998	36	24	6	2	4	0

More important, agency staff interviewed did not view EEOC as a high-performing organization. Time and again, in individual and group interviews, agency employees characterized themselves and their agency as one that was "beleaguered," constantly short of resources, and unable to successfully confront performance issues to either reward those who were performing or assist or terminate those who were not performing.

EEOC staff provided examples of performance issues that managers wanted to address, but said they were unable to because of reasons including lack of knowledge of how to address the issues, a strong perception that the agency did not want to address these issues for fear of internal EEO complaints and subsequent congressional interest, an unwillingness on the part of managers to engage the issues, and lack of support from OHR and OLC. The perception among the agency staff is that poor performance is tolerated in enough cases to be a performance disincentive. Furthermore, there is also the perception that taking risks is not encouraged, recognized or rewarded. Whether the staff assessment is reality or perception, a sufficient number of employees believe this to warrant top management resolution. For the agency to become a high-performance organization, these practices and perceptions will need to change.

WORKFORCE PLANNING

EEOC does not yet have a workforce plan, but is working with outside consultants to develop one. Workforce planning provides the opportunity to link an organization's mission with its best resource, its staff. It is always important, but even more so now, as most federal agencies face substantial retirements in the next three to seven years. EEOC is no exception. Some other agencies have done a better job of preparing for these retirements or devising methods to reskill employees. While, for example, some basic investigative skills stay the same, the tools EEOC staff use to conduct them involve more Internet access and the data available grow more complex. Many staff have acquired more analytical and computer skills; others have found it difficult to do so. From discussions with staff, it appears EEOC also faces skill shortages in foreign languages and technology. When EEOC finishes its assessment of current and needed skills (termed a gap analysis) it will have a road map to designing approaches to fill the gap.

The Academy Panel recommends that EEOC expedite its workforce planning effort and link it to the planning and budget processes. This is a complex and long-term effort

and the agency cannot wait until its completion to institute its components. The first components the Panel suggests be implemented are:

- **Develop an inventory of the competencies required to perform mission-critical work such as investigation, litigation, mediation, analysis, outreach and prevention.**

- **Determine which of those staff who are eligible to retire plan to do so, the gaps this will create in individual offices, the size of the pool needed to replace those retiring from specific positions, and the level of training or outside hiring required to put people with the right skills in the areas most critical to mission fulfillment when they are needed.**

- **Prepare a comprehensive cost estimate for skill development needs so that EEOC can present an integrated strategy with cost implications to the Office of Management and Budget.**

- **Prepare Individual Development Plans for staff so that EEOC has better information on the skills that staff have and whether anticipated development efforts match staff aspirations and agency needs.**

- **Revise individual performance appraisal elements to reflect changes in roles and the linkage to achieving organizational performance goals.**

- **Develop the metrics for the revised performance elements.**

Recent and Anticipated Workforce Changes

EEOC will use the Academy's draft Strategic Human Capital Plan to begin its more detailed workforce planning efforts. However, it did prepare a workforce analysis[24] in June 2001, to comply with an OMB requirement. In it, EEOC traced its 1996-2000 staffing levels and examined the movement of employees in and out of the organization for each year. As Table 5-2 shows, FY 1999 was an anomaly in that the agency hired a far larger number of staff (568) than it lost (193). However, in FY 2000, EEOC had a 10.3% separation rate. Early-out retirements were offered in FY 2000, but they were also offered in FY 1996, and the separation rate was only 6.5% that year. The reasons noted for the proportion of retirements in FY 2000 were not substantially different than other years (e.g., 23.6% left to take another federal position).

FYs 2001 and 2002 (for which EEOC provided data directly) show a continuation of the feast-or-famine staffing patterns. Table 5-2 shows more staff were hired than left the agency in FY 2001 (390 versus 232—a net 158 staff). The hiring freeze imposed in August 2001 (and discussed more in Chapter 6) meant that only 38 staff were hired in FY 2002, while 168 left, giving EEOC a net loss of 130 or 13%.

[24] EEOC, *Workforce Analysis for the President's Restructuring Initiative*, OMB Bulletin No. 01-07, June 2001.

What Table 5-2 emphasizes is a workforce in flux, with a decrease of 130 staff in the past fiscal year. These data are consistent with comments that Academy staff heard during interviews with EEOC staff.

Table 5-2
Staffing Levels

Fiscal Year	Beginning Staffing	Ending Staffing	Staff In-Flows	Staff Out-Flows	Gain (Loss)	Separations	Percent Separations
1996	2,806	2,674	51	183	(132)	183	6.5%
1997	2,674	2,645	124	153	(29)	153	5.7%
1998	2,645	2,580	114	179	(65)	179	6.8%
1999	2,580	2,955	568	193	375	193	7.5%
2000	2,955	2,791	141	305	(264)	305	10.3%
2001	2,791	2,924	390	232	168	232	8.3%
2002	2,924	2,787	38	168	(130)	268	9.1%

In FY 2002, total staff in field offices dropped from 1,852 to 1,769 or 4%. The established ceiling is 1,947. Twelve offices stayed even, but Albuquerque lost 14% (from 28 to 24). Three offices lost 12% (Baltimore from 47 to 42, New York from 68 to 60, Little Rock from 25 to 23), and three lost 8 or 9% (Kansas City from 24 to 22, Nashville from 22 to 20, Oklahoma City from 22 to 20). Offices that increased staff did so by only one staff member.

Possibilities for Changes to the EEOC Skill Mix

Many EEOC staff in headquarters and the field noted that work has become more complex (such as medical issues associated with ADA cases) and staff had to have far more extensive technology skills than in the past. A number of staff cited the need for continually stronger analytical and writing skills. These comments were similar to EEOC's *Workforce Analysis*, which cited needs for enhanced skills in:

- Mediation
- On-site investigations
- Use of technology to manage the workload and research cases
- Sophisticated analyses for class and other specialty cases
- General automation skills as more EEO systems move from manual/paper processing
- Project management, architecture and systems design, security, capital asset planning in IT fields
- Bilingual capabilities to respond to diverse constituent groups
- Teambuilding

In the field, staff consistently mentioned the need for staff with more bilingual capabilities, noting that these varied by office location. In California and Seattle, there was a great need for

some Asian languages, while in Texas and the Midwest the predominant need was for Spanish. EEOC uses OPM for bilingual recruitment, and would like that agency to be more aggressive in its recruiting.

EEOC's bilingual policies were negotiated with its unions. Those with bilingual position descriptions are required to use these skills and others may provide these services on a voluntary basis. OHR inventoried staff language abilities in the field and identified 40 individuals with bilingual position descriptions, in a total of 15 of the 51 field offices. All but one spoke Spanish, one spoke Cantonese. Seven of the 40 were in San Juan and six were in Denver. While a number of other staff have foreign language skills, OFP noted that skill levels vary. Also, since OPM provides no pay differentials for these skills, an office has to be careful not to overburden staff because they are bilingual. One EEOC district that Academy staff visited had several Spanish-speaking staff but some had recently left, meaning there was only one person who could assist Spanish-language charging parties. After the Academy visit, two new staff with Spanish skills were hired, but the office was still not up to the former complement.

EEOC is also placing added emphasis on mediation and outreach and prevention and consequently roles of staff have changed in some areas. For example, attorneys have become more involved as advisors to investigators and many have become more involved in mediation or outreach. These are examples of areas where strong internal training programs will be needed to bolster skills of existing staff.

Succession Planning is Essential

Recognizing that it faces a potential brain drain as members of the baby-boom generation begin to retire, EEOC asked OPM to develop its retirement projections[25]. OPM did this based on the retirement behavior of the entire federal workforce. Table 5-3, drawn from the June 2001 OPM report, shows that 40% of the EEOC workforce could retire between fiscal years 2001 and 2010.

Table 5-3
OPM Projections of EEOC Retirements by PATCO Category[26]
Fiscal Years 2001-2010

PATCO Category	2000 Base	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Professional	569	13	14	15	15	16	16	17	18	18	19	161
Administration	1,637	68	69	73	76	75	75	73	72	72	69	721
Technical	308	12	11	12	12	12	11	11	12	12	12	117
Clerical	186	6	7	7	7	7	7	7	7	9	7	69
Total	2,700	99	100	106	110	110	110	108	109	109	107	1,067
Cumulative %	--	3.7	7.4	11.3	15.4	19.4	23.5	27.6	31.5	35.6	39.5	

[25] U.S. Office of Personnel Management, *Equal Employment Opportunity Commission Retirement Projections 2001 through 2010*, June 21, 2001.

[26] The PATCO categories are professional, administrative, technical, clerical and other. At EEOC, the following series were in each: professional (905); administrative (201, 260, 301, 334, 340, 343, 950, 1810); technical (335, 986, 1802); clerical (303, 318, 326). Attorneys are in series 905 and investigators are in 1810. There were no "other" series in the projections.

Table 5-4 breaks down these data further by looking at specific occupations. For direct mission work, there will be a larger proportion of retirees among investigators (41%) than attorneys (27%). These projections could reflect the fact that EEOC hired a number of attorneys in 1999, as it began to place them in area and local offices, and these would likely have been recent law school graduates.

Table 5-4
OPM Projections of EEOC Retirements for Selected Occupations
Fiscal Years 2001-2010

PATCO Category	2000 Base	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total	% of 2000 Base
Personnel (201)	36	1	1	2	2	2	2	1	1	2	2	15	42%
IT (334)	71	2	2	3	3	3	3	3	3	3	3	27	38%
Attorneys (905)	541	12	12	13	14	14	15	15	16	17	18	148	27%
Investigators (1810)	1093	42	43	45	47	46	47	46	45	46	44	452	41%

In examining different grade levels, OPM's projections show that there are a large number of GS-14 employees (427) in position to replace the 113 GS-15s in the 2000 workforce, and the GS-14s are projected to retire at a rate slightly below their representation in the workforce. However, GS-12s and GS-13s are projected to retire at a rate that exceeds their representation in the 2000 base. OPM concludes that EEOC's workload is more likely to be affected by the GS-12 and GS-13 retirements than by those at higher levels. The report did not offer projections for the SES employees.

These are aggregate numbers, and OPM does not analyze the relationship between retirement eligibility and age. That could be an important factor in predicting when people will retire. In addition, OPM suggested that there could be agency-specific data, such as projected retirements by district, that would show age and service distributions that could produce "demographic bubbles" of retirees at certain times.

Academy staff examined the detailed listing of retirement-eligible staff by office and noted there were concentrations of potential retirees in many locations. However, as with other federal organizations, there were also many people who had been eligible to retire for several years and were still on board. There were offices such as Atlanta that could lose 24 of 82 staff (29%) by 2004, Birmingham 17 of 67 (25%), Charlotte 11 of 43 (26%), Memphis 15 of 43 (35%), New Orleans 13 of 51 (25%), and Seattle 14 of 38 (37%). In headquarters, OHR could lose 11 staff, IT could lose 8, ORIP could lose 11, and OCFO 15.

In an organization with this level of anticipated turnover, a strong succession planning program is essential. However, EEOC does not yet have one. It an earlier report[27], an Academy Panel identified six barriers to developing and preparing leaders in the public sector:

- Organizational culture
- Low priority given by senior officials
- Insufficient resources
- Inadequate rewards for initiative/risk
- Limited mobility
- Lack of role models

EEOC has a number of these barriers. There is no regular program to rotate staff to other locations, which would broaden perspectives throughout a career, and there are relatively limited resources to develop staff. More than not rewarding taking risks, some staff interviewed believed that there were disincentives. This is not an uncommon perspective in the federal government, and to diffuse it, top management has to reward staff regularly for developing a new approach or suggesting process changes.

The same Academy report also identified eight benchmark principles for managing succession and developing leaders:

1. Top organizational leaders are personally involved and deeply committed.
2. Succession management processes are relatively simple and flexible and are integrated with strategic plans to identify and develop leaders who meet evolving organizational needs.
3. Succession programs are owned by line managers, supported by HR staff, integrated into HR processes, and consistent with the organization's culture.
4. A pool of high-potential leaders is identified early and developed, rather than relying on a slate of replacements for current positions.
5. Leader competencies are identified and regularly reviewed and updated; candidates are assessed and developed against those competencies.
6. Reviews occur regularly to identify high-potential candidates and developmental measures and to assess progress, and they involved all levels of the organization.
7. Leader development uses three complementary means: varied job assignments, education/training, and self-development.
8. Senior leaders identify developmental goals for individuals and managers, expect them to achieve the goals, and hold them accountable.[28]

The EEOC hired the Wexford Group to develop its succession planning methodology, and the agency received a draft report in November 2002. Its recommendations are similar to the Academy Panel's, and the Commission has indicated it will incorporate these into its workforce planning effort.

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[27] National Academy of Public Administration, *Managing Succession and Developing Leadership: Growing the Next Generation of Public Service Leaders*, Washington, DC, August 1997, p. xvi.
[28] *ibid*, p. xvii.

Panel Discussion: Succession Planning is Essential

When EEOC begins the more detailed work to prepare a workforce plan, it should use a team of staff from headquarters and field offices, supported by human resources specialists, to lead the overall effort. Many agencies have used a decentralized approach where each major office has a role in defining its skills, skill gaps, and training needs. Before any group(s) meet, OHR should distribute samples of workforce planning models used in other federal agencies and up-to-date data on EEOC's current workforce and perceived skill gaps. The Commission could also conduct an on-line or traditional seminar to ensure that those involved in the workforce planning effort understand the basic principles of workforce planning and the process to identify the workforce needs. Appendix B, which summarizes Academy staff interviews and survey results, discusses some EEOC staff perceptions on skill gaps.

Given the start-and-stop nature of EEOC's recruiting and training, staff may not understand that workforce planning is not only an EEOC goal, but part of the administration's broader management agenda. The Chair's leadership is essential. If she names the members of the workforce planning efforts, publicly defines her expectations, and sets an ambitious timeframe, it will help EEOC move ahead quickly.

In addition, EEOC should develop true cost estimates for the many steps that will flow from the workforce plan and present the case for these funds to OMB as strongly as it has pushed to get funds for technology improvements. The agency must convince OMB and Congress that there is no choice but to develop EEOC's workforce to provide the best service to customers and eliminate discrimination in the workplace.

Example of other organizations' workforce planning efforts are at Appendix G.

LIMITED TRAINING FUNDS TO MEET SKILL NEEDS

EEOC's training budget has varied from substantial ($3.5 million for FY 1999 and $2.7 million in FY 2001) to modest ($745,347 in FY 2000 and $1.3 million for FY 2002). Such variations make it difficult to develop and sustain an effective program. The recent budget variations are simply continuations of the lack of consistent training, skill enhancement and staff development. Longtime senior staff said that there was training in the mid-1970s, a 1988 conference on full investigation, a one-week training on ADA in 1992, and training on mediation and new investigators in 1999. The fact that senior staff can provide such a short synopsis of EEOC's agencywide training is indicative of the ad hoc nature of training and the lack of a continuous learning philosophy buttressed by a systems approach to setting priorities and meeting staff training and development needs. Consequently, much of the return on investment, such as on the substantial funds spent to train new investigators and mediators in 1999, will be lost.

The Academy Panel recommends that EEOC develop:

- **A multi-year training plan, anchored in the competencies required for mission-critical staff, that reflects an adequate, stable level of spending**

through a mix of on-site, e-training, and other methods, and use this plan as the basis for funding requests.

- **A strong first-line supervisor and mid-level manager training program, so that individuals moving into these and into more senior leadership positions have the competencies they need to succeed.**

- **An expanded SES Candidate Development Program that leverages EEOC resources with those of other federal organizations for such things as mobility assignments or developmental activities**.

Variations in Training Levels

Academy staff asked EEOC to provide data on the amount of the training budget and how it was allocated in FYs 1999-2001. Table 5-5 shows that field staff received between 81-93% of the budget, with the larger proportion in 2000, when there were far fewer funds. Field staff comprise 77% of EEOC's total staff.

Table 5-5
EEOC Training Funding and Staff Trained
Fiscal Years 1999-2001

Year	Training Budget	Field	Headquarters	Number of Staff Trained
1999	$3,456,108	$2,849,862	$ 606,246	97% of EEOC staff received at least one course. Mission critical breakdown not available.
2000	$ 745,347	$ 689,958	$ 55,389	77% of field staff received CEP-related training; considered mission-critical.
2001	$2,660,000	$2,153,687	$ 506,313	Approximately 4,200 training instances reported agencywide, which is 1.5 events per person.
2002	$1,255,000	$1,118,000	$ 137,000	Approximately 2,800 employees trained; more than 80% were field staff.

Note: FY 2002 data are estimates.

The 4,200 FY 2001 "training instances" ranged from two-hour briefings to mission-related training of several days. OHR did not provide a breakdown on this figure or describe the courses.

There is generally no standard training for new hires, although in 1977 and 1999 there were central training classes for new hires, and there was a catch-up class in 2001 for those who missed the 1999 training. Most new hires are trained on the job, and there is no ongoing training cycle where, for example, every two or three years an investigator receives certain skills-based courses. Several field and headquarters staff noted that the average time to fully develop a new investigator was two years.

Staff were forceful in saying that training is inadequate, even in areas in which the Chair has stated specific priorities. Some noted that their offices did not let staff who were willing to pay for their own courses take leave when they needed to study or permit a flexible work schedule. OHR said that EEOC has no formal policy on supporting staff decisions to pursue education on their own, and indicated that some managers do allow flexible work hours. Also, there is no policy on providing tuition assistance, but the director of Human Resources has recommended establishing one and requested funding for it in the FY 2003 budget.

The lack of training was reflected in the interviews and responses to the Academy's mailed surveys. When asked if they had adequate tools to do their work, 45 of 146 respondents said that training was inadequate. As with other questions, they were not asked specifically about training, but listed examples in an open-ended format. Training was the most frequently mentioned subject that respondents believed the human capital plan should address.

Because of the lack of training funds, OFP developed a Negotiation Skills class with OGC and they presented it together. They also did Advanced Skills Training for investigators, which deals with case development. Some field legal units order Department of Justice (DOJ) videos and show them and lead discussion. Enforcement staff develop peer training and present it or arrange for colleagues in other agencies to conduct informal training. Some offices Academy staff visited had brown-bag lunches among attorneys and investigators to discuss case development. The OPM requirements for supervisor training are met with local training that districts develop.

For nearly ten years EEOC did not have an SES Candidate Development Program, but it reestablished the program in 2001 with its six field participants. For that program, members of the Executive Review Board acted as mentors to the six candidates. In 2002, EEOC selected four additional participants, also all from the field, for a second program.

EEOC is pilot testing e-learning through its new online Employee Development Center. The catalog of courses include off-the-shelf software such as basic or more complex office software, interviewing techniques, and supervisory skills. After consulting with their supervisors, employees are allowed up to four hours per pay period to take work-related sources.

Possibilities for Partnering

Through its Management Development Centers in Shephardstown, West Virginia and Denver, Colorado and the Federal Executive Institute in Charlottesville, Virginia, OPM provides a wide variety of classes for supervisors, managers and executives at relatively reasonable prices. OPM is also willing to work directly with individual agencies to tailor its basic courses to agency-specific needs if there is a sufficient volume of participants to justify the expense.

The most recent addition to continuous learning services OPM offers is the listing of computer-based training that is being made available through the Department of Transportation website, Federal GoLearn. The government on-line learning center is a governmentwide resource that supports development of the federal workforce through simplified and one-stop access to high quality e-Training products and services. The creation of this center is the first phase of the

PMA e-Training Initiative and will continue to grow with the addition of products and services that meet the common needs of the workforce. It is designed as a virtual campus that houses free training courses and knowledge resources in each of its rooms. Several free courses in topics such as sexual harassment, project management, Microsoft Office skills, and personal development are already available through this site.

It may also be possible for EEOC senior staff to participate in other agencies' management development classes on a tuition reimbursement basis, or in exchange for having some of their staff attend an EEOC-sponsored event. There are universities throughout the country that have programs in leadership development for public officials or government organization and management. These are not academic courses, but are geared to practitioners.

Panel Discussion: Limited Training Funds to Meet Skill Needs

The problems EEOC faces to create a climate where employee growth is encouraged are similar to those faced by other public sector organizations, which are inclined to measure learning in terms of how many training courses are provided, and are constrained by budget availability. It is important for EEOC to demonstrate that agency management perceives learning in a broader context—namely a continuous learning environment within the organization itself. Even when the agency does provide training, the lack of a strategic human capital plan linked directly to the overall agency strategic plan suggests that it is difficult for the agency to know whether its training dollar allocation provided the best possible return on the investment.

Many federal agencies with a core group of mission professionals have extensive training programs. While their programs would not meet EEOC's needs, the approach they have taken to developing them could provide a framework for designing and marketing to OMB a comprehensive, mission-based development program. Every other federal, law enforcement organization has such a program, and Congress has traditionally funded them reasonably well. While EEOC's staff may not carry guns or require physical fitness training, their enforcement responsibilities to charging parties and respondents, in the private and federal sector, are as important as are those who investigate more traditional legal infractions.

As EEOC pursues its training programs, it could explore whether other law enforcement agencies have investigation training courses Commission staff could attend, or whether its attorneys could attend the Department of Justice trial attorney/litigation skills seminar. While these might not be 100% related to EEOC's needs, it would enable staff to receive such training while EEOC designs its own programs and secures more stable training funds. One EEOC field office, for example, has an agreement with the FBI to provide investigative skills training to its investigators.

Training does not stop with technical skills, whether for enforcement, mediation, or outreach/prevention. There is not is a comprehensive, visible program to identify which top-performing mid-level managers can translate their technical skills to broader management and leadership abilities, and ensure that they receive the kind of internal and external training needed to assume top leadership positions. Thus far, the SES Candidate Development Program has involved only field staff. While there are more senior leadership positions in the field at this

point, it is difficult to grasp that there is no need to develop anyone in headquarters for an SES position.

As EEOC has more telework employees, it will need a broad mix of training delivery methods. To develop a strategic framework for training design and a range of specific development options, EEOC will have to evolve from the apparent culture of poverty that it now associates with staff development. It should develop a comprehensive approach, define expected results, and outline the impacts of not training staff well. It should then push OMB to approve added funds to ensure that staff perform at the highest levels.

STAFF AWARDS AND PERFORMANCE EVALUATION SYSTEMS

EEOC has had an inconsistent employee rewards program, which sends a message to staff that there are only a very few among them who should be recognized for outstanding performance. Also, there were literally dozens of EEOC staff who said that the Commission's employee evaluation system did not appropriately identify employees with performance problems and that it was difficult to remove them even when the problems were severe. At a time when skill needs are changing and resources are constrained, EEOC needs to create incentives for good work, recognize strong performers, and take action against poor performers.

The Academy Panel recommends that EEOC:

- **Revamp the agency awards systems to ensure they meet the four key elements of effective reward design: performance requirements (financial, operational, customer satisfaction); talent needs (skills, experience, behaviors, employee preferences); cost and funding (affordability); and culture and branding (alignment with mission, vision, values).**

- **Revise the process for evaluating, counseling, and (if necessary) terminating poor performers to ensure that EEOC's cadre of staff includes those who are not only dedicated to its mission but demonstrate this through effective performance.**

Varied Spending for Agency Awards Program

EEOC allocated no funds to its awards program in FYs 1999 and 2000, and in 2001 allocated $700,000, but only to the former Chair's awards program, which usually recognizes groups of staff. For the 2001 program, there were no published selection criteria, which led to a number of questions as to how award decisions were made. For 2002, funds and authority were with the headquarters office directors and district directors. Each office has a committee that approved Special Act Awards, designed to address performance, and office management decides the rest of the awards. An attorney who had served on the awards committee in one office that Academy staff visited described the process as a "good first step" but said that EEOC needs to do much

more to recognize good employee performance, since this is an essential component of a good human capital program.

Though staff described the amount they could distribute for FY 2002 awards as "a pittance," they indicated that the new awards program is very flexible. Mangers can give cash (up to $500 in $50 increments), savings bonds, or time off. OFP said that field managers like the fact that they can look at the Chair's agenda and decide they want to reward staff, for example, for more work in outreach/prevention.

Often cited was that EEOC does not support managers in disciplining or firing poor performers. In its June 2001 Workforce Analysis submitted to OMB, EEOC noted that difficulty in removing poor performers impeded its ability to recruit and retain a high-quality, diverse workforce.

Every agency wrestles with this issue. However, though Academy staff hear about cumbersome employee removal processes at other agencies, the extent and forcefulness of the comments at EEOC were unusual. Forty-one surveys (28%), including a number that represented groups of interviewees, noted this, some quite emphatically. One RA noted that even if an office has established a good paper trail they are not supported in removing an employee. One HQ respondent said that EEOC should not only have a plan to replace and retain staff but one to be sure they retain only the effective performers. Several staff said that staff had to absorb work of poor performers or that if these individuals were replaced it would greatly reduce staffing problems. However, because of the current hiring freeze, there was sometimes added reticence to remove a staff member, because of the perception that someone operating at 50% efficiency was better than no one.

Other Agencies' Efforts to Focus on Performance

GAO reported that supervisors spend an average of five hours per week for each problem employee under their supervision. In a 1997 report, an Academy Panel examined flexibilities that would help federal agencies overcome barriers in federal human resources systems.[29] For dealing with problem employees, there were proposed solutions such as using alternative discipline programs (which focus on correction rather than punishment) and developing positive action contracts (which permit an employee to acknowledge areas that need improvement and participate in developing an improvement plan). The report gave examples of how other agencies had approached this, and the key to all of them was management commitment. In one example, employee grievances dropped 50% after implementing a positive action contract system.[30]

The Department of Defense Civilian Acquisition Workforce Personnel Demonstration Project has a number of components, one of which is to better connect employee contributions to the mission and organizational outputs. It will take time to integrate this fully into the performance appraisal system, and as a demonstration program there are ways to more directly correlate pay

[29] National Academy of Public Administration, *Innovations and Flexibilities: Overcoming HR System Barriers*, August 1997, Washington, DC, pp. 69-74.
[30] *Ibid*., p. 71. The reference is to the program operated by the Naval Surface Warfare Center at Port Hueneme, CA.

to performance (such as broadbanding and pay adjustments).[31] However, three years worth of data have begun to show that linking pay to contributions does lead to retaining those with higher ratings and encouraging less-effective employees (who had lower ratings) to leave. For example, employees in the lowest contribution category voluntarily left (mostly to retirements) at a rate of 24% after the first year and 27% after the second. Attrition rates for the mid- and upper-level contributors were 9-11% each year.

Panel Discussion: Staff Awards and Performance Evaluation Systems

EEOC's award program is not sufficient to adequately reward people and serve as an incentive to continuous improvement. Conversely, the extensive comments on the inability to address issues of poor performance suggest that the agency needs to thoroughly reassess the processes for evaluating and counseling employees and providing additional skill-based and motivational training when needed. When disciplinary action is not used as it can be, it can lead to serious morale problems. These were reflected in the Academy staff's interviews and the survey submissions.

Essentially, EEOC needs to create a performance culture. This is not a simple or easy task. Components are:

- The strategic plan sets the goals and outcomes.
- These are translated to each executive and office through the organizational and individual performance plans, with timetables, metrics, and clearly stated outcome expectations.
- The performance of those organizations and individuals who exceed those expectations is identified, rewarded and celebrated very publicly.
- The performance of those who do not meet the expectations is identified, and the individuals receive coaching and counseling to improve. If they improve, the improvement is recognized and celebrated. If they do not, the individual is either reassigned to a position that more properly fits with his/her interests and capabilities, or the individual is asked to leave the organization.
- The leaving can be mutual agreement and assisted with coaching and counseling, administrative time to look for another job, etc. Leaving can also be through the adverse action process of termination.

There are also classes and training sessions about how to create a culture of performance, and EEOC can consider adding these to its on-line training offerings. Other actions the Commission can take include: the Chair making clear at every executive staff meeting her expectations of performance and focus on a particular program/initiative. This can then flow down through the agency executives as they do their own communications with staff.

[31] Cubic Applications, Inc., *Baseline Implementation Report: DOD Civilian Acquisition Workforce Personnel Demonstration Report*, prepared for OSD/AcqDemo, Alexandria, VA, August 2000. Additional information is at the Demo website, www.acq.osd.mil/acqdemo/new_site/default.html.

The formal and the informal systems of the organization (program, financial, human capital) must coincide. Performance ratings have to reflect reality. Those who get awards and promotions have to actually be the outstanding staff.

ALIGNING SKILLS WITH RESPONSIBILITIES

The role of support staff changed with the advent of personal computers. In the past it was largely focused on document production. Now that many staff do much of their own data entry, support needs may be reduced, but this does not mean an organization wants its program and management staff doing routine administrative tasks on a regular basis. Throughout government, especially in high-cost cities, it has also become difficult to recruit and retain administrative support staff, who generally receive higher salaries in the private sector.

The Academy Panel recommends that EEOC:

- **Determine, by office and function, the extent to which higher-grade employees are spending time on support-like functions, and consider, within the availability resources and work priorities, whether investment in additional support staff would be justified by a measurable increase in productivity.**

- **Provide adequate training and career development for administrative and support staff.**

The 40% of the 186 respondents who cited the lack of administrative and support staff in EEOC mentioned such things as the need for receptionists, a duty that some senior staff sometimes shared with investigators as a form of moral support. Most staff do all their own clerical work. This was particularly vexing to a number of attorneys who said their work was very paper intensive, especially as they were preparing for trials. Fifty percent of those in litigation cited the need for more clerical support. It is important to note that there was no specific survey question on this, these were responses to open-ended questions about additional tools needed or what the strategic human capital plan should address.

EEOC provided data on the number of staff in clerical series, which include office automation assistants, clerk typists, secretaries, and legal clerks/assistants. This is shown in Table 5-6.

Table 5-6
Numbers of Staff in Clerical Series
1998-2002

1998	355 employees
1999	356 employees
2000	296 employees
2001	322 employees
2002	280 employees

The drop of 40 support staff in one year in such a small organization may illustrate the breadth of comments about the lack of clerical support. In one office, the director acknowledged the difficulty of filling clerical positions and said it might be more appropriate to fill the majority of these positions with temporary staff, since permanent staff did not tend to stay. Another thought that they should recruit for temporary positions and convert these staff to permanent slots when there had been time to assess the temporary staff member's skills.

It appears that part of the current shortage may have come about less through the agency wide hiring freeze than because of a past senior manager's perception that clerical positions should not be filled because all staff had personal computers. This policy no longer is in force. Among the examples of support staff duties that other staff gave which, if performed by support staff, would permit investigators, attorneys and others to focus on their principal duties were:

- Answering the phone, providing basic information, and taking messages
- Serving as office receptionist (which can be a rotational duty)
- Arranging scheduling, such as for intake interviews, mediation sessions, and outreach presentations
- Entering CDS data (which is on a separate computer, not the PCs)
- Scheduling travel
- Securing and scheduling meeting space in the office or elsewhere
- Pulling and copying documents for FOIA requests
- Copying documents for court cases
- Arranging contract services for large copy jobs
- Learning office software well to help other staff with more technical aspects of spreadsheet and document development and formatting

Several support and administrative staff responded to the survey, and they and others mentioned the need for support staff training in skills needed for their own work and in the EEOC mission and responsibilities. Often they are the first contact for the public, and they want to be helpful. One longtime administrative staff member noted that if the charge data system were accessible from every PC that support staff could let callers know the status of cases, which is what many callers want to know, and that would prevent a number of calls from being transferred to investigators.

Private-sector firms have begun to focus more on training for administrative staff, with the perspective that good training programs pay off in improved productivity and employee retention. Companies such as Booz, Allen Hamilton, Inc. permit administrative staff to take any of their 150 on-line classes as long as they can support a connection between course content and how it will improve job performance.[32]

[32] Martin, Anya, "Training," *Office Pro*, the publication of the International Association of Administrative Professionals, October 2002, p. 6.

Panel Discussion: Aligning Skills with Responsibilities

There has been what is termed "the professionalization of the clerical staff and the clericalization of the professional staff," according to the International Institute of Administrative Professionals, which ascribes this condition to the advent of personal computers. PCs help everyone become more productive, and have essentially obviated the need for the typing pools of old. However, administrative staff perform a wide range of other responsibilities. It is one thing for non-clerical staff to make a few copies or address an envelope as needed, but quite another to do bulk copying or prepare 20 documents for mailing.

EEOC's approach to assessing the potential inefficiencies resulting from inadequate clerical support should be based on an analysis of productivity. Adding clerical staff may not be the right approach if it results in lowered productivity. Therefore, the Commission should structure an approach that makes the measured change in productivity the key factor in deciding whether to realign staff around this issue. As noted previously, the Commission should also support this staff with adequate training.

* * *

The Draft Strategic Human Capital Plan is at Appendix H.

CHAPTER SIX
PERFORMANCE-BASED MANAGEMENT

EEOC's goal is to eradicate discrimination in the workplace. There are three documents that reflect EEOC's efforts to achieve this goal -- its strategic plan, the Chair's Five-Point Plan, and the PMA. Success in implementing the PMA will hinge on having an integrated strategy to achieve the five components—strategic management of human capital, competitive sourcing, improved financial performance, expanded electronic government, and budget and performance integration—assigning clear responsibility for action, and ensuring that the agreed-upon actions are carried out effectively and on schedule. In essence, the Five Point Plan has provided a framework for applying the PMA to agency operations. Its components are: proactive prevention, proficient resolution, strategic enforcement and litigation, expanded mediation, and EEOC as a model workplace.

The agency budget is the vehicle that translates the goals, performance standards, and measures of the Strategic and Annual GPRA plan and the Chair's Five-Point Plan into resource allocations. EEOC is now developing program performance measures that can be used to make management and budget decisions. The challenge will be to make this more than a paper effort, to help staff see that their daily work is directly related not only to achieving specific production or outreach goals but also to reducing discrimination through better performance as individuals and as an agency. In the short term, the chair's Five-Point Plan presents the broad priorities, but it is not a substitute for having the long-term strategic plan integrated with the budget.

USING BUDGET MANAGEMENT TO ENHANCE ACCOUNTABILITY

EEOC is developing stronger financial systems and has started relating the performance measures in its Annual Performance Plan to program results. Like most agencies, it does not yet have an integrated budget and performance process, and is in the early stages of defining and integrating performance measures into agency budget submissions and operations.

A high-performing organization builds the capacity of its senior managers to make program decisions and manage the budgets that relate to them and vests that authority in them, as appropriate. As capable managers gain more control over resources they will have more control over production and other results and EEOC can more readily hold them accountable for the work of their units.

The Academy Panel recommends that EEOC:

Delegate authorities to senior executives with accompanying budgets, management tools, and accountability.

- **Include with the delegation for compensation funds such features as a requirement that the Office of Chief Financial Officer provide each year's funding level and an estimate for the following year, as well as the**

requirement that the funding for hiring, promotions, within-grade step increases and the like must be within budget allocation for the current year and the estimate for the following year.

- **Train field and headquarters senior executives and associated staff to manage that portion of the EEOC budget for which they are accountable, and phase in additional delegations as appropriate.**

- **Periodically review program accomplishment against expenditures for which each senior executive is responsible.**

- **Annually assess the quality of budget and other resource deployment by each senior executive. Ensure that this assessment is a significant factor in performance appraisals, and withdraw or modify the delegation where circumstances indicate the need.**

- **Conduct a periodic review of spending by all offices to inform the reallocation of resources during the year to adjust for unanticipated imbalances in workload and new needs.**

The salaries and benefits portion of the agency's budget is managed in OCFO and EEOC office directors in headquarters and the field manage such things as funds allocated for travel, supplies, and, in the case of the field, funds for mediation contracts. Even with delegated authority and accountability to office directors, the OCFO will monitor resource use to reallocate funds as needed to ensure that the Commission uses it resources effectively.

Seventeen directors and other senior field staff often mentioned that they would like more control over resources, as did three in headquarters. These numbers include seven of the fourteen office directors who responded to the Academy survey. District directors had proposed to headquarters that they manage their non-compensation budgets, and headquarters in turn offered, during summer 2002, to let them manage their full budget, including salaries and benefits, beginning October 1, 2002. Without trained staff or management systems in place to do this, the district directors did not want the responsibility, but a number of them would like to work toward that goal. Most of them are still interested in managing their non-compensation budget at any time.

This approach would be in keeping with another Academy Panel's recent recommendation, that to the Field Directorate of the Bureau of the Census. That Panel supported the Census Bureau efforts to decentralize some budget activities, but also recognized that shifting to a more decentralized budgeting system for the regional offices would require a carefully planned and coordinated transition from the current system, as well as proven analytical capability at the regional level. The Panel saw this as coming from regional staff training or new hires.[33]

[33] National Academy of Public Administration, *The Field Directorate of the Bureau of the Census*, Washington, DC, July 2002, pp 35-34.

It is also consistent with recommendations an Academy Panel made in the late 1980s to the federal judiciary.[34] The judiciary adopted the Panel's recommendations and implemented a system of budget delegation, with requisite training and checks and balances. The result is that the judiciary has migrated to a culture that makes strategic decisions about the use of compensation funds, one that values and rewards these strategic decisions. The judiciary conducts a quarterly review of its decentralized program and budget authority. The review provides an opportunity for the program manager to discuss progress on critical strategic objectives, anticipated and unanticipated expenditures, and for the program manager, the CFO and the associate director for management to come to mutual conclusions about progress. It is also the opportunity to make program and financial course corrections with all the involved parties at the discussion table. If the EEOC decides to implement these recommendations, the federal judiciary can provide substantial insight and experience on a successful transition.

EEOC needs to let its managers manage to a budget. This does not mean there is no centralized management of the overall EEOC budget, but does mean that EEOC should involve managers in budget development and uses its budget execution process as a tool for managers. A centrally managed budget process can work well. However, EEOC is an agency in which the mission-critical work is done in the field, and its top field executives need to be responsible for the resources related to the work undertaken there. As EEOC moves toward a smaller number of "lead" offices than the current 24 districts, it should seek to staff them with senior executives and associated staff who have the capability to manage budget and other resources.

There are plans underway with the OFP and OCFO to decentralize the salaries and benefits portion of the budget in FY 2004. They expect this will include training for field staff and probably a transfer of resources, since the OCFO will no longer handle day-to-day management of these funds.

ACHIEVING BALANCE IN CASE MANAGEMENT

Thirty-six of the 146 survey and interview responses (a number of which involved groups of respondents) said that EEOC puts more emphasis on closing a given number of cases than on the decisions made as the cases were closed. They thought that stressing quotas could lead to questionable "cause" findings. While this is difficult to verify, the concern seemed strong enough that it would be worthwhile to examine whether the Commission's emphasis on reducing case-processing time is having any adverse influence on the thoroughness of case investigation.

The Academy Panel recommends that:

- **The Office of Field Programs routinely examine a random sample of closed cases from each office, on a rotating basis, to ensure that they were adequately investigated given the information the charging party and respondent provided.**

[34] National Academy of Public Administration, *Budget Decentralization in the Federal Courts: Evaluation Plan* (July 1988) and *First Annual Evaluation Report* (July 1989), Washington, DC.

- **The Office of Field Programs circulate and discuss aggregate case-processing timeliness data from each field office and use it to: determine whether variations are the result of especially good or poor work methods or management styles; share the best practices with other field offices; and work closely with offices that have problems to correct them.**

- **The Commission stress that cases are to be closed with the most appropriate resolution at the most appropriate time.**

Some managers were very clear that they set goals rather than quotas, and used these as a way to encourage staff to achieve top-level results. Staff throughout the organization were proud that EEOC's inventory of private sector charges had decreased and that many cases could be settled within 180 days. However, some were concerned that investigators sometimes did not adequately investigate all charges or dismissed them prematurely. Generally, this was seen as an issue related to meeting deadlines or quotas rather than one of employee performance, but there were a number of comments that some investigators who did not do thorough work faced no consequences for this. One district attorney said that some private attorneys complained about certain investigators and immediately asked for the right to sue if their charging party was assigned that investigator.

One district director thought that allocating resources to field offices based on numbers of charges received and resolved was a practice subject to abuse and could provide a disincentive to maintain low inventories. Specifically, the intake of charges could be inflated or deflated easily. This individual thought that considering total services rendered would be more accurate, and that upgraded databases would eventually let EEOC collect the data to track this. Another district director seconded this opinion, noting that basing staffing allocations on intake receipts resulted in "offices playing the intake numbers game. There are other measures to assess, such as proactive prevention, proficient, resolution, ADR, and strategic enforcement of litigation."

EEOC staff recommendations regarding closing cases were that the Commission:

- Use intake and resolution data as only one of several factors in allocating staff resources to field offices
- Fully implement the Priority Charge Handling Process plan of a cause determination being "more likely than not" clause[35]
- Provide equal emphasis on fully investigating cases rather than stressing the need to close cases quickly

Clearly, it is appropriate to set goals such as the 180-day target for investigating and resolving a case. However, at the same time, there will be factors that impede achieving this in some

[35] In the March 1995 report of the Charge Processing Task Force, one recommendation was that a new policy be that, "A wide variety of cases may be dismissed after the intake investigation is completed, or at a later stage after some additional examination if the evidence obtained does not establish that it is "more likely than not that discrimination occurred." p. 11.

instances, such as case complexity or a language barrier, that do not permit the charging party to speedily answer EEOC's requests for additional information.

As EEOC examines aggregate data more deliberately, it will undoubtedly discover that more thorough investigations led to better case development, but it will also notice that some office averages are raised or lowered because of individual investigators' average days per case. If this is because some more experienced investigators like to handle more complex cases and these take longer, that's one issue. If it is because some experienced investigators take much longer to process relatively simple cases than their peers, that may be an individual employee performance issue that needs to be addressed. In any such review of the impact of individuals' performance on aggregate office statistics, EEOC will want to ensure that it considers special circumstances, such as a disability that prevents an employee from operating at the same speed of others.

One agency that examines aggregate internal data and relates it to varied circumstances is the Bureau of the Census. For example, each month the Bureau conducts (for the Bureau of Labor Statistics) the Current Population Survey, which is an in-person interview that collects demographic data from about 70,000 households. It is the primary source of information on the labor force characteristics of the U.S. population, including the monthly unemployment statistics.

Each month for each office, the Bureau compares such things as overall response rate, proportion of interviews started that were able to be completed, and average time to complete an interview. By constantly reviewing these data, they know that it is harder to secure permission to do an interview in a large urban area, but there is less money spent on interviewer travel because interviewees are closer together. When they see lower response rates in one region, they study it to determine if this is because there are lower English-language skills in a community or one or two interviewers are less likely to convince people to participate. The former may mean they need more bilingual interviewers in an area, the latter may mean a couple people need more training in securing consent. The Bureau continually relates regional performance to individual production.

CREATING A MORE STRATEGIC FOCUS BETWEEN ENFORCEMENT AND LITIGATION

In its section on Strategic Enforcement and Litigation, the Chair's Five-Point Plan notes that EEOC's enforcement, litigation and federal sector programs will identify emerging trends and issues to become better able to make informed decisions on what topics merit Commission attention and allow the Commission to better integrate its policy, guidance, investigative, litigation and federal coordination functions to prevent employment discrimination. The Commission established a Strategic Enforcement and Litigation Workgroup in late 2001, and that group coalesced EEOC's efforts and developed the FY 2002/2003 Strategic Enforcement and Litigation Plan. It also worked with districts to examine issues identified through outreach and public contacts and with ORIP to establish baseline information on investigation and litigation activities.

While EEOC had stressed the need for early attorney involvement for several years, in early 2002 it reiterated and crystallized this through a memorandum from the OFP director and General Counsel. The memorandum noted that not only would attorneys be involved in all A-1 cases but that they could even participate in intake interviews and should consult on all aspects of the investigation, including preparing case development plans, developing requests for information, preparing for onsite investigations, interviewing major witnesses, and reviewing responses to requests for information. OFP and OGC also encouraged attorney involvement in A-2 involvement so that they and the investigators could develop early in the process any A-2 charges that could develop litigation potential. In Academy staff interviews with EEOC staff, staff in offices in which investigators and attorneys worked closely on cases thought they developed better cases, and senior OGC staff said this was clearly the case.

As it made the link between litigation and enforcement stronger, the Commission also decided that some A-2 cases could be eligible for mediation. The decision to send an A-2 case to mediation would be made only if the parties expressed interest in mediation and it was likely that a neutral third party could facilitate discussion of the resolution. In addition, EEOC would consider the impact of mediation versus potential litigation.

Examining Litigation Workload

As EEOC examines the number of office locations, and as the amount of private sector litigation appears to be decreasing, there is an opportunity to examine attorney staffing levels and determine whether private sector litigation work could be aligned differently. Table 6-1 shows some FY 2001 data on the litigation workload and case resolutions. The FY 2001 litigation workload (which consists of active cases at the beginning of the year plus lawsuits filed during the year) among districts varied from 66 in New York to 19 in New Orleans. There were 405 cases resolved that year, and these represented a combination of consent decrees, settlement agreements, favorable and unfavorable court orders, and voluntary dismissals. These ranged from 7 in New Orleans to 30 in Philadelphia. During the same period, there were 15 trials, 9 of which EEOC won and six of which it lost.

Table 6-1 also shows the number of attorneys on staff in each district office that year, and computes a ratio of litigation workload per number of attorneys. As staffing levels and litigation workload vary some from year to year, it is important to note that these data are only a snapshot in time. For example, New York has 66 cases and 20 attorneys in 2001 for a ratio of 3.1 cases to 1 attorney, but in FY 2000 had 68 cases and 16 attorneys, for a ratio of 4.25 cases per attorney.

These data come from a recent five-year study of the EEOC litigation program, which the OGC prepared.[36] Overall, district attorney staffing numbers grew from 196 in FY 1997 to 248 in FY 2002. During this time (starting in 1999), EEOC began putting attorneys in their area offices. The litigation workload has varied from 582 in 1997 to 750 in 1998, to 890 in 1999; it then drops to 875 in 2000 and 842 in 2001.

[36] Office of General Counsel, *A Study of the Litigation Program: Fiscal Years 1997-2001*, July 23, 2002. The number of attorneys per office includes RAs, supervisory trial attorneys, and staff attorneys. Information on the Washington Field Office is in the report, but was not included here because that office's legal unit was formed in the 4th quarter of 2001.

Table 6-1
FY 2001 Cases, Resolution, and Attorney Information, by District

Office	Consent Decree	Sttlmt Agrmts	Favor Court Order	Unfav Court Order	Vol Dismiss	Total Cases Resolved	Total Trials	Litig Wkld	Avg # Attys	Ratio Attys: Case
Atlanta	11	3	0	0	0	**14**	0	32	5	6.4:1
Baltimore	13	2	1	1	1	**18**	1	42	13	3.2:1
Birmingham	9	4	0	1	2	**16**	2	33	11	3:1
Chicago	12	1	1	0	0	**14**	1	41	10	4:1
Cleveland	9	2	0	0	0	**11**	0	41	14	2.9:1
Charlotte	13	1	0	1	1	**16**	1	31	9	3.4:1
Dallas	9	2	1	2	0	**14**	2	41	12	3.4:1
Denver	5	2	1	1	0	**9**	1	24	7	3.4:1
Detroit	9	1	0	1	1	**12**	1	32	8	4:1
Houston	13	4	1	0	0	**18**	0	35	6	5.8:1
Indianapolis	6	3	0	1	0	**10**	0	26	10	2.6:1
Los Angeles	2	1	2	0	0	**5**	0	21	10	2.1:1
Memphis	12	2	0	2	0	**16**	1	41	12	3.4:1
Milwaukee	7	3	3	0	0	**13**	1	37	14	2.6:1
Miami	10	1	2	0	0	**13**	1	32	9	3.5:1
New Orleans	3	2	0	1	2	**8**	0	19	9	2.1:1
New York	16	2	0	5	0	**23**	1	66	20	3.3:1
Philadelphia	4	5	1	0	3	**13**	1	55	12	4.9:1
Phoenix	2	3	2	1	2	**10**	2	38	10	3.8:1
San Antonio	9	6	0	0	0	**15**	0	38	11	3.5:1
Seattle	15	3	0	0	0	**18**	1	39	7	5.6:1
San Fran	9	10	1	0	0	**20**	1	43	15	2.9:1
St Louis	7	4	0	2	0	**13**	1	32	10	3.2:1
Grand Total	205	67	16	19	12	**319**	19	842	248	3.4:1

A ratio of cases per attorneys, as in the final column of Table 6-1, can be deceptive. For example, Atlanta and Houston have approximately six attorneys per case, but perhaps they are working on complex class action suits that will go to trial in the next year. Also, with the relatively small number of cases, a change of one attorney (new hire or attrition) changes the ratio substantially. However, it does appear that there are consistently more than three attorneys per case in most offices.

EXPANDING CAPACITY TO APPLY BEST PRACTICES

EEOC will have greater potential to bring more consistency to its work methods as it moves toward having fewer field locations and a National Call Center. EEOC's anticipated electronic filing system will also contribute to this. All EEOC field offices do not need to function the same way any more than all headquarters managers should use the same methods to motivate staff. However, some methods clearly work better than others, and effective methods should be identified and applied.

The Academy Panel recommends that EEOC:

- **Expand its capacity to analyze, validate, and disseminate information on best practices and take this one step further to correlate work methods or processes with results. If some methods are clearly better, the results achieved through them should be used in designing new standards of performance.**

- **Reinforce that the director of the Office of Field Programs is the individual who can determine which methods or operations appear most effective and require that all offices either use these methods or achieve similar results with the methods they use.**

- **Reward those offices or key staff within them when their work methods are selected as best practices that other offices can emulate, and ensure that those with poor practices are directed to improve and receive the support necessary to do so.**

EEOC staff said that prior to 1995 the approach to field operations was rigid, and since then flexibility has been the key. This would account for the different approaches to some core functions that the Academy staff observed, and may allow EEOC to apply some best practices to organizations that are not now using them.

Some examples of variations observed are in mediation, intake procedures and issues related to litigation workload. These are presented at examples of the kinds of management analysis that can be overseen and acted upon by the more visible, senior-level staff the Panel recommended should handle the policy and analysis functions for prevention/technical assistance, private sector enforcement, and mediation.

Variations in Mediation Results

EEOC successfully mediated 6,987 charges in FY 2001. Of the FY 2001 successes, 5,248 were handled by EEOC staff, 1,739 by contractors, and 336 by pro-bono mediators. The average time to resolve a charge through voluntary mediation was 84 days, a drop of 12 days from the prior year. The number of successful mediations per district was not equal, and cannot be expected to be, since the number of opportunities for mediation relates to the number of charges, and those vary widely.

Table 6-2 shows the number of charges per district in FY 2001 and compares these to the number of successful mediations as well as the number of staff assigned to mediation. It shows wide variations among the ratio of mediations to charges, from one mediation per 19 charges in Albuquerque to a ratio of 1:4 in Denver; the average was 1:12. Some have more mediation staff, others use more contractors, and some have a lot more pro-bono resolutions.

Table 6-2
Number of Charges, Mediations, and Mediation Staff
FY 2001

	Total Charges	Mediations for FY 2001				Ratio of Mediations to Charges	Assigned Mediators Per District	Available Mediators Per District*
		Done by Staff	Done via Contract	Done ProBono	Total			
Albuquerque	1,565	26	52	4	82	1:19	1.08	.25
Atlanta	5,406	400	46	8	464	1:12	6.50	4.60
Baltimore	2,620	76	121	53	250	1:10	3.50	2.14
Birmingham	5,262	335	71	0	406	1:13	5.00	3.98
Charlotte	3,987	245	73	18	336	1:12	4.00	3.06
Chicago	5,260	284	67	27	378	1:14	5.33	4.44
Cleveland	2,313	165	10	15	190	1:12	4.00	3.00
Dallas	4,185	244	29	3	276	1:15	2.94	1.60
Denver	1,234	270	21	0	291	1:4	3.92	2.98
Detroit	1,766	53	54	1	107	1:17	2.00	1.25
Houston	2,912	275	51	0	326	1:9	5.00	4.06
Indianapolis	4,099	537	20	0	557	1:7	7.00	6.03
Los Angeles	3,745	214	65	11	290	1:13	4.00	3.06
Memphis	4,551	280	105	15	400	1:11	5.08	3.73
Miami	5,163	325	84	0	409	1:13	6.50	5.28
Milwaukee	2,182	36	108	30	174	1:13	2.00	1.13
New Orleans	2,532	66	107	0	173	1:15	2.17	1.50
New York	3,836	204	72	33	309	1:12	4.42	3.12
Philadelphia	3,909	134	110	92	336	1:12	4.42	4.21
Phoenix	3,124	162	70	0	232	1:13	3.00	2.46
San Antonio	2,784	124	35	0	159	1:18	3.00	2.06
San Francisco	2,658	145	217	14	376	1:7	2.83	1.33
Seattle	1,419	68	107	2	177	1:8	2.08	1.25
St. Louis	3,363	219	19	0	238	1:14	3.42	2.66
Washington FO	976	30	10	10	50	1:20	2.17	.48
Total	80,761	4,917	1,734	336	6,986	1:12	97.34	70.91

* Part of the EEOC calculation for the number of available mediators considers the proportion of time the district mediation coordinator is available for mediation. If the coordinator supervises five to six on-board mediators, s/he is assumed to personally be available for mediation only one-tenth of the time. At the other extreme, if the coordinator supervises 0-2 mediators, s/he is assumed to be available for mediation half the time. In addition, these are actual "available mediators" for FY 2001. If, for example, OFP knew that one was pulled from mediation to investigation for half of the year, they deducted this half-year from the "available mediator" category.

Note: mediation results are presented by district rather than office. Some offices have only one mediator, and to show results by office would thus present individual production in a public document.

Reasons for the variations are many and could include the emphasis the district places on mediation, the extent to which some industries are more likely to use it than others and whether certain industries predominate in a district, the number of on-board mediation staff in a district, and the extent to which contract staff are used. On-board staffing would not be the sole factor in having a low ratio, but it probably made a difference in Albuquerque and the Washington Field office, which had the highest ratios and the lowest number of on-board staff. Emphasis on on-board staff over contractors may or may not make a difference, though there were a number of comments that contractors could not be used when funding was delayed. In looking for benchmark data for mediation, Academy staff talked to the Federal Mediation and Conciliation Service, the only other federal agency that mediates private sector charges. Internal staff do all their mediations.

Variations in Intake Procedures

Some offices permitted potential charging parties to arrive as walk-ins, others took only appointments, and one office did all intake via phone. Most EEOC staff expressed strong opinions that offices needed a central intake unit so that investigators could focus on ongoing cases. On the other hand, some saw value in being vested in a case from initial intake interview forward. Given the Academy' Panel's recommendations that a great deal of initial intake move out of offices to a National Call Center or electronic charge filing, EEOC would benefit from knowing which of the in-person methods (or which combination of them) are most effective.

A key question is whether intake procedures affect how private sector charges are categorized. In reviewing CDS data on charge receipts Academy staff noted that some districts have no Category C charges, while others have a substantial number. During interviews, Academy staff were told that some districts do not enter Category C charges into CDS. That could be an area where consistency is more important than flexibility, since the charges go into a national database and are used to support decisions.

Variation in Issues Related to Litigation

Table 6-1 showed litigation workload, the ratio of the number of attorneys to the workload, and case resolutions for cases that go to each district's regional attorney. While there is nothing wrong with variations, there should be information on the reasons for them. Many cases are closed without litigation, and EEOC tracks the reasons for closures, as shown in Table 6-3 for the 90,106 cases closed in FY 2001.[37]

Are there variations, for example, in the proportion of successful versus unsuccessful conciliations per office, and does that have to do with staff training or some other factor? Another area for exploration would be the quality of case preparation when investigators work with attorneys throughout the process versus when they do not. Staff in OGC said they perceive a substantial rise in quality when the two disciplines work together.

[37] EEOC total workload includes charges carried over from previous fiscal years, new charge receipts, and charges transferred to EEOC from Fair Employment Practice Agencies. Thus, charge resolution may exceed receipts for that year. For example, new receipts in FY 2001 were 80,840 and there were 90,106 resolutions.

Table 6-3
How Cases Were Resolved in FY 2001

Method of Resolution	Cases	Percent
No Reasonable Cause	51,562	57.2%
Merit Resolutions	19,908	22.1%
Administrative Closures	18,636	20.7%
Total	90,106	100%

Merit Resolutions included:

Settlements	7,330	37%
Withdrawals with Benefits	3,654	18%
Successful Conciliations	2,365	13%
Unsuccessful Conciliations	6,559	33%
Total	19,908	101%

Note: Percent does not add to 100% because of rounding.

A focus on process or methods can make a major difference in performance. After hearing numerous complaints in the field about the amount of time it takes OGC to approve regional cases for litigation, the Academy staff asked to review data in OGC.

There are two types of litigation proposals. The first type (20% of cases) requires a presentation memorandum from the regional attorney and goes to the Commission for approval. For the second type (80% of cases) the regional attorney is delegated the authority to decide and is required to provide OGC a 5-day notice before filing the case. Until recently, there was substantial delay on the 20% of cases that required presentation memoranda. However, that process has changed. The average days to close presentation memoranda has decreased from 194 days in FY 2000, to 102 in FY 2001, to 80 as of late August 2002. A key reason for the change is that the Acting General Counsel asked for quarterly reports on presentation-memo cases that were received and remained in OGC, and meets with supervisors to set priorities for these cases.

For the other 80% that are delegated to regional attorneys, initially the regional attorney would send the case to OGC for approval, and if they did not get a negative response in five days, they could litigate. In interviews and on mailed surveys, a number of attorneys and district directors said the regional attorney now cannot litigate until they receive approval for what should be five-day notice cases, and that approval can take weeks or months.

However, OGC began a tracking database for the "five-day cases" in July 2002. As of early September, there had been 74 cases received and entered. Sixty-four of the 74 were completed, and 75% were completed in seven calendar days or less. Of the ten not completed, seven had been in OGC less than five days and three had been put on hold. Academy staff asked OGC to pull prior cases from FY 1999 and 2000 for three of the offices staff visited, to get a sense of the basis for the many comments about the delays in processing five-day cases. While there were

occasional cases processed in less than 10 days, the timeframes were significantly longer than those now reported. For the three separate offices they were 48 days, 99 days, and 132 days. Thus, the perception was valid, but if Academy staff interviews were held today, the opinions might be different.

DEVELOPING THE CAPACITY TO LINK PERFORMANCE TO OUTCOMES

EEOC has done a great deal to assess and improve its operations, such as its charge-handling task force review that led to the Priority Charge Handling Process, and its review of best EEO practices of private sector employers. As EEOC processes charges faster, its work may have made more of a difference in the lives of charging parties. It is harder to document EEOC's impact on reducing discrimination overall.

As with most other federal agencies, it is easier to examine work processes rather than the results or impact of the work. For EEOC, this is in part because there are a number of factors that can affect employment discrimination besides EEOC activities, such as the economy, employers' organizational cultures, the growth of the immigrant population, personal biases, and many others. In addition, actions EEOC takes in one area affect others, and can be interpreted differently. For example, if EEOC does more outreach, charge filings may rise. While a higher volume of charges may appear to indicate more employment discrimination, they may simply mean more individuals know how to seek redress to discrimination they believe they have experienced. A reduced number of EEOC court filings as charge filings increase may appear to show lax enforcement. However, a larger proportion of cases may be resolved through mediation, therefore allowing EEOC to concentrate on more complex litigation and use its attorneys to help investigators develop better cases.

The Academy Panel recommends that EEOC develop methods to demonstrate the impact its work has on reducing employment discrimination in the workplace. This would be a multi-phased process, including:

- **Developing baseline discrimination metrics for certain industries, nationwide firms, or geographic areas**
- **Planning specific EEOC activities to direct toward the industries, firms, or areas that are implementing the activities and recording the level of effort**
- **Tracking discrimination levels in the selected industries, firms, or geographic areas**

This will have to be a very focused approach. For example, EEOC could target a given industry or nationwide firms based on factors of EEOC's choosing (such as past practices, proportion of workforce that has low literacy or English-language capabilities and thus may not understand their rights) and establish the current baseline for charge filing with FEPAs and EEOC. EEOC could then develop an enhanced education and outreach efforts for employers and employees, and monitor charges over time. In theory, the increased exposure would lead to more charges in

early years and reduced charges over time. The words "over time" are important. Impact assessments are longitudinal studies, not short-term assessments.

Examining Current Performance Measures

EEOC's annual performance reports measure such things as private sector charging parties who receive some kind of benefit, percent of cases resolved in 180 days, number of outreach sessions conducted, and number of consultations with employee and employer stakeholders. These kinds of data do provide useful information for management decisions and oversight. However, they are very different from true outcome measures.

For example, EEOC's Strategic Goal 2.1 is to "Encourage and facilitate voluntary compliance with equal employment opportunity laws among employers and employer groups in the private and federal sectors." Below is a presentation of some of the measures of this work, as shown in EEOC's FY 2001 *Annual Program Performance Report*, followed by a discussion of "next steps" in considering the impact of EEOC's actions.

- Held 251 outreach events to employers to encourage participation in mediation programs

  The next step would be to see, for example, if holding a certain number of events related to mediation means that more employers sign universal mediation agreements the next year. However, even that is an intermediate result. In the long term, if there is more mediation does it lead to greater employer understanding of better EEO practices and do charges from industries that have universal mediation agreements go down?

- Conducted 224 outreach, education, or other technical assistance activities to assist federal agencies make EEO program improvements, including establishing ADR programs throughout the EEO process

  The next step would be to determine if agencies that participated not only established or expanded their ADR programs but resolved more employee complaints through their mediation process, thus having a smaller proportion move to EEOC for hearings with administrative judges.

EEOC Strategic Objective 1.1 is to "Improve the effectiveness of the private sector enforcement program, including the use of charge prioritization, mediation, and litigation." Some of the EEOC measures (and suggested next steps) are:

- At least 70% of A-1 charges would have on-site investigations. (A-1 charges are those that EEOC believes most likely to succeed in litigation. In FY 2001, 30% had on-site investigation, which are those conducted at the employer location as opposed to having all work done via phone or document review.)

  The next step, from an enforcement standpoint, would be to determine if those charges for which there were on-site reviews were most likely to lead to litigation that

> EEOC won. From a prevention standpoint, did the on-site work lead to better employer understanding of what constitute discriminatory practices and thus a drop in charges filed from that employer's employees?

EEOC may not be able to link every statistic collected to a specific outcome, but if it targets a few outcomes it can begin to demonstrate how its programs make a difference not just in serving people who come to the agency but also in assisting employers and employees nationwide in reducing discrimination.

The Patent and Trademark Office has made sustained efforts to design outcome measures. PTO began with a dialogue with stakeholders and a review of existing measures.[38] It then used a team of graduate students to conduct an in-depth academic review of intellectual property measures. Concurrent with these efforts, PTO created self-assessment teams from throughout the organization and with participants from the Maxwell School of Public Administration. The teams used the Baldrige Criteria for Performance Excellence, over a two-month period, to focus on leadership, strategic planning, customer and market focus, information and analysis, human resources, process management, and business results.

PTO made a substantial staff investment: three days of training in the Baldrige criteria, a two-day planning session for conducting the assessment, four weeks of data collection, two days to present findings to all other team members, and another half-day to go over key strengths and finalize opportunities for improvement. That was three years ago, and this level of effort over a sustained period is one of the reasons PTO has a "green" rating from OMB in budget and performance integration and is known as a leader in strategic planning that relates to results.

MEASURING MAKES A DIFFERENCE

The expression "that which is measured gets done" can seem trite, but for better or for worse it is true in many respects. This is reflected on as broad a scale as the Government Performance and Results Act or as small a scale as an EEOC district office that has developed internal systems to track case progress.

The National Labor Relations Board (NLRB) is a federal agency that also receives charges from the public (theirs on unfair labor practices) using a dispersed group of regional offices as the primary point of contact for charging parties.[39] After criticism about the time it took to process complaints about unfair labor practices, NLRB created a system that has 10 performance factors for regional directors. NLRB compiles performance statistics that serve as the basis to rate and

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[38] National Academy of Public Administration, *Designing Outcome Measures at the U.S. Patent and Trademark Office: Volume I, A Dialogue with Stakeholders and a Review of Existing Measures*, Washington, DC, October 1999.

[39] NLRB has 32 regions, 3 sub-regions, and 16 resident offices. The latter have fewer than five people and are located in areas where there is less work but NLRB wants a small staff so there are fewer travel costs for investigations. All filings are done via paper, though a claimant can enter an appeal to a regional director's ruling via the web.

rank regional director performance. These include settlement rate, median days to process different kinds of cases, and number of compliance actions overdue. The approach was used as an example of federal productivity and remains in use.[40]

The Bureau of the Census has a detailed set of comparisons for each of the dozens of surveys their twelve regional offices conduct each year. They measure such things as cost per unit, success rate in securing personal interviews, interview time per survey, and many more. Through a focus on best practices, the bureau's Field Directorate facilitates having regions that excel in one area share their methods with others. At the same time, the bureau recognizes that there are many differences among regions that account for variations, and there is not a "one-size-fits-all" approach.

The challenge is threefold—determining what to measure and ensuring that what is measured relates some to work processes and more to results, recording the measurements, and relating individual performance management systems and actions to the broad performance measurement system.

[40] Office of Personnel Management, "Exemplary Practices in Federal Productivity: Case Management in NLRB's Office of General Counsel, 1980.

CHAPTER SEVEN
IMPLEMENTATION AND COMMUNICATIONS

The administration's timeframe for agency restructuring plans is a five-year one. The timeline proposed in this implementation strategy and plan is four years. If sufficient resources are made available it may very well be possible for the agency to accomplish these recommendations within three years. A few can be implemented almost immediately, and others can be phased in over the next several years. Implementation must be addressed with commitment and a sense of urgency. The agency mission is critical and the needs of its customers warrant investing dollars and a commitment of the agency's mind and heart to implement the changes the Academy Panel has recommended.

Organizational transformation is always a careful blend of setting the appropriate organizational values, encouraging a culture of performance, holding individuals and organizational units accountable for their performance, ensuring workforce diversity, and having a well thought-out implementation strategy and detailed implementation plan and a well-designed and expressed communications strategy and plan. Successful organizational transformation also assumes that certain fundamental building blocks are in place. These building blocks include:

- A strong analytical capacity for programmatic, financial and human resources issues
- Highly skilled leaders, managers and supervisors, a well-trained and motivated workforce
- A culture of continuous performance improvement and continuous learning
- A robust information technology infrastructure
- Financial resources to invest in transformation
- A training capacity to provide all employees of the organization the new information and skills to perform successfully in the restructured environment.

These building blocks are not in place in the EEOC. If the organization is to undertake successful transformation, it must step back and develop the basic building blocks.

Organizational transformation demands leadership and the involvement of *ALL* the organization's stakeholders - political and career leaders, managers, supervisors, individual employees, unions, interest groups, as well as the OPM, OMB and congressional committees and staff who provide oversight and assistance to the EEOC. With the commitment and involvement of these individuals and groups, the agency will have a powerful coalition of supporters who can assist its transformation efforts.

Organizational transformation also requires substantial upfront investments to realize the ultimate benefits of organizational restructuring and performance improvement. Examples of investments the EEOC will need to make include those associated with: the transfer and outflow of employees as the workforce is reshaped; the need to invest in technology to realize productivity increases; the information technology investment needed to facilitate telework and other forms of a more mobile workforce; and the leadership and staff time and effort required to develop and refine the Strategic Human Capital Plan items such as identifying and developing

competencies, assessing the degree to which the workforce has those competencies, and related activities.

IMPLEMENTATION STRATEGY AND PLAN

The Academy Panel recommends that the EEOC develop an implementation strategy and detailed implementation plan for the changes it decides to make and use the plan to manage the implementation process.

As part of the implementation strategy the EEOC should:

- **Decide which of the Panel's recommended changes do not require extensive consultation and can be implemented immediately.**
- **Identify a small staff responsible for planning, execution, tracking and implementation assessment efforts.**
- **Present to OMB funding estimates and justifications for the multi-year restructuring plan, seeking the first-year resources at minimum as a change to the pending FY 2004 request now at OMB. Explore with OMB whether any additional resources for FY 2003 might be provided as a small amendment to the FY 2003 appropriation.**

The implementation plan must identify who has the overall responsibility for the implementation process. In the Panel's judgment this is the Chair's role, with delegation to appropriate subordinate staff. The plan should identify every action to be taken, who is responsible for that action, the date it is to start and the date it is to be completed, as well as identify the responsibilities of executives, managers, supervisors, employees, union representatives, and external stakeholders. It must also: identify who is to champion each of the recommendations that the EEOC decides to adopt and the specific tasks that accompany that assignment; identify which recommendations and actions can or should occur simultaneously and which must occur sequentially; and include progress reviews at the Chair's weekly meetings with the agency's executive staff that discuss strategy, progress, problem identification and resolution, and related issues.

Organizations, such as the federal judiciary, that have led successful transformation efforts also establish a policy group to review and recommend solutions for policy and process issues that arise during implementation. Usually members of the policy group are those agency executives and managers who have program and/or financial responsibility for policy and procedural issues. The implementation plan must include a mechanism for updating the implementation plan. Finally, and critically important to the success of transformation efforts, implementation responsibilities must be a component of the performance assessment plan of each individual assigned tasks under the plan.

Table 7-1 provides a summary implementation plan outlined in five phases.

- Phase 1 identifies actions that do not need further consultation and can be taken immediately; it also outlines the detailed planning components essential to the longer-term success of the transformation effort, and sets up the transformation infrastructure, including the consultation with internal and external stakeholders.

- Phase 2 identifies actions to develop and implement pilot projects, completes the headquarters restructuring, and complete development of critical competencies and other important strategic human capital activities.

- Phase 3 involves expanding the pilot projects, and fully implementing those initiatives that need no further testing.

- Phase 4 involves fully implementing the nationwide restructuring.

- Phase 5 is an assessment of the results against established criteria for success. The agency can then make needed adjustments based on documented results.

Throughout the transformation process, the agency leaders should continue to consult with and involve internal and external stakeholders in all programs and efforts. The basic tools for managing transformation, the communications strategy and plan and the implementation strategy and plan, should be continually reviewed and refined.

Table 7-1
Phased Implementation Strategy

PHASE ONE: These activities should be accomplished within 3 to 6 months.

- Identify those actions that can be taken quickly and successfully to demonstrate the Chair's, the Commissioners' and the agency's resolve to change the performance culture of the agency and show real movement towards solving long standing problems. Among the actions that can be taken are:
    - Develop the communications strategy and plan. Include the Chair's statement of her goals for restructuring and identify the Chair, the Commissioners and executive staff as champions of change.
    - Implement the near-term communications strategies, including the transformation website.
    - Set up a web page to keep internal and external stakeholders informed on transformation activities and progress, and to receive questions and feedback.
    - Identify the project manager(s) for the overall change effort and a small staff of three to four to assist the project manager.
    - Fill critical leadership positions with individuals who have the executive and leadership competencies identified in the OPM Executive Core Qualifications, as well as the requisite technical qualifications, so that these individuals can play an active and successful leadership role in the transformation.
    - Fill other critical staff vacancies, including critical clerical vacancies.
    - Set up a new toll free number for telephone charge filing and publicize it in a limited area so that a small group of customers and staff can test it and develop procedures for the National Call Center.

- Expedite development of electronic filing so that the pilot test can begin in Phase Two and be incorporated into the investigation process prior to advertising it extensively.
- Develop the budget request for litigation software and see if this can be added to the FY 2004 budget request.
- Fund and implement the agency awards program.
- Fund and implement some portion of the tuition assistance program.
- Request early-out authority from OPM.
- Establish a career counseling and transition center.

- Identify and work on those issues that require longer-term planning and development. Among the issues will be:
  - Complete the strategic human capital plan and begin the rest of the workforce planning process, including the analysis of those who are eligible and plan to retire.
  - Conduct the internal and external consultations for the restructuring recommendations.
  - Develop the detailed implementation strategy and plan.
  - Develop the funding strategy and plan.
  - Revise the information technology plan to provide the needed infrastructure
  - Initiate the critical competencies study.
  - Initiate succession planning program implementation.
  - Develop the telecommuting pilot.
  - Identify the first round of headquarters and field offices to be restructured.
  - Implement restructuring

PHASE TWO: These activities should be accomplished within 6 to 12 months

- Develop web-based Individual Development Plan (IDP) program.
- Prepare individual IDPs.
- Develop the multi-year training plan.
- Prepare the comprehensive cost estimate for skills development needs.
- Realign work so that technical and managerial staff do their highest-level work.
- Implement next phase of restructuring in headquarters and field installations. including expansion of telecommuting, mobile workforce pilot.
- Assess the toll-free number experiment and expand the pilot for the National Call Center.
- develop and implement secure software needed to support telework and mobile workforce
- Begin the pilot for electronic filing.
- Acquire and pilot test litigation software.
- Acquire strategic decision support software and test its use,
- Complete succession planning implementation.
- Complete next phase of critical competencies study.
- Begin linking recruitment, hiring, promotion, and continuous learning to the critical competencies.
- Revise individual performance elements to link to organizational performance goals.
- Develop metrics for revised performance elements.
- Redesign the agency awards system.
- Revise the process for evaluating, counseling and terminating poor performers.

PHASE THREE: These activities should occur within 12 to 24 months

- Implement next phase of restructuring headquarters and field installations including expansion of telecommuting and mobile workforce.
- Assess agency positions and redesign if necessary.
- Implement next phase of training program.
- Establish the National Call Center.
- Begin formal roll out of electronic filing.
- Expand litigation support software usage.
- Assess strategic decision software pilot and expand usage.
- Use results to inform strategic priorities, programmatic decisions, human capital, budget development, and decisions.
- Complete critical competencies study
- Link all human capital decision to competencies
- Implement new leadership model.
- Assess all restructuring and program change efforts against metrics established.
- Delegate budget authority, provide needed training and metrics, and begin quarterly financial reviews.
- Develop baseline discrimination metrics by industry and identify activities to test them.
- Assess virtual libraries, video conferencing and web cameras.

PHASE FOUR: These activities should occur within 24 to 36 months

- Complete restructuring the Commission.
- Complete expansion of the telecommuting workforce.
- Continue formal roll out of electronic filing.
- Complete roll out of litigation support software.
- Complete roll out of strategic decision software.
- Develop analytical tools and program activities to test the Commission's impact on eliminating discrimination.
- Use results to inform strategic priorities and decisions related to programs, human capital, budget development, and information technology.
- Assess programs against established performance measures.

PHASE FIVE: These activities should occur within 36 to 48 months

- Assess restructuring against established metrics.
- Assess telecommuting and mobile workforce against established metrics.
- Use results of strategic decision software to inform strategic priorities and decisions related to programs, human capital, budget development, and information technology.
- Implement new technology solutions such as video conferencing, web cameras, virtual libraries.
- Assess programs against established performance measures.

COMMUNICATIONS STRATEGY AND PLAN

A critical first step in successful change is to announce that the Chair, the Commissioners and the EEOC executive staff are the champions of these recommendations and committed to

implementing them. Among their most important tasks is to explain the impact the Chair expects the changes to have within and outside the organization.

The Academy Panel recommends that:

> **The EEOC develop a communication strategy and plan that identifies all the internal and external stakeholders, the issues and communications methodologies to be used with each, the frequency of communications, and the mechanisms for stakeholder feedback.**

The communications strategy and plan are at the heart of successful implementation of the Panel's recommendations. The strategy must include a philosophy of open, candid sharing of information and listening to the feedback it generates; top-down as well as bottom-up communications channels within the organization that include executives, managers, supervisors, employees and union representatives; and a commitment to involving external stakeholders, including interest groups, OPM, OMB, and GAO, congressional committees and staff.

The communications plan must be in writing and identify:

- The individual who has overall responsibility to develop and implement the communications plan
- The roles to be played by executives, managers, supervisors, employees, union representative, and external stakeholders
- Who is to the champion each of the recommendations that EEOC decides to adopt and the communications tasks that accompany that assignment

The plan must also:

- Provide for the Chair's weekly meetings with the agency's executive staff to discuss strategy, progress, problem identification and resolution, and related issues
- Explain communications channels that will be used (e.g. memoranda, letters, e-mail, individual and group meetings) to convey and receive information
- Establish a link on In-Site and update project status regularly

The Commission needs to set specific dates, times, and responsible individuals for each component of the communications plan. For the plan to continue to be useful, there must be a time and method for updating the plan. Finally, communications responsibilities must be incorporated into the performance assessment plan of each individual assigned tasks under the plan. Appendix I contains the proposed communications plan.

DEVELOP RESOURCE ESTIMATES

The goal of restructuring is to improve the EEOC's performance, its resource utilization and its service delivery. To achieve these outcomes will require significant upfront investments. Each action to be taken will require an assessment of the upfront investments and other related costs as

well as the benefits to be gained. In addition, the agency will want to capture the metrics of what is currently being done, as well as develop metrics for what is to be done so that it can assess progress toward goal achievement, and make adjustments as needed.

> **The Academy Panel stresses that to achieve substantive improvements requires real increase in resources each year for several years. This would be over and above the flexibility that can be realized against internal realignment and reallocations.**

PROVIDE TRAINING

Training is a key ingredient if the EEOC is to realize the full benefit of the changes and investments it will be making.

The Academy Panel recommends that:

> **The EEOC develop appropriate training to ensure that staff who use or are responsible for the new methods and policies have the knowledge to fulfill new roles and responsibilities successfully.**

Just-in-time training will be a critical success factor for agency employees. The agency must identify what subject matter knowledge and process change knowledge is required for those who will be held accountable. The training should also include any related information about the metrics that will be used to judge performance.

While training will present a significant challenge as well as investment, it also offers the opportunity for the agency to consider a variety of training methodologies. For example, the EEOC may want to consider a combination of traditional training with computer-based learning. Computer-based learning is particularly well suited to helping individuals learn new work procedures. It has the added advantage that it can continue to be accessible on the agency's web site if employees need refresher training.

As the agency develops its training strategy and plan, it should consult with OPM to be sure it knows the latest e-learning available. In addition, the IRS and the federal judiciary (Administrative Office of the U. S Courts and the Federal Judicial Center) have each designed and delivered training associated with significant organizational change initiatives. Each agency has developed a successful model to identify training needs, develop and test training modules, involve agency leaders and employees in the training design and delivery, and assess the return on investment for the training dollars expended. Each agency has also identified which types of training are best delivered through traditional training methods and which through computer-based or distance learning technologies.

APPENDICES

PANEL MEMBER AND ACADEMY STAFF BIOGRAPHIES

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Kenneth Hunter is a Senior Consultant to the Academy and was formerly Deputy Director of the Academy's Center for Human Resources Management. He held numerous executive-level positions with the U.S. Department of State, including deputy assistant secretary for passport services, where he directed all U.S. passport operations and managed a staff of 1,000 employees. He also served as the State Department's deputy assistant secretary for personnel and executive director of the Foreign Service Institute. Prior to joining the State Department, he was director of personnel at the Federal Trade Commission.

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APPENDIX B

RESULTS OF INTERVIEWS WITH AND SURVEYS OF EEOC STAFF

In a series of interviews and responses to an in-person or mailed survey, EEOC staff have provided substantial background information and constructive suggestions for change. Some of the surveys were the product of group meetings in field offices, so while 146 responses were tabulated, they actually reflect the comments of more than 200 individuals. This appendix is organized to discuss their input in terms of the Academy's 39-question structured interview guide (referred to as the survey).

Academy staff visited five district, two area, and two local offices, and 123 of the 146 total interviews/surveys analyzed were from field staff. Thus, the results reflect more of their perspectives. However, as the discussion in this chapter will show, the views of headquarters and field staff are very similar. Sixty of the 146 surveys were from individuals interviewed in person, and the other eighty-six were mailed or emailed to the Academy. All EEOC staff had the chance to comment, as they had access to the survey on the EEOC Intranet site, know as In-Site. Some of the surveys were the product of group meetings in field offices, so while 146 responses were tabulated, they actually reflect the comments of more than 200 individuals.

Given that EEOC has more than 2,700 staff, the 146 respondents do not represent a statistically significant sample. However, there were many common themes among the in-person and mailed responses. The Academy staff used the responses as a point of reference for asking for additional information or conducting additional interviews, not as conclusive information in and of themselves.

Most questions survey were asked in general terms, such as whether respondents had adequate tools to do their work, or what suggestions they would make to the Academy as it developed the commission's restructuring plan. A few were specific, such as those that asked about respondent familiarity with the strategic plan or the chair's Five Point Plan. Thus, when the responses discussed in this appendix talk about those who thought, for example, that there was inadequate clerical help (58 or 40%), these were comments made at their own initiative rather than 58 of the 146 responding positively to a question on this topic. Even when there were specific questions, not all respondents answered them at all, especially for the mailed surveys. Thus, while 44 (30%) said they were familiar with past strategic plans it does not mean that 70% were not.

The disciplines in which the 146 respondents worked were:

Litigation	38
Investigation	37
Office of the Director, field	13
Hearings	12
IT	8
Enforcement (investigation supervisors)	7
Administrations	7
Mediation	6
Clerical	5
Office of CFO	4
Outreach	3
Policy staff	3
Misc (one from OIG, one unknown, one affirmative action)	3
Total	**146**

PRIVATE SECTOR CHARGE PROCESSING

Twenty-one respondents said that 1995 changes that introduced the Priority Charge Handling Process (PCHP), which permits EEOC to dismiss without investigation charges that are clearly without merit, have substantially improved the timeframe and quality of case processing. Prior to PCHP, investigators had as many as 125 cases and there was a substantial backlog. With 25-50 cases each (it varies by office), staff can more fully investigate; interviewees said a large proportion of the cases were closed within the 180-day goal.

Offices manage charge processing differently. Some do intake (initial interviews) only with appointments, some accept walk-ins, some do a mix of appointments and walk-ins with phone intake; one office does all intake via phone. There is generally a rotation process whereby investigators do intake some days or weeks and investigation work the rest of the time; 20 of respondents favored having a single intake unit, staffed by individuals who did only this.

The intake investigator decides on the status of a case (A for potential cause; B for mediation; and C for dismissal). In most offices, whoever does Intake is assigned the case for investigation. In some offices there is concern that this is conflictive since the intake investigator controls his/her own caseload by coding more Cs. In one district, interviewees suggested developing a good video on what is discrimination that could answer some initial questions for persons walking into the offices, which would reduce what the intake investigator has to say each time he/she begins an interview.

There are mixed opinions on using the Internet for electronic charge processing. Twenty-one specifically mentioned it as a needed innovation; others strongly believe that one-on-one interviews are important since perceived discrimination is such an emotional issue and the face-to-face interview helps the EEOC staff assess a charging party's credibility. Some of those who favored electronic charge filing noted the need for tightly worded questions for the complainant

with the opportunity for phone or in-person follow up as needed to clarify issues. A few had concerns about privacy issues in electronic filing.

Among the suggestions that EEOC staff had to better serve the public through the intake process were to:

- Develop for each office a modern phone system that would have options for different types of information and would route the caller directly to a staff member for intake or permit the caller to leave a voice message.

- Create one national or several regional call centers with staff experienced in taking charges over the telephone, then route the completed intake forms (electronically) to the appropriate office.

- Establish a central intake unit so that investigators do not have to stop work on cases for a week to handle initial intake interviews. (21 had suggestions on revamping intake procedures.)

- Ensure that intake interviews deal with the facts of the case and do not become an opportunity for counseling the complainants on issues other than on topics such as how to file with EEOC and how the EEOC process works.

- Permit web-based charge taking (21 said this) or entering charges at kiosks in public places. (There were some cautions about ensuring privacy for these options.)

- Establish "satellite" offices, which in EEOC parlance means regularly scheduled meetings in underserved areas, so that people don't have to travel far to reach EEOC.

- Stress telecommuting (and the IT systems to support it) so that investigators do much work from home and periodically hold intake sections in local government offices (such as the Post Office) of underserved areas. (25 favored more options for telecommuting.)

- Hire more bilingual staff and/or have established interpreter contracts so that monolingual charging parties have full access to EEOC services.

The primary concern was that there be easily accessible ways to contact EEOC. For some charging parties, technology enhancements (such as phone centers or web-based charges) would be a great benefit. For others, such tools would be threatening. No one thought that all face-to-face charge taking should be eliminated.

Managing Charge Data

Respondents noted that there is no mechanism for field staff to see cases beyond their own office, which means they cannot, for example, tell if an employer has charges elsewhere. Headquarters can do this because they have access to the full Charge Data System (CDS); the field can request that HQ check this; some offices say this process moves quickly, others said it

did not. A few referred to the new tracking system being piloted in three offices (the Integrated Mission System, or IMS), and that it could provide more access. One respondent expressed frustration that the new system was not developed by the users but rather by OIRM and then handed off to the field; they question whether it will fully meet their needs.

Pursuing the Investigation

A number of staff said that declining resources strained their ability to address all aspects of each investigation as quickly or as well as they would like. They also said that many cases were more complex than in the past, especially those involving violations of the Americans with Disabilities Act (ADA), which requires becoming familiar with a number of medical issues.

Several offices cited regular contact with trial attorneys during the investigation, which enabled the investigators to prepare better cases should they need to go to litigation. Other offices said there was relatively little contact, while a few said there was almost hostility between the two groups. Some offices have established "A-1 Units," teams of investigators and attorneys that develop those charges of discrimination that are deemed litigation-worthy, based on the NEP and LEP.

EEOC staff suggestions for pursuing the investigation were that EEOC:

- Make sure successful strategic cooperation between enforcement and litigation is an element in each division director and regional attorney performance evaluation, and counsel these officials if there is not good cooperation.

- Replace Corel software (Wordperfect, Quattro Pro, Paradox) with Microsoft Office so that EEOC can more efficiently receive and send information from employers and private sector attorneys.

- Stress thorough charge investigation.

Closing Cases

Thirty-six of the 146 who were interviewed or replied to surveys said that they thought that EEOC put more emphasis on closing a given number of cases than on how they were closed. They thought that mandating quotas could lead to questionable "cause" findings.

One district director thought that allocating resources to field offices based on numbers of charges received and resolved was a practice subject to abuse and could provide a disincentive to maintain low inventories. Specifically, the intake of charges could be inflated or deflated easily. This individual thought that considering total services rendered would be more accurate, and that upgraded databases would eventually let EEOC collect the data to track this. Another district director seconded this opinion, noting that basing staffing allocations on intake receipts resulted in "offices playing the intake numbers game. There are other measures to assess, such as proactive prevention, proficient, resolution, ADR, and strategic enforcement of litigation."

EEOC staff recommendations regarding closing cases were that EEOC:

- Use intake and resolution data as only one of several factors in allocating staff resources to field offices
- Fully implement PCHP plan of a cause determination being "more likely than not" cause[41]
- Permit staff to fully investigate cases as they see fit rather than stressing the need to close cases quickly

LITIGATION AND ENFORCEMENT WORKING TOGETHER

A number of interviewees noted there are inherent problems in the fact that litigation is under the regional attorney (RA) and enforcement under the district director, and that how well these two disciplines work together is up to the personalities of the individuals in the two positions.

Often cited—by attorneys, investigators, managers—was that OGC has pulled back the RA authority to determine which cases to litigate, and that this has greatly increased the time for making these decisions. Twenty respondents said that RAs should have greater authority to determine whether a case moved to litigation. Attorneys said their recommendations were reresearched in HQ, and the many layers of review were wasteful. Cases dealing with the Americans with Disabilities Act receive the most scrutiny, though they are reviewed primarily in the Office of Legal Counsel. One investigator said that cases could take so long in OGC that if it comes back for additional research it is like having a new case.

Some offices had close working relationships, with legal staff serving as a readily available resource for investigators or holding lunchtime seminars with investigators to continually increase their skills at developing cases that could be well litigated. Others reflected difficulty in developing and maintaining good working relationships. Several HQ and field managers indicated that a district director should not have persons working in his/her office who are not under his/her direction and authority, and a few said that the RAs should report to an attorney (the implication being the general counsel) rather than the district director.

MEDIATING PRIVATE SECTOR CHARGES

A number of respondents said that contract funds for mediators were not available as they completed the survey or there were long period when they were not. This meant all mediation had to be done in-house.

[41] In the March 1995 report of the Charge Processing Task Force, one recommendation was that a new policy be that, "A wide variety of cases may be dismissed after the intake investigation is completed, or at a later stage after some additional examination if the evidence obtained does not establish that it is "more likely than not that discrimination occurred." p. 11.

Eighty respondents noted what additional resources or tools were needed to fully implement ADR in the public and private sector arenas; ten of these were from headquarters.

- Twelve encouraged EEOC to hire more internal mediators to better balance the workload since contract funds were not available or were insufficient. Two of these said there should be mediators for the federal sector work.
- Ten said EEOC should work with employers to publicize the program better, some of these suggesting publicizing very successful cases as an incentive.
- Some people think investigators can be trained as mediators while others think the skills are different; some think mediation should remain in enforcement and some think it should be separate.

OUTREACH

There is one outreach staff member per district. Other staff said they volunteered to assist, but that they must still maintain a full caseload. Several people commented that mediation and outreach (the latter geared to prevention by working with employers) are chair priorities, but this is not reflected in resources.

There were only three responses from field outreach staff, and none from anyone in headquarters who dealt exclusively or largely with the program. However, field office directors and investigative staff often commented on it, too. Some of the suggestions were:

- Allocate more resources to outreach.

- Provide tools to help set up speaker bureaus and develop other resources.

- Collect more data on companies and issues so that EEOC can better track trends and know which companies are having problems, so the limited outreach budget can be better targeted.

FEDERAL SECTOR HEARINGS

This area was discussed by the administrative judges (AJs) who conduct the hearings and a number of other senior staff. There were two primary concerns. A number of respondents noted the disconnect between AJs reporting to the district directors yet getting the policy guidance on their work from the Office of Federal Operations; six suggested that a separate Office of Administrative Judges be formed, or that AJs in the field report directly to the Office of Federal Operations rather than the Office of Field Programs. As one AJ said, "The prime problem is the management structure. The people who manage us have no accountability for our work; it is 25% of one element of a district director's performance appraisal." A couple of interviewees suggested that AJs should report to the RAs, and a couple of RAs said they did not want the function.

There was also concern about a perceived chair proposal that the hearings function be abolished. Respondents' concern was that eliminating the EEOC hearing process and compelling complainants to go to federal district court would lengthen the time for resolution and take away from the confidentiality and privacy that the hearings process engenders. [Note: this was not a formal chair proposal.]

Some administrative judges would like subpoena power, and several were concerned with what they saw as a growing commission focus on the numbers of cases processed rather than the quality of the work. Nearly all of them mentioned the lack of clerical support.

One of the AJs summed up the redesign needs as, "OFO needs to change some definitions to come into line with the federal courts, and the AJs need additional authority to dismiss nonmeritorious complaints so that time is spent more effectively, on cases that may have merit. The AJs are in a difficult position due to the fact that any of our decisions that are appealed go to OFO, which is not in our chain of command…The result is we are under pressure from OFO to process cases in certain ways, which takes longer, while our district directors want the numbers to increase."

More common suggestions for the federal Hearings process were to:

- Separate Hearings from Enforcement by putting it under OFO, which would oversee fieldwork, coordinate activities, provide training, and ensure quality work.

- Provide appropriate clerical and paralegal support so that AJ time is spent effectively.

- Seek full input from EEOC staff and stakeholders before making decisions on how to streamline the Hearings process.

TOOLS NEEDED TO GET THE WORK DONE

There were some positive comments about tools at hand. Fifty-six respondents said either the support they received was adequate or there something good about the support they received. Not all of these comments were made in conjunction with the question on adequacy of support tools.

The responses for the 39 who elaborated on what worked well are shown in Table B-1 (attached to this appendix) as a way of sharing some best practices ideas and compliments.

Many indicated that the tools are inadequate and out-of-date when received. The summary of responses of additional tools staff need to do their work well is as follows:

58	More clerical support
48	More staff or staff with interpreting skills
45	Training (computer training often noted)
25	Software (Microsoft programs, case litigation)

24 Equipment (better phone system, working copiers, scanners, laptops)

Field staff often mentioned their antiquated phone system (which appears to be a significant problem in many field locations), unpredictable first and fourth-quarter funding, use of Corel rather than Microsoft products (which made it hard to communicate with employers or litigants), and inadequate training. Attorneys in the field also indicated that they do not have sufficient computer or technology support, for example, shared printers or laptops, slow scanners, or outdated scanning software. Many field offices voiced the need for more bilingual staff.

The 40% of respondents who cited the lack of clerical support cited such things need for receptionists, a duty that some senior staff sometimes shared with investigators as a form of moral support. Most staffs do all their own clerical work. This was particularly vexing to a number of attorneys who said their work was very paper intensive, especially as they were preparing for trials. Fifty percent of those in litigation cited the need for more clerical support. It is important to note that there was no specific question on this, these were responses to open ended questions about additional tools needed.

Attorneys said there is no software to track their work, and they must generate most reports by hand. Such software had been planned but resources were not made available. Some mentioned there is commercial software that could be used, but EEOC does not buy it. They mentioned software would assist in case preparation and ensure that there is appropriate sharing of information among offices to avoid duplication of work and embarrassment to the agency.

ENHANCING MANAGEMENT AND COMMUNICATION

Planning Efforts of the Past and Present

Several questions asked for opinions on the current and past strategic plans and the chairs Five Point Plan. Eighty-five (58%) said they were familiar with the current strategic plan, and 51 of them could say how it affected their organization. Some of these replies were rather terse, such as “all of it,” and some referred to implementing the PCHP or the National Enforcement Plan (NEP) as the strategic plan. Others were more specific and mentioned things such as increased interaction between attorneys and investigators, outreach, and mediation. A number of field respondents said that all parts of the plan affected their offices. In addition to the 51 who said how the plan affected there office were fourteen others who had a less positive reaction to it in their description, such as they didn’t think it affected their office much, the only goal was to close cases, or that the plan was short on substance and it offered no realistic way to address workload and resource changes.

Forty-four (30%) indicated familiarity with past strategic plans. Many of those who commented on past ones were complimentary of the change to PCHP (which technically was not part of a strategic plan); they would use terms such as “brilliant” or “genius” in referring to it. Other positive references were to outreach, getting computers for all staff, and moving attorneys to area and local offices. Others said past plans had not been implemented, or plans changed with each chair so were not especially relevant.

Fully 119 respondents (82%) said they were familiar with the chair's Five Point Plan. Though some were skeptical, the majority thought it made sense and emphasized some recent priorities (such as outreach and mediation) even more strongly. Respondents were also asked to comment on how the Five Point Plan would affect their organization.

Examples of positive ways the plan would affect the respondents' organizations are:

- Model workplace changes. Changes to move staff and shift functions, increase technology.
- More emphasis on mediation may affect EEOC's goal of eliminating systemic discrimination.
- Streamline/consolidate staffing and maximize work and results.
- Want to know how outreach will be defined and interpreted, and how it will be incorporated into our position descriptions.
- Proactive prevention is effective, but if it is seen as "soft" on litigation it will lower ADR participation.
- Plan is similar to our current operations—proactive resolution. Want to do more mediation.

Healthy skepticism about the potential impact came from a an almost equal number, and examples are:

- It won't affect how my [field] office operates. The chair is in DC and is not familiar with our office's operations.
- It's a broad plan and we need a focus on specific program activities. My office supports the model workplace effort.
- The emphasis on mediation has led to decreased amount of litigation.
- Legal will have a more difficult time getting funds or services needed to perform similarly to a top law firm.

Enhancing Internal Communication

Sixty-four respondents (44%) said that communication within the organization was effective, though some of these qualified their response by saying "somewhat" or "partially." Though much was said to be informal (the word *grapevine* was used much more often than *rumor mill*), staff said there had been improvements. They most often mentioned email and Internet access, including EEOC communication via email. However, the EEOC Intranet was considered substantially underused. Especially in the field, staff sensed that other offices had developed tools they would find useful, and they thought EEOC should share these on the Intranet. One respondent said that it had taken her 40 hours to develop a Technical Assistance Program (TAPS) presentation, and she assumed many other offices had already done this. In the field, there were varied comments about the district director role in communications; it clearly varied.

Sixty-eight (47%) had suggestions to improve communication. The following represent suggestions that were made by a number of individuals.

- Have more regular staff meetings so that managers better communicate with staff.
- Use the EEOC Intranet (InSite) a great deal more, and make it more user-friendly.
- Use the email system to inform staff of changes or other news.
- Ensure that headquarters communicates more regularly with the field.

Several respondents, all from the field, complimented their top managers for regularly communicating with staff throughout the office.

INTERACTING WITH OTHER EEOC OFFICES

Fifteen respondents said they did not interact with other field or headquarters offices, and two said they thought this was too bad that they did not. Twenty-six said that they had some level of interaction with other offices, and eighty-four said they had more than "some" interaction.

The many examples give a sense of fairly limited interaction; many comments were that they dealt with other offices only when they went to training or an investigation or case was transferred. A number of field respondents mentioned monthly conference calls dealing with outreach, mediation, or federal sector work. Contact with headquarters was on a range of issues, including administrative assistance, often with personnel issues.

RECENT CHANGES TO WORKLOAD LEVEL OR TYPE OF WORK

Eighty-nine respondents said there had been at least one change to workload or type of work in recent years, and sixty-five of these had specific comments on workload.

Staff in enforcement or investigation were most likely to comment on the positive impact of PCHP, especially on reducing individual caseloads so that staff could better focus on the most important ones. As one person said, "Before PCHP I was drowning. Now I can mostly handle it." However, other things had increased the workload, such as the need for investigators to do intake regularly and the complexity of cases involving the Americans with Disability Act (ADA).

Administrative judges and paralegals who worked on Hearings comment on the impact of the 1999 regulatory changes. While cases are more complex, they thought this gave the AJs a more complete picture. They also noted that the backlog had been reduced because more attorneys were doing Hearings work.

Staff in litigation also commented that PCHP was effective, and several commented that they now worked more closely with investigators. Some said the workload had grown because of staff shortages, while one who had recently transferred to a new district said the workload there was far less than in the attorney's former office. Several attorneys commented that they did more clerical work because of staff shortages.

Mediators said that their workload had grown, and one said that they did more internally because their office had used its contract funds. Another said that the workload varied depending on whether they had contract funds.

Directors and deputy directors in the field commented on the drop in each investigator's caseload since PCHP was introduced and noted that the goal of handling cases in no more than 180 days was realistic. One noted there were more negotiated settlements and another also mentioned the complexity of ADA cases.

DISCUSSIONS OF WHAT NEEDS TO CHANGE

Suggestions for Realigning the Field

Forty-four respondents (six from headquarters) noted the need to reassess office locations, taking into consideration such things as whether to close or move those that are in close proximity to another or do not serve a given number of cases. There were many specific examples, but just as many cautions that many offices were opened for political reasons (generally to please a member of Congress) and will be hard to close.

Many field staff suggested that EEOC would better serve the public by having what they called "satellite" offices, which translated into going to a given city on a regular basis to do intake. Field staff generally did not think that electronic case filing would meet everyone's needs. Not everyone has access, and they were not keen on doing away with the initial interview, which they described as essential in assessing case validity. However, twenty-one respondents did say that they thought EEOC should have electronic charge filing as one of its ways of filing the initial paperwork. A couple spoke of having kiosks in retail centers for this purpose.

Twenty five (17%) discussed having more staff work from home on a regular basis, and a few of these mentioned at-time at-home workers holding periodic intake sessions in local public buildings, such as post offices.

No one spoke in favor of having just a few large regions and closing a lot of offices. They thought that proximity to stakeholders was essential. Two suggested reestablishing a small number of regional litigation centers, but several others spoke against this, saying the prior system did not work or it was essential to have the attorneys close to the investigators.

Suggestions for Modifying Headquarters

In the field many of the respondents said they had a hard time figuring out what HQ staff did, and thus would have a harder time making suggestions. People noted that one-quarter to one-third of EEOC's staff are in HQ, while nearly all work relating to the agency's mission is in the field. (Note: 24% are in headquarters.) Forty-five respondents said, in one way or another that HQ was too big or had too many layers of people reviewing work.

Most suggestions dealt with processes rather than structure, even though survey questions dealt with modifying EEOC's structure.

Among the specific restructuring suggestions were:

- Merge the OGC and the Office of Legal Services (OLS), which have many parallel functions.
- Examine why there are Systemic Units in HQ and the field.
- Combine Strategic Planning and Budget, and make it parallel to the CFO.
- Move Procurement and Contracting out from under Budget, as a separate office.
- Eliminate the Federal Affirmative Action Program unit (which looks at federal agency programs)
- Build up the Affirmative Action program.
- Move Records Management from the CFO to IT, since most records are or will be electronically stored.
- Integrate research and planning under the CFO.
- Make sure HQ functions as a resource for the field (this was the gist of many comments)
- Examine the overlapping responsibilities of OGC, Federal Operations, and the Office of Field Programs.
- Examine administrative functions to see if they can be provided centrally or regionally rather than in each district office.

Centralizing or Consolidating Functions

There were twenty-six suggestions for functions that could be centralized. Some of the more common ones were:

- Centralize or regionalize responding to Freedom of Information Act (FOIA) requests
- Information or "data" functions in one office
- Administrative or "backroom" functions
- Some aspects of training

The several suggestions to consolidate administrative functions said this did not mean a Washington, DC location; office real estate and housing would be cheaper in other locations.
Perhaps predictably, field staff thought that most HR decisions could be made in the field and thus more resources were needed there; conversely, some in HQ and one field person thought that most HR tasks could be centralized. It was apparent that one point affecting opinions was the perceived inability to get good service from the Office of Human Resources (OHR).

Decentralizing Functions

There were thirty-one suggestions to decentralize, including the two most prominent:

- Budget management or generally more field discretion (21 respondents)
- Litigation approval with RAs (20 respondents)

There were several suggestions that the Technical Assistance Program Seminars (TAPS) administrative functions (registering participants, publicizing, preparing materials) should again be done in the field. Since HQ took over this function (through which EEOC provides information to the federal or private sector organizations, which pay into a revolving fund), staff said registration services have been poor and enrollment has gone down because HQ does not publicize the programs until shortly before the date.

ISSUES WITH CURRENT HUMAN CAPITAL MANAGEMENT AND SUGGESTIONS FOR THE STRATEGIC HUMAN CAPITAL PLAN

Districts do not have a given staffing level within which to manage; many respondents mentioned the need for a "staffing floor," with the ability to replace staff who leave within these limits. Staff in HQ and the field noted that when they lose a staff member they cannot replace them. Forty-eight respondents (33%) mentioned staffing shortages, five from headquarters, the others from the field.

District staff said they cannot redeploy staff but must get headquarters approval for all hires, promotions, and reassignments—essentially all personnel actions. There were many examples of requests for staff being sent to HQ and dropped into a "black hole." Frustration with the inability to hire and the time it took to do so was expressed a number of times.

Many respondents mentioned the need to plan ahead to replace the many staff who will retire in the next few years. A few saw this as an advantage, as others could move into these positions, but most who noted it were worried that there would be no transition opportunity and work would suffer.

There were 102 respondents (70%) who offered suggestions about what the Academy should consider in developing a Strategic Human Capital Plan, though not all were in response to this specific question. The issues they addressed dealt with:

Training	45	31%
Addressing Performance Problems	41	28%
Staffing	38	26%
Miscellaneous	32	22%
Succession Planning	24	16%
Promotion/Classification	15	10%
Recognition/Awards	12	8%

Staff were forceful in saying that training is inadequate, even in areas in which the chair has stated specific priorities. Some noted that their offices did not support staff who were willing to pay for their own coursework by letting them take leave when they needed to study or permitting a flexible work schedule. Nearly all interviewees mentioned training in some way.

Often cited was that headquarters does not support the field in disciplining or firing poor performers. Forty-one surveys (28%), including a number that represented groups of interviewees, noted this, some quite emphatically. Three were from headquarters, the rest from the field. One RA noted even if an office has established a good paper trail they are not supported. One HQ respondent said that EEOC should not only have a plan to replace and retain staff but one to be sure they retain only the effective performers. Several staff said that staff had to absorb work of poor performers or that if these individuals were replaced it would greatly reduce staffing problems.

Other suggestions were that EEOC develop:

- An effective approach for staff management that would let DDs recruit and deploy staff to best meet EEOC's mission.
- An effective plan for the upcoming attrition as many staff retire. Some saw these retirements as an opportunity to get rid of people who were not willing to change.
- A much better employee recognition program.
- Better training programs, with emphasis on computer training.

Staff Morale

While there was no question on this, it came through in many ways, and it varied by office. In general, it is not high in many places. Some issues were beyond district office control (staff decreases, lack of training funds, budget allocation unpredictability), while others seemed to be a function of local leadership. For example, several district offices had staff members were generally positive about their work methods and leadership and were enthusiastic about how well the legal and enforcement sides of the office worked together. Staff in another district office clearly believed that the director was reluctant to show leadership and make a decision. Staff in one office said this was because top managers did not want to upset headquarters, but others seemed to think that their managers simply were not good leaders.

Among mailed-in survey respondents, there were clusters of responses from individual offices that clearly had leadership problems. All in all, there appears to be a feeling among the field and HQ managers that risk-taking and working "outside the box" are not supported by top management and to do so may jeopardize one's career.

While all staff mentioned the frustration of resource deficiencies, this was the primary focus of headquarters interviewees. Field staff mentioned this often, but had a larger proportion of comments on frustrations related to work methods. The field does, however, strongly believe that resources must be scrutinized and redeployed---particularly, assigned to where the program work is actually performed and delivered.

ISSUES FOR THE ACADEMY TO CONSIDER IN DEVELOPING A RESTRUCTURING PLAN

Ninety-four respondents had comments for the Academy to consider as it develops the EEOC Five-Year Restructuring Plan. Some of these were very specific (such as more telecommuting), while some were broad (such as resize EEOC based on its mission and automate functions when possible). Several counseled that EEOC needed to carefully communicate the plan and how it would be implemented.

A number respondents though that more decision-making authority should be delegated as low as possible within the organization, and several specifically mentioned budget authority. One person thought that EEOC should find the most efficient offices and model other offices after that one. Though not always mentioned in the context of the restructuring plan, 19 respondents said that EEOC needed to focus less on numbers and more on effective case processing. Some of these comments were very pointed.

Fears and Hopes About Reorganization

Respondents were asked what their fears and hopes were for a reorganization of EEOC. For the 102 (70%) who expressed at least one fear, there were come very common themes.

- Losing a job (30)
- Fear that nothing would change or changes would make things worse (18)
- Lessened customer service or less focus on mission (13)
- The federal Hearings function will be eliminated (5)

In addition to these, there were 30 others who names a specific negative impact they thought the reorganization could have, such as EEOC becoming more politicized, creating more bureaucracy under the guise of becoming more effective, staff demoralization or burnout, or that headquarters would expand as the field shrinks. Several respondents were concerned about specific work-related issues, such as that ADR would take precedence over litigation, or supposed efficiencies would lead to reduced investigation work.

Hopes About Reorganization

One hundred six (73%) had at least one hope about an EEOC reorganization. Thirty-nine hoped that EEOC would become more effective in a given area. Examples were better charge intake, restructuring enforcement so that law enforcement is a priority for A-1 cases, mediation would get more respect in concert with and not opposition to enforcement, and EEOC develops smarter ways to improve the litigation process. A few of these thirty-nine offered general comments such as provide better service to the public.

Twenty-eight saw reorganization as a way to further EEOC's mission of eliminating discrimination in the workplace, while twenty-five hoped EEOC would be better managed. Some of the latter hopes were that EEOC make better use of limited resources, new technology

would help handle inquiries and support field offices, there would be more consistency in operations, and that management layers would be reduced.

Twenty had hopes that related to human capital management. These included recognizing good performance, creating "staffing floors" so district directors could hire when the office dropped below that level, redeploying staff from areas with less need to areas with more, and providing more growth opportunities for staff. There were seven comments that reorganization could lead to better managers in individual offices.

ADDITIONAL COMMENTS FROM RESPONDENTS

Eighty-four respondents had a miscellaneous or said they wanted to add something that was not addressed on the survey. Some of these related to a specific EEOC function, such as giving AJs subpoena power or restructuring the attorney evaluation form so it recognized the work attorneys do to assist investigators. It was when responding to this question that a number of staff said that EEOC placed too much emphasis on closing cases; a couple respondents said that district director bonuses should not be tied to production, because the incentive was to focus more on numbers than quality. One person suggested that field office goals and performance indicators should be related to the local market and employment forces.

In general, there were a number of comments that reflected dissatisfaction; more than a few referred to specific managers who did not inspire confidence. Two people suggested resuming field office audits, so that headquarters could better understand the problems in some offices. A few people cautioned the Academy to ensure that it gathered comprehensive information in developing its findings and restructuring plan for EEOC.

Table B-1: Examples of Effective Tools

Function	Tools
Admin/Budget	New finance system (10/01): accurate & more reports. Budget office becoming more strategic
Admin/HR	Adequate. Continue shift to an electronic environment, standardizing HR data.
Enforcement	Ratio of eight investigators and one ISA to a supervisor is a good one.
Enforcement	Good hires from the honors program in 1999. Get legal funds to litigate. Good recruiting for bilingual staff.
Enforcement	Having administrative/budget people on site lets us focus on our work.
Enforcement	Adequate to satisfy charging party, responding party and bar. Email, Internet.
Hearings	Pretty satisfied with automation tools - use word processing, Westlaw, Lexis
Hearings	Number of AJs grew from three in 1998 to seven in 2002.
Investigation	With Internet & EEOC web site, flow of info to field has improved.
Investigation	Pens and paper, yes.
Investigation	Supplies OK.
Investigation	Management is available for guidance. Have good hardware/software. Can work at home one day per week.
Investigation	Director of the DO keeps this area office well informed via email, visits. Leads.
Investigation	Just updated the new computer system. Tracking system will allow better case management.
Investigation	Improved financial processing for vendors & employee travel vouchers.
Investigation	Have local attorneys. Vehicles. Supported well.
Investigation	Have own computers, Internet access, can research companies.
Investigation	Last 2 years, funds to print forms/intake materials. Facilities fabulous. Email
IT	Software and communication system has improved significantly.
Litigation	Online research capability. First office to do online filing with southern federal district court. Facility is good.
Litigation	Work around scarce resources. Use Corps of Engineers Library for some research.
Litigation	Current head of procurement doing better. Buys litigation services—court reporters.
Litigation	Helped when attorney offices got computers. HQ library helpful re class cases. RAS.
Litigation	Our area office is the perfect size for efficient work, has good success rate. Not bogged down by size
Litigation	Our support staff is great.
Litigation	Commission has made improvements, but room for more.
Litigation	HQ service in finance, travel, training has improved last years. OGC generally supports litigation.
Mediation	Love the CFO. He has made the financial process work. Returns phone calls.
Mediation	Support in DO fantastic. From businesses, no. Can't speak to HQ.
Mediation	Pleased with electronic pay statement.
Ofc of Director	Local legal support of enforcement very good. The DO lawyer comes weekly. Used to have one here, but they left.
Ofc of Director	Supervisors, administrative officer and DO secretary have been here more than 10years; lets DD do outreach. Better financial system now.
Ofc of Director	Have adequate support but could do better job if better tools/support
Ofc of Director	Have what need for PCHP. Have funds for mediation (travel, supplies, training, outreach)
Ofc of Director	Finance improved since new CFO came. Travel vouchers paid, credit cards are okay to use.
Ofc of Director	Have professional staff needed to manage the office.
Ofc of Director	Have adequate tools because learned how to do something with nothing.
Outreach	Adequate tools because all staff work as team to support outreach.
Policy	Resource librarians give more personal service than Lexis/Nexis. Hope EEOC doesn't contract out all research.

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INFORMATION ON CALL CENTERS

This appendix provides information on using a call center to resolve EEO issues, benchmarking for call centers in the public and nonprofit sectors, and examples of savings from consolidating calls.

USING A CALL CENTER TO RESOLVE EEO ISSUES OR ACCEPT CHARGES

The U.S. Census Bureau hired hundreds of thousands of temporary employees to carry out the decennial census data collection and related activities. As part of its human resources infrastructure for the 2000 census, the Census Bureau set up a small call center that provided informal EEO counseling services for its staff from October 1, 1997 through September 30, 2002. The call center had an 800 number that was well publicized throughout the country and provided to all applicants and employees. The ten counselors who staffed the call center were selected for their background and experience in dealing with difficult issues, their in-depth knowledge of agency human resources and EEO rules, policies, procedures and practices, their interpersonal skills and their negotiation skills. They received additional training in specific techniques of EEO counseling over the telephone and special issues unique to the decennial census, such as the large number of temporary employees.

The call center was available during business hours. The counselors provided basic information about the EEO process, helped callers assess whether there was merit to their concerns, took the complaint information over the phone, assisted in working with employees and management when it appeared an informal resolution to the complaint was possible, and sent out notices of the right to file a formal EEO complaint when appropriate. The counselors also were responsible for logging all complaints into an automated database that tracked the progress of each complaint through the entire process and writing the counselors' reports that were sent on to the EEOC and the Department of Commerce when complaints became formal. The Census Bureau's assessment of this call center was that it was successful in terms of providing employees immediate nationwide access to skilled, trained EEO counselors and in resolving less complicated EEO issues.

The cases referred to the EEOC were not as successfully resolved because the EEOC was unable to staff the function at a level necessary to process and resolve complaints on a timely basis. The Census Bureau experience does, however, provide a case study of how to use call center technology and process to receive EEO complaints. The total number of complaints received was 3,501, of which 2,067, or 59%, were resolved informally by the telephone center counselors.

The Census Bureau's investment was relatively modest. The average salary, plus benefits, per counselor was approximately $66,500. Other expenses included desks, phones, phone lines, space and supplies. The Census Bureau estimates that their total expenses ran approximately $900,000 per year.

BENCHMARKING AMONG CALL CENTERS

In a comprehensive study of public and private sector call centers, the Purdue Research Foundation collected data from ninety-three federal, state, local, nonprofit, and public education institutions.[42] The data on which it reported covered such things as time-per-call, time in the queue, caller satisfaction, training time for new staff, average talk time, self-service options for callers, the extent of outsourcing for public call centers.

Among the study's findings were that:

- The public sector averaged 12% fewer errors per 1,000 data entries during an inbound call.
- Training time for new staff averaged 148 hours in business-to-business call centers, 156 hours in business-to-consumer centers, and 159 hours in the public sector.
- Caller satisfaction (defined as the proportion of perfect scores callers give) was highest in the public sector centers (59%) and lowest in business-to-consumer centers (45%).
- Staff turnover is a major issue for all call centers, ranging from 22-25% per year.
- For the government centers, 48% of staff at federal call centers were outside contractors, while state call centers had only 10% and local call centers had 8%.
- Federal call centers also had more self-service calls (in which customers got answers from a voice-prompt menu) than other sectors—24% for federal, 14% for state, and 11% for local centers.

These are not necessarily benchmarks for which EEOC should aim. Certainly, it will take longer to train an EEOC call center staff member to answer questions and take charges for the many laws EEOC enforces than it would take to train a customer service agent for a mail order firm to process orders. However, it could take almost as long to train a state call center employee to provide information on the state income tax system as it would take to train an EEOC call recipient. Thus, there are public sector organizations to which EEOC can look as examples of communicating complex information over the phone.

The distribution of costs was different among the call centers for the three levels of government, as shown in Table D-1

[42] Anton, Jon, *Government Call Centers: Performance Benchmark Report*, published by the Center for Customer-Driven Quality of Purdue University, Lafayette, Indiana, and sponsored by American Management Systems. April 2002.

Table D-1
Proportions of Public Sector Call Center Costs[43]

Government Level	Technology	Salary & Benefits	HR–Recruiting & Screening	Telecommunications	Calls Outsourced
Local	11%	67%	6%	12%	7%
State	12%	55%	7%	18%	7%
Federal	13%	61%	6%	16%	8%

There is more information on this study and other studies of call centers at www.benchmarkportal.com.

EXAMPLES OF SAVINGS FROM CONSOLIDATING CALLS

Calls centers provide two sources of potential savings, "pooled" labor and reduced information technology costs. Table D-2 illustrates an example of potential labor savings as the number of call centers are reduced. The information and assumptions used in preparing the table are:

- The number of groups/centers refers to the number of physical places where calls are handled.
- Agents required refers to the number of individuals needed to handle a given volume of calls.
- Occupancy means the amount of time the service provider is actually handling calls during the work day.
- This example is based on the following assumption for a "peak half hour."
  - Call volume = 585 calls
  - Average handling time = 210 seconds
  - Service level is 80/20 (meaning that 80% of the calls are handled within 20 seconds of the first ring, which is the call center industry "gold" standard
  - Annual salary of service provider is $35,000.

[43] *Ibid*., p. 36.

Table D-2
Potential Labor Savings with Varied Numbers of Call Centers

Number of Groups or Centers	18 Groups or 18 Centers	5 Groups or 5 Centers	1 Group or 1 Center	Potential Labor/ Cost Savings
Agents Req'd Occupancy	7 per center 7 staff x 18 centers = 126	19 per center 19 staff x 5 centers = 95	80 per center 1 center x 80 staff = 80	126 staff in 18 centers – 80 staff in one center = savings of 46 staff
Net Labor Cost	$4.41 M	$3.325 M	$2.8M	$4.41M to operate 18 centers - $2.8M to operate one = $1.61M savings

Source: Kramer & Associates, Cincinnati, OH. www.kramerandassociates.com

While EEOC telephone calls have a wide range of time required depending upon the information or assistance the caller seeks, the example in Table D-2 illustrates the kinds of savings that properly equipped and managed call centers can produce.

CITIES THAT RANK AMONG THE TOP 500 FOR PRIVATE SECTOR CHARGE RECEIPTS

Alabama

2,623	Birmingham
706	Montgomery
509	Mobile
420	Huntsville
279	Bessemer
232	Tuscaloosa
134	Decatur
130	Selma
117	Florence
112	Gadsden
109	Dothan
105	Anniston
95	Fairfield
80	Auburn
78	Alexander City
73	Alabaster
72	Prattville
70	Madison
69	Athens
69	Jasper
66	Opelika

Alaska

75	Anchorage

Arizona

3003	Phoenix
913	Mesa
669	Glendale
540	Scottsdale
413	Chandler
410	Tempe
227	Gilbert
215	Peoria
164	Tucson
144	Yuma
90	Apache Junction
86	Flagstaff
86	Avondale

Arkansas

964	Little Rock
290	Pine Bluff
270	North Little
151	Fort Smith
112	Jacksonville
105	West Memphis
102	Hot Springs
73	Conway
69	Jonesboro
68	Sherwood
66	Fayetteville

California

1596	Los Angeles
915	San Francisco
886	San Diego
579	Oakland
560	San Jose
293	Sacramento
281	Long Beach
169	Hayward
158	Inglewood
146	Compton
144	Carson
142	Fresno
142	Vallejo
134	Santa Monica
131	Van Nuys
118	Daly City
118	Fremont
117	Pasadena
117	Richmond
115	Stockton
111	Chula Vista
109	Berkeley
103	San Ramon
98	Santa Rosa
93	San Leandro
93	Sunnyvale
90	Riverside
89	Studio City
84	Salinas
81	El Cajon
81	Mission Viejo
80	Antioch
78	Concord
78	West Hills
77	Oceanside
76	Hawthorne
73	Encinitas
73	Palmdale

71	Lancaster
69	Torrance
68	Moreno Valle
68	Ontario
66	South San Francisco
66	North Hollywood

Colorado

1119	Denver
608	Aurora
235	Littleton
173	Colorado Springs
156	Lakewood
145	Arvada
129	Westminster
111	Thornton
81	Englewood
81	Boulder
66	Golden

Delaware

73	Wilmington

Florida

2166	Miami
1481	Tampa
1045	Orlando
351	Jacksonville
341	Lakeland
326	St. Petersburg
267	Hialeah
263	Fort Lauderdale
200	Pensacola
189	Sarasota
188	West Palm Beach
185	Kissimmee
178	Miami Beach
174	Pembroke Pines
172	Bradenton
168	Ocala
161	Clearwater
159	Gainesville
158	Hollywood
155	Winter Haven
150	Boca Raton
147	North Miami
141	Miramar Beach
130	Naples
130	Fort Pierce
114	Fort Myers
114	North Miami
112	Brandon
110	Plant City
110	Port Saint Lucie
105	Leesburg
104	Largo
98	Daytona Beach
88	Coral Springs
85	Pompano Beach
84	New Port Richey
83	Opa-Locka
81	Homestead
80	Belle Glade
80	Winter Park
79	Spring Hill
78	Altamonte Springs
78	Lutz
76	Plantation
73	Boynton Beach
72	Lake Worth
72	Tallahassee
71	Melbourne
69	Cocoa
66	Palm Harbor
66	Deltona

Georgia

1973	Atlanta
727	Savannah
645	Marietta
612	Stone Mountain
604	Decatur
315	College Park
314	Lawrenceville
308	Lithonia
299	Norcross
291	Macon
268	Riverdale
261	Jonesboro
243	Columbus
241	Smyrna
207	Alpharetta
179	Douglasville
169	Duluth
161	Austell
159	Albany
159	Valdosta
151	East Point
139	Roswell
136	Brunswick

129	Conyers
126	Acworth
118	Griffin
114	Athens
102	Rome
96	Kennesaw
96	Powder Springs
95	Gainesville
94	Woodstock
93	Clarkston
91	Ellenwood
90	Snellville
89	Lilburn
87	Stockbridge
84	Mableton
84	Tucker
84	Cumming
83	Newnan
82	Covington
79	Fayetteville
79	Hinesville
78	Dunwoody
75	Cartersville
72	Forest Park
72	Union City
71	Dallas
71	Warner Robin
70	McDonough
70	Tifton
66	Waycross
	Hawii
304	Honolulu
	Illinois
5615	Chicago
394	Rockford
215	Joliet
183	Aurora
152	Calumet City
145	Naperville
140	Bloomington
129	Oak Park
126	Bolingbrook
118	Waukegan
117	Peoria
114	Belleville
108	Dolton
103	East St. Louis
100	Evanston
95	Maywood
93	Elgin
91	Schaumburg
89	Country Club
88	Bellwood
86	Matteson
84	Cicero
82	Park Forest
81	South Holland
78	Harvey
74	Des Plaines
71	Hoffman Estates
71	Riverdale
70	Oak Lawn
68	Arlington Heights
68	Springfield
67	Granite City
66	Decatur
	Indiana
2978	Indianapolis
390	Anderson
245	Elkhart
196	Muncie
187	Hammond
169	Gary
166	Fort Wayne
151	Terre Haute
149	Marion
117	Bloomington
109	Kokomo
101	Columbus
96	Greenville
91	Evansville
90	Jeffersonville
90	Lafayette
85	South Bend
76	Carmel
75	New Albany
66	Richmond
	Kansas
368	Kansas City
216	Wichita
163	Overland Park
96	Olathe
	Kentucky
1,290	Louisville

72	Lexington
	Louisiana
1364	New Orleans
606	Baton Rouge
473	Shreveport
254	Lake Charles
242	Metairie
156	Monroe
155	Lafayette
148	Kenner
138	Harvey
130	Slidell
117	Gretna
107	Houma
106	Marrero
86	Bossier City
82	Alexandria
75	La Place
	Mariana Islands
306	Saipan
	Maryland
1288	Baltimore
232	Silver Spring
114	Laurel
94	Columbia
92	Hyattsville
92	Fort Washington
84	Baltimore City
81	Glen Burnie
80	Upper Marlboro
74	Randallstown
69	Gaithersburg
	Michigan
1395	Detroit
199	Southfield
113	Dearborn
99	Ann Arbor
89	Sterling Heights
78	West Bloomfield
75	Saginaw
69	Ypsilanti
68	Taylor
67	Warren
66	Pontiac
	Minnesota
549	Minneapolis
247	Saint Paul
105	Brooklyn Park
78	Bloomington
66	Plymouth
	Mississippi
857	Jackson
144	Gulfport
127	Hattiesburg
125	Vicksburg
101	Columbus
100	Brandon
98	Biloxi
91	Greenville
85	Meridian
84	Tupelo
77	Ridgeland
77	Pearl
76	Clarksdale
66	Clinton
	Missouri
1476	St. Louis
1019	Kansas City
237	Florissant
150	Saint Charles
139	Independence
106	Springfield
84	Lees Summit
73	Saint Peters
70	Saint Joseph
68	Grandview
	Nevada
256	Las Vegas
80	Reno
	New Mexico
2130	Albuquerque
155	Rio Rancho
152	Las Cruces
126	Los Lunas
89	Santa Fe
76	Roswell
71	Farmington
	New York
1361	Brooklyn

1287	New York
746	Bronx
331	Staten Island
323	Buffalo
237	Rochester
172	Jamaica
144	Flushing
126	Yonkers
71	Mount Vernon
70	Niagara Falls
	New Jersey
199	Newark
198	Jersey City
88	East Orange
74	Trenton
68	Irvington
	North Carolina
2270	Charlotte
427	Greensboro
398	Raleigh
253	Gastonia
228	Winston Sale
205	Fayetteville
173	Concord
171	Salisbury
158	Asheville
114	Statesville
112	High Point
111	Durham
100	Hickory
92	Monroe
85	Shelby
76	Lincolnton
75	Burlington
70	Mooresville
	Ohio
1214	Cincinnati
953	Cleveland
230	Akron
220	Columbus
199	Hamilton
142	Lorain
124	Youngstown
98	Toledo
97	Dayton
85	Elyria
83	Mansfield
79	Euclid
71	Cleveland Heights
70	Lima
69	Maple Heights
67	East Cleveland
66	Parma
	Oklahoma
1278	Oklahoma City
438	Tulsa
123	Edmond
121	Norman
116	Midwest City
108	Lawton
79	Yukon
	Oregon
168	Portland
	Pennsylvania
1424	Philadelphia
926	Pittsburgh
139	Allentown
103	Erie
66	Bethlehem
	South Carolina
462	Greenville
128	Rock Hill
119	Spartanburg
107	Anderson
83	Simpsonville
75	Greer
72	Columbia
	Tennessee
2808	Memphis
1007	Nashville
213	Knoxville
184	Clarksville
176	Murfreesboro
152	Jackson
141	Antioch
139	Chattanooga
112	Madison
112	Bartlett
97	Lebanon
90	Cordova
78	Hermitage
74	Hendersonville

Texas

5513	Houston
3023	San Antonio
2202	Dallas
2042	El Paso
472	Arlington
346	Beaumont
343	Fort Worth
341	Irving
311	Garland
288	Lubbock
279	Missouri City
273	Austin
257	Plano
222	Spring
220	Mesquite
210	Midland
209	Pasadena
199	Odessa
195	Grand Prairie
165	Katy
155	Carrollton
151	Baytown
150	Port Arthur
146	Humble
142	Sugar Land
141	Laredo
135	San Angelo
134	Amarillo
131	De Soto
112	Lewisville
108	Victoria
103	Orange
101	Longview
100	Conroe
98	Tyler
85	Cedar Hill
85	Euless
84	Duncanville
84	Galveston
83	Corpus Christi
82	Pearland
77	Lancaster
75	Richardson
74	Denton
74	League City
72	Brownsville
71	New Braunfels
69	Converse
69	Waco
67	Texas City
66	Lufkin

Utah

75	Salt Lake City

Virginia

706	Richmond
490	Virginia Beach
307	Norfolk
241	Alexandria
238	Chesapeake
202	Newport News
147	Roanoke
147	Portsmouth
142	Arlington
140	Hampton
81	Fredericksburg
80	Lynchburg
79	Suffolk
78	Woodbridge

Washington

687	Seattle
246	Tacoma
120	Spokane
111	Everett
109	Vancouver
109	Kent
103	Renton
95	Federal Way
74	Bellevue

Wisconsin

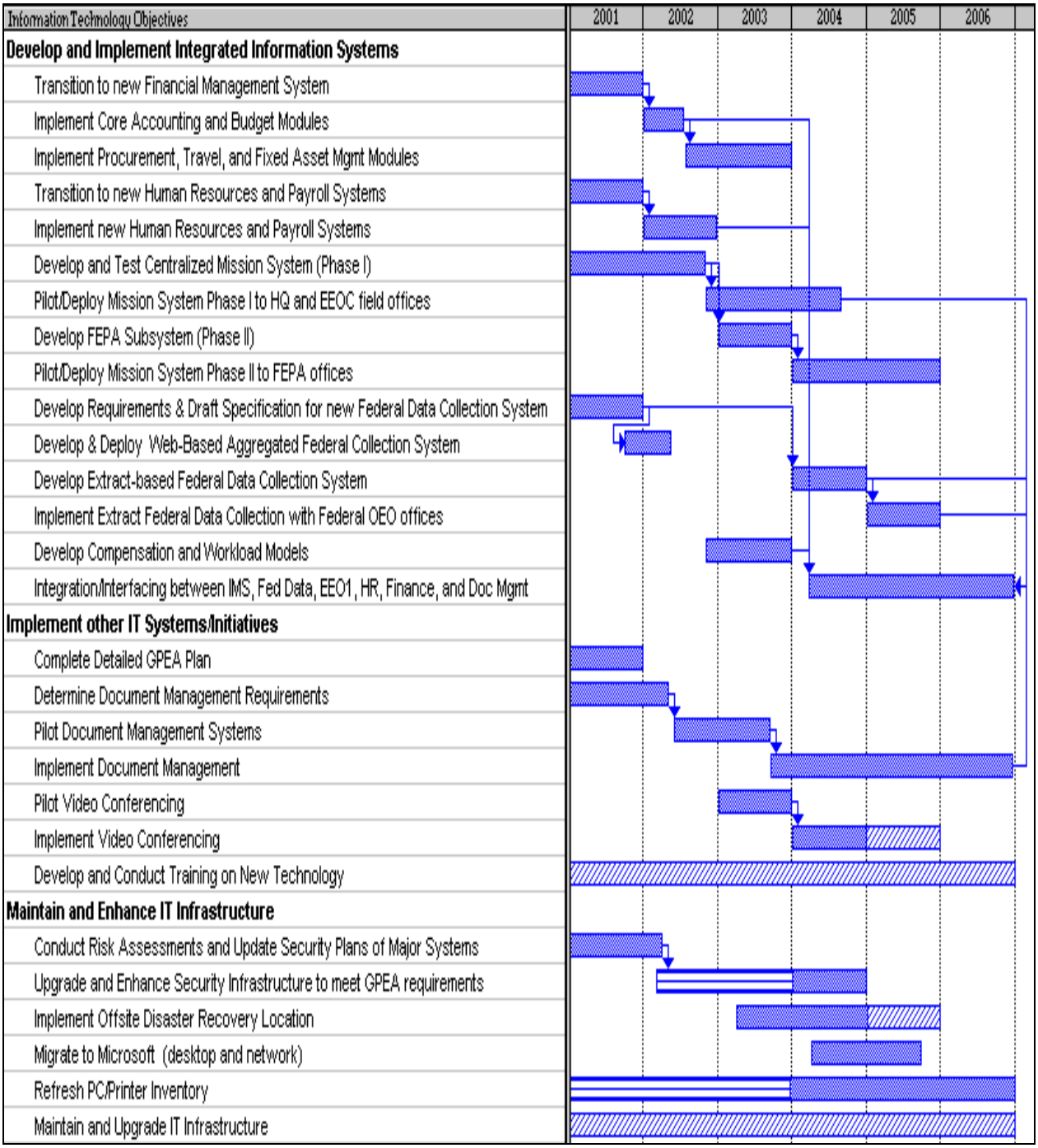
1863	Milwaukee
93	Racine
67	Madison
67	Kenosha

States with No Cities in the Top 500
City with the Most Charge Receipts

State	City	Charge Receipts
Connecticut	Stamford	62
Idaho	Boise	38
Iowa	Davenport	40
Maine	Portland	4
Massachusetts	Boston	60
Montana	Helena	30
Nebraska	Omaha	44
New Hampshire	Manchester	27
North Dakota	Fargo	14
Rhode Island	Jamestown	29
South Dakota	Rapid City	10
Vermont	Burlington	5
West Virginia	Huntington	25
Wyoming	Cheyenne	13

APPENDIX F

FIVE-YEAR TECHNOLOGY PLAN



KEY

- IT Project
- System Support and Maintenance
- Partial Funding

APPENDIX F

EXAMPLES OF OTHER ORGANIZATIONS' WORKFORCE PLANNING EFFORTS

Skill gap assessment and identification of training needs are two key components of effective workforce planning. In a 1999 report on building the workforce to achieve organizational success,[44] an Academy Panel identified the critical success factors for effective workforce planning.

- Management commitment and support. Top management must lead development and implementation of workforce plans. This includes ensuring clarity about strategic intent, linkage of workforce plans with strategic plans, and establishing accountability for implementation of the plans.
- Human resources staff support. HR offices should ensure that information is readily available. HR staffs also need to develop the infrastructure and capacity to deliver on workforce recruitment, redeployment, training, retraining, development and succession planning.
- Employee involvement. Planning efforts involve evaluating the current competencies of the workforce and developing strategies to build new competencies. It is important for employees to be involved in this process so that understanding and commitment are established.
- Linkage to other plans. Workforce plans must be established within the context of strategic plans and financial plans so that they are relevant to the strategic intent of the agency, and are affordable given finite resources.
- Quality planning data. Information about the workforce must be current, accurate, and readily available to HR staffs and those line managers who will be involved in the planning process.
- Implementation strategy. Specific details outline how the workforce plan will be implemented must be developed and communicated. This requires good project management principles of clear goals, regular tracking, and established accountability.
- Communication. Managers and employees need to know why and how workforce planning fits into their daily lives. Why is it important and what can they do to help the effort be successful?

Among the departments that have undertaken strong workforce planning and published their guides for it are the Department of Health and Human Services and the Department of Interior. While these are much larger organizations than EEOC, the principles are the same, and both departments have required that their sub-organizations undertake detailed planning. They have a similar definition for the process: getting the right number of people with the right skills, experiences, and competencies in the right jobs at the right time.[45]

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[44] National Academy of Public Administration, *Building the Workforce of the Future to Achieve Organizational Success*, Washington, DC, December 1999, p. viii.

[45] Department of Health and Human Services, Office of the Assistant Secretary for Management and Budget, *Building Successful Organizations: Workforce Planning in HHS*, November 1999. www.hhs.gov/ohr/workforce/wfpguide.html.

The National Institutes of Health implemented the departmental workforce planning into individual institute plans that are shorter, contain more specific actions, and relate directly to fiscal year hiring goals.[46] For example, the National Institute on Drug Abuse FY 2002-2003 plan presents its foremost goal (improving drug abuse treatment nationwide using science as the vehicle) and describes its four major research directions and changing skill needs. For example, congressional interest and growing concern about methamphetamine and nicotine require staff with special expertise in pharmacology and toxicology. The plan then outlines recruitment, training, and retention strategies and hiring goals for specific positions. NIDA presents all of this in six pages.

HHS used its 1999 workforce plan as the basis for its November 2001 *Workforce Restructuring Plan*, which was geared to implementing the President's Management Agenda and stressed that people add value as capital rather than being resources that are used up. HHS recognized that organizational restructuring would drive much of its workforce restructuring. The plan stressed that workforce restructuring is not a synonym for downsizing and FTE reduction, and that if there were employees with surplus skills restructuring may mean training, development, and re-deployment from support positions to mission-related functions. HHS does plan to consolidate administrative functions, which could lead the department to reach a point at which it would need to provide buyouts for staff with surplus skills while recruiting new staff with shortage skills.

In a September 27, 2002 memo to all employees, the Department of Interior's assistant secretary for policy, management and budget presented the department's *Strategic Human Capital Management Plan: FY 2004-3007* (www.doi.gov/pfm/human_cap_plan/), described how to obtain it on the web, and promised hard copies. The plan describes challenges such as the department's aging workforce, insufficient numbers of people with business and information technology skills, and the need for negotiation and partnership skills among all employees in the field. It also relates the human capital plan to the strategic plan and the demographic features of the workforce and its geographic dispersion.

The Department of Interior's Workforce Planning Model Has Five Phases

Phase 1: Strategic Direction Setting

- Organizing and mobilizing strategic partners
- Setting vision/mission values/objectives
- Reviewing organizational structure and conducting business process reengineering
- Measuring organization performance
- Positioning HR to be a strategic partner

[46] The NIH workforce planning materials on the web links to all the institutes as well as demographic and other sources that are useful in workforce planning. www1.od.nih.gov/ohrm/PROGRAMS/WF-Plng.

Phase 2: Supply, Demand and Discrepancies

- Analyzing demographics, workforce trends, workforce projections, workforce diversity, educational pipelines
- Conducting competency assessments
- Comparing workforce needs against available skills

Phase 3: Develop Action Plan

- Designing a workforce plan to address skills gaps
- Setting specific goals and developing an HR infrastructure

Phase 4: Implement Action Plan

- Communicating the workforce plan
- Gaining an organizational buy-in
- Conducting organizational assessments
- Conducting recruitment, hiring, and placement
- Conducting succession planning
- Restructuring where necessary
- Implementing retention strategies

Phase 5: Monitor, Evaluate, Revise Plan

- Assessing successes and failures
- Making adjustments to the plan
- Addressing new workforce and organizational issues

Panel Discussion: Workforce Planning

Workforce planning is the second step (after organization redesign issues) in a major organizational restructuring effort, but much of it can begin before changes to work methods or organizational structure are undertaken. In preparing its 2001 Workforce Analysis, EEOC has examined its potential retirements, work changes that may lead to different skills or a stronger emphasis on some, and some broad skill gaps. Given that there are key functions that the agency knows it will continue – mediation, investigation, litigation, outreach/prevention – there are specific skill gaps (by office) that EEOC can begin to identify and plan to rectify. Not all skills need to be filled by on-board staff. For example, offices may need some core interpreting services on staff, but they could never have in each office all the possible language skills they need. A contract service that could provide interpretation over the phone is an option.

APPENDIX G

STRATEGIC HUMAN CAPITAL PLAN

1. STRATEGIC ALIGNMENT: Align human capital policies to support the accomplishment of the agency's mission, vision, goals and strategies (which define its direction and its expectations for itself and its people.

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Develop the EEOC workforce plan approach and methodology and link it to the planning and budget process	Agency executives with assistance from OHR and OCFO	Set methodology, linkages and approach in Phase One. Complete entire effort by end of Phase Two	TBD
Develop an inventory of competencies required to perform mission-critical work such as investigation, litigation, mediation, analysis, and outreach and prevention.	Agency executives with assistance from the OHR	Phase One	TBD
Use the OPM analysis of employees eligible retiree, determine the gaps will create in individual offices, and ascertain the size of the pool needed to replace those who are retiring	Agency executives with assistance from the OHR	No later than the end of Phase Two	TBD
As part of the larger competency assessment process, review agency positions to determine which are appropriate and which need to be redesigned, including the issue of appropriate career ladder. Supervisor must be distinguished from production	OHR with significant input from agency executives	No later than the end of Phase Three	TBD
Obtain early out authority from the Office of Personnel Management	OHR with input from agency executives about which skill categories are to be retained and which are no longer needed	Agency must decide the order in which it wants to assess occupations and the related competencies. Most likely the investigator and attorney occupations will be the first reviewed.	TBD

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Design and implement a career transition center	OHR under the direction of the executive management team	The workforce assessment should occur within three months of when the competency analysis is completed	TBD
Conduct a needs analysis to ascertain what clerical and support positions are needed to support mission critical occupations	OHR under the direction of the executive management team	The office-by-office analysis can begin immediately.	TBD
Work in partnership with the union as the agency makes decisions on strategic realignment	Supervisors, with input from employees and technical assistance from OHR	During every phase of the realignment efforts	TBD
Realign work to ensure technical and managerial staff work at their higher level duties	Executives, managers and supervisors with technical assistance from OHR	As soon as possible, but not later than the end of Phase Three	TBD
Design pilot(s) to test organizations that combine place-based, mobile and remote services	OHR in partnership with executives, managers, supervisors, employees and union representatives	Phase One	TBD
Realign operational legal work in OGC	Supervisors, with input from employees and technical assistance from OHR	No later than the end of Phase Four	TBD
Realign federal affirmative action programs to report directly to OFO	OFP, with assistance of the executive staff, OHR, OCFO	No later than the end of Phase Three	TBD
Consolidate administrative support functions in field offices	OGC, OLC with technical assistance from OHR	No later than the end of Phase Three	TBD
Determine if EEOC will provide support services directly. If yes, then locate them outside Washington, DC	OFO, affected Field Directors, with technical assistance from OHR, OCFO	Phase Two for decision; no later than the end of Phase Four for implementation	TBD
Develop costs and benefits of establishing full servicing agreement with DOI or other providers	OFP, OHR, OCFO with input from executive team and unions	Phase Two	TBD

2. STRATEGIC COMPETENCIES (TALENT): Recruit, hire, develop, and retain employees with the strategic competencies for mission critical occupations.

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	PERFORMANCE MEASURES
Assess the EEOC workforce to determine who has the required competencies and who does not	Managers and supervisors with the assistance of OHR	Phase One for critical competencies No later than the end of Phase Four for all others	TBD TBD
Using the strategic competencies, identify internal and external recruitment sources at the entry, mid-level and senior level for each mission critical occupation	OHR under the direction of the executive management team	Within three months of when the competencies are completed	TBD
Develop a recruitment plan for each mission critical occupation, develop the recruitment sources	OHR in partnership with the managers and supervisors in the mission critical function	Within three months of when the competencies are completed	TBD
Streamline recruitment and hiring processes so that they contribute to attracting and retaining staff talent	OHR with input from supervisors, managers, executives and union	No later than the end of Phase Three	TBD
Ensure that executives and leaders hired, promoted and rewarded within the EEOC have sufficient technology competence to accomplish the agency's mission	OHR during recruitment process Selecting official	Phase One and continuing	TBD

3. **LEADERSHIP:** Ensure leadership in the agency inspires, motivates, guides others toward goals; coaches, mentors, challenges staff; adapts leadership styles to various situations; models high standards of honesty, integrity, trust, openness, and respect for individuals by applying these values.

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Develop a model of leadership that integrates achieving results, leveraging resources, maintaining accountability, and improving organizational culture	Chair with assistance from Commissioners, executive staff, and OHR	Phase Two	TBD
Ensure that leaders understand their technology responsibilities	Each executive with assistance from OIT and OHR	No later than the end of Phase Two for current executives. As hired or promoted for future executives	TBD
Design a leadership development program that incorporates the leadership model developed for the agency. The program should incorporate the recommended actions from the Academy report, including the requirement to technology literacy.	Executive management team with assistance from OHR	50% of the critical courses should be available by the end of Phase Three Remainder by the end of Phase Five Consider in-house, OPM, universities and other agencies and sources for training activities	TBD

4. PERFORMANCE CULTURE (STRATEGIC AWARENESS): Create a culture that motivates employees for high performance, based on their contributions to the work of the organization, and common values while ensuring fairness in the workplace.

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Identify role changes related to changes in mission critical work and develop performance elements to properly reflect the changed performance expectations	Managers and supervisors with technical assistance from OHR	Within three months after new roles are defined	TBD
Revise individual performance appraisal elements to reflect changes in role and the linkage to organizational performance goals for employees at all levels	Employee and his/her supervisor with assistance from OHR	Within 30 days of receiving training of the role changes and the related performance requirements	TBD
Revamp agency awards program to ensure that it links performance requirements, talent needs, cost and funding, and culture and branding	Executive management team with technical assistance from OHR	No later than the end of Phase Two	TBD
Revise the process for evaluating, counseling and, if necessary, terminating poor performers	Executive management team with technical assistance from OHR and appropriate input from union	No later than the end of Phase Three	TBD
Develop performance elements and standards the directly link agency employee efforts with impact on employment discrimination	Executive management team with technical assistance from Office of Field Programs, Office of Federal Operations, OHR	Initial indicators as soon as the agency's strategic plan is completed; refine as experience is gained	TBD
Develop performance elements and standards to reflect the delegation of resource management authority to field and headquarters managers	Executive management team with technical assistance from OHR and OCFO	Three months prior to delegation of the authority	TBD

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Develop appropriate qualitative and quantitative performance measures for each agency occupation	Program manager with technical assistance from OHR	Three months prior to employee being assessed with these measures	TBD

5. LEARNING (KNOWLEDGE MANAGEMENT): Promotes knowledge-sharing culture and a climate of openness; promote continuous learning and improvement.

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ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	PERFORMANCE MEASURES
Prepare a comprehensive cost estimate for skill development needs so that the EEOC can present an integrated strategy with cost implications to the Office of Management and Budget	OHR with the assistance of OCFO	For critical skills and those already known through prior assessment efforts, complete in Phase One. The funding level EEOC had in FY1999 provides a useful point of departure for costing estimates.	TBD
Using the identified strategic competencies, identify/develop training programs to ensure that the workforce has the knowledge and skills needed to perform mission critical work	OHR under the direction of the executive management team, with appropriate input from union	Within six to nine months after the competencies are identified	TBD
Provide adequate training and career development for administrative and support staff	OHR with assistance from supervisors, employees and appropriate input from union	Complete planning in Phase One Execute as needed through out each year	TBD
Develop a computer based IDP process for each employee	OHR with assistance from OIT	No later than the end of Phase Three	TBD
Develop the computer based IDP for each employee	Employee and his/her supervisor, with assistance from OHR	Within 30 days of receiving training on the required competencies and the new IDP methodology	TBD

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Develop a multi-year agency training plan anchored in the competencies required for mission critical staff.	Executive management team with technical assistance from OHR and the Office of Finance	To be submitted for the FY2005 budget, or earlier if that is possible in the budget cycle	TBD
Provide training to executives, managers, supervisors, employees and their union representative on the agency's revised approach to improving employee performance	OHR under the direction of the executive management team, with input from union officials	Pilot course available within three months of the system redesign	TBD
As new software and hardware systems are installed, ensure that staff receive appropriate instruction in the use of these new capabilities	OIT with technical assistance from OHR	Prior to system implementation	TBD
Design the appropriate training for executives, managers, supervisors and staff for telecommuting	OHR with appropriate input from executive leadership team and the union	Prior to employees beginning telecommuting assignment	TBD
Develop training course for all involved in delegation of resource management authority to field and headquarters executives, managers, and supervisors On-the-job training for the same, on a rotational basis through CFO/OB	OCFO with technical assistance from OHR and input from those who will receive the delegation	Three months prior to delegation of authority for formal course. Field & program budget staff rotations through CFO/OB during months after course.	TBD
Develop training to teach executives, managers, supervisors, employees about the qualitative and quantitative performance measures for their occupations	OHR	One month prior to application of performance measures	TBD

ACTION TO BE TAKEN	WHO IS RESPONSIBLE	WHEN COMPLETED	WHAT ARE PERFORMANCE MEASURES
Provide executives, managers & supervisors training on communications techniques	OHR in partnership with the Office of Communications and Legislative Affairs	No later than the end of Phase One	TBD
Develop and provide training for staff assigned to the National Call Center	OHR with input from National Call Center managers and employees	1-3 months prior to establishing National Call Center	TBD

DRAFT COMMUNICATIONS PLAN

Major Objectives and Desired Outcomes

- Provide EEOC Commissioners, executives, managers, supervisors, employees, union representatives with accurate, consistent information about the objectives, the desired outcomes, and the detailed actions and activities involved with the EEOC's strategic human capital plan, its restructuring plan, its implementation strategy and plan, and its communications strategy and plan.

- Provide EEOC external stakeholders--including interest groups, OPM, OMB, GAO, Members of Congress, congressional committee staff--with insight and information about the agency's goals and objectives for its strategic human capital plan, its restructuring plan, its implementation strategy and plan, and its communications strategy and plan.

- Create an inclusive open environment in which feedback is sought from all internal and external stakeholders and factors into the design and the implementation of these activities, and feedback is provided to internal and external stakeholders as the work progresses.

- Use communications tools to help build and support the culture of a high-performance organization that recognizes and celebrates agency programmatic and employee performance successes.

- Maintain a strong linkage between the EEOC's strategic goals and outcomes, its strategic human capital plan and activities, its restructuring activities, and its budget and program performance plans and activities.

- Ensure that communications methodologies are appropriate whether in person or for regional or nationwide distribution.

Identify Audiences and Stakeholders

- Commissioners
- Executives
- Managers
- Supervisors
- Employees
- Union representatives
- Federal management agencies such as OMB and OPM
- All federal agencies, as customers who operate under EEOC-established regulations
- Public sector interest groups, such as the Public Employees Roundtable
- Employers
- Civil rights organizations

- Other private sector for profit or nonprofit interest groups

Employee Perspectives

Employee responses to the survey questions and during interviews, which are found in Appendix B, provide useful insights into what employees would like to see happen to improve the agency's human capital management, their ideas about restructuring, as well as their suggestions about how communications can be more effective. Often mentioned was that the Commission needs to communicate its planned changes well, and advise if there are alterations to the plans. The responses also provide insight into employees' fears and hopes about any EEOC reorganization. Of the 102 who expressed at least one fear, there were some very common themes:

- Losing a job
- Fear that nothing would change or changes would make things worse
- Lessened customer service or less focus on mission

One hundred and six respondents expressed at least one hope – that the EEOC would become more effective, provide better service to the public, improve agency management, make better use of limited resources, have more consistency in operations, and reduce management layers.

These responses provide great insight into issues that should be addressed in the communications strategy and plan, and how to most effectively share information and decisions with employees, as well as receive feedback from employees.

Messages

Define the key messages to be communicated and keep them concise and to the point. Ensure that messages are shared consistently and according to pre-established timeframes. Choose message words carefully so that they are not misinterpreted by internal or external stakeholders.

Ensure that messages are known and understood by Commissioners, executives, managers, supervisors and union representatives so that when employees have questions or concerns they get an accurate and consistent information from all of those sources.

Make the same investment and commitment for messages that go to external stakeholders.

Use the initial round of consultations with external stakeholders to identify their needs, hopes and fears, as well as their reactions to the Academy Panel's proposals for change. Then tailor the communications messages and methodologies to address the issues identified.

Link messages to the EEOC's strategic goals and outcomes. Show how the particular event or program or pilot will work, how it supports the goals and outcomes, what success will look like, and how it will contribute to the EEOC becoming a high-performing organization.

Simple messages may center around:

- Improved services to citizens and/or stakeholders
- How the activity is critical to achieving one or several strategic goals
- How the activity will provide the agency, and therefore the customers, a better return on investment
- Other comments and concerns that were expressed in the employee surveys and interviews.

Steps

1. Appoint the head of the Office of Communications and Legislative Affairs to coordinate the communications strategy and plan.

2. Convey the information and the message using a variety of mediums in order to reach as many people as possible to suit the individual needs and styles of the target audience(s). Each communications event should begin with an analysis of the value proposition. What is there to communicate? Why? When? To Whom? For what result?

3. Invite members of the target audience(s) to work with the agency in identifying the best way to reach the target audience – both for the message and for the delivery medium(s).

4. Establish a website on transformation activities, including strategic human capital and restructuring issues. Use the website to provide updates on what is happening, ask for comments on proposed plans, and announce final decisions. Provide a frequently asked questions (FAQs) document on the site for internal and external stakeholders.

5. Establish separate e-mail lists for specific internal and external audiences—such as executives, employees, those interested in federal sector issues, those interested in electronic filing.

6. Develop written guidelines and criteria for each program or activity. Share them for comment with appropriate groups through a variety of mediums.

7. Provide an opportunity through various mediums for employees and stakeholders to ask questions and get answers.

8. Develop schedules of visits, meetings and/or teleconferences. For example, there might be an "Ask the Chair" on-line session once a month.

9. Participate in agency "all hands" meetings or office staff meetings.

10. Prepare periodic public announcements or press releases for events.

11. Seek out opportunities for senior political and career leaders to meet with internal and external stakeholders to share progress and results, and to hear feedback and reaction to activities.

12. Conduct town hall meetings when appropriate for issues and decisions.

Every effective communications program has an on-going assessment mechanism. On-going assessment provides a way to determine how effectively communications are occurring and the extent to which the major objectives and desired outcomes are being met. On-going assessment also provides the opportunity to modify or change the communications plan and techniques while such a change can make a difference.