

October 2005

EQUAL
EMPLOYMENT
OPPORTUNITY
COMMISSION

Actions Taken, but
Agency Restructuring
Efforts Could Benefit
from a More
Systematic
Consideration of
Advisory Panel's
Recommendations



Contents

Letter		1
	Summary of Findings	3
	Conclusions	5
	Recommendation for Executive Action	5
	Agency Comments and Our Evaluation	5
Appendix I	Briefing Slides	8
Appendix II	Sixty-four Recommendations from the National Academy of Public Administration to EEOC	30
Appendix III	Comments from the U.S. Equal Employment Opportunity Commission	34
	GAO Comments	44
Appendix IV	GAO Contact and Staff Acknowledgments	46
Related GAO Products		47

Abbreviations

EEOC	Equal Employment Opportunity Commission
NAPA	National Academy of Public Administration
OMB	Office of Management and Budget

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United States Government Accountability Office
Washington, DC 20548

October 28, 2005

The Honorable Frank R. Wolf
Chairman
The Honorable Alan B. Mollohan
Ranking Member
Subcommittee on Science, the Departments of State,
Justice, and Commerce, and Related Agencies
Committee on Appropriations
House of Representatives

The Honorable Jose E. Serrano
House of Representatives

The Equal Employment Opportunity Commission (EEOC) promotes equal opportunity in the workplace and enforces federal laws that prohibit employment discrimination. EEOC investigates charges of discrimination from the public, litigates major discrimination cases, and reaches out to federal agencies and the public to educate and prevent discrimination. EEOC serves every industry, every segment of the population, and every part of the country. Since EEOC was established over 40 years ago, its core mission has not changed, but new issues continue to emerge. For example, the agency is experiencing an increase in charges of sexual harassment of teenagers in the workplace and discrimination against individuals who speak with accents. EEOC has also seen an increase in employer reprisals against employees who complain about discriminatory treatment, cooperate with EEOC investigations, or file formal charges.

In May 2001, EEOC and other federal agencies were directed by the Office of Management and Budget (OMB) to prepare restructuring plans to make government more responsive to citizens' needs.¹ By June 2001, agencies were to submit a workforce analysis to OMB that would include, for example, demographic information on the agency's employees and would serve as the baseline for agency-specific restructuring plans. Agencies were to submit restructuring plans to OMB with fiscal year 2003 budget submissions and annual performance plans. These submissions were due to OMB September 2001. OMB's directive required agencies with more

¹OMB Bulletin No. 01-07, "Workforce Planning and Restructuring," May 8, 2001.

than 100 full-time employees to develop restructuring plans with the goal of flattening the federal hierarchy. The OMB directive stated that plans should describe the specific activities and actions each agency planned to take, associated resources, expected outcomes, and tools to measure performance.

In order to ascertain what progress EEOC has made in reorganizing its operations, we determined (1) whether EEOC implemented OMB's directive to develop a restructuring plan and (2) what actions EEOC is taking to restructure and make its operations more efficient and effective.

To determine whether EEOC implemented OMB's directive to develop a restructuring plan, we obtained and reviewed OMB's directive, the President's Management Agenda, and other guidance. We interviewed key EEOC officials in headquarters to identify the steps that the agency took in order to implement OMB's directive. We interviewed key OMB officials to determine the extent to which EEOC's actions had met the OMB requirements. To determine what actions EEOC is taking to restructure and make its operations more efficient and effective, we interviewed key EEOC officials and reviewed documents pertaining to the agency's restructuring efforts. To learn how these restructuring efforts would affect EEOC's operations, we visited EEOC headquarters, the national contact center, and EEOC district offices in Chicago and San Antonio. In these district offices, we interviewed staff from all major functions and at different levels. To gain additional perspectives, we interviewed district directors from another five EEOC field locations (Atlanta, Detroit, Philadelphia, Phoenix, and San Francisco). We also interviewed representatives from an advisory panel of the National Academy of Public Administration (NAPA)² and the American Federation of Government Employees, EEOC Locals 216. We conducted our work between October 2004 and September 2005 in accordance with generally accepted government auditing standards.

On September 19, 2005, we briefed your staff and other staff of the Subcommittee on the results of our work based on the briefing slides we include in appendix I. The purpose of this letter is to formally publish the briefing slides and to officially transmit our recommendation to the Chair of EEOC.

²NAPA is an independent organization chartered by Congress to improve governance.

Summary of Findings

Although EEOC did not develop or submit to OMB a restructuring plan as required, it has developed and submitted a workforce analysis to OMB, contracted with the National Academy of Public Administration (NAPA) for a study of its operations, and taken action to implement some of the study's recommendations. OMB officials stated that they have found EEOC's restructuring approach to be acceptable. EEOC chose to implement three major initiatives from the study of its operations but did not have an organized strategy to consider all of the study's recommendations. These wide-ranging recommendations address multiple topics, including EEOC's mission, needed technological improvements, and human capital management.

In this report, we are making a recommendation to the Chair of EEOC to develop and implement an organized strategy to consider all of the NAPA recommendations. EEOC disagreed with this recommendation, indicating that they had already implemented such a strategy. We continue to believe that EEOC needs to more systematically evaluate each of the NAPA recommendations, which would include an examination of the implementation costs, contributions to Commission goals, as well as establishing a means for measuring the impact of those recommendations that are implemented.

Status of EEOC's Implementation of OMB's Directive

EEOC did not develop or submit a restructuring plan as the OMB directive required but took actions OMB officials have found to be acceptable. According to EEOC officials, EEOC did not meet the directive's requirement because the agency was unsure of how to conduct a restructuring effort given the financial difficulties the agency was facing. Further, EEOC was experiencing management challenges at the time. According to EEOC officials, the agency was undergoing a major management transition to a new chair.

EEOC's Actions to Restructure

To prepare for restructuring, EEOC commissioned a study of its operations by a NAPA advisory panel in June 2002. NAPA's February 2003 report emphasized three major initiatives and identified 64 wide-ranging recommendations that EEOC should implement.³ The 64 recommendations address multiple topics such as creating a balance

³A Report by the Panel of the National Academy of Public Administration for the U.S. Equal Employment Opportunity Commission: Organizing for the Future," February 2003.

among enforcement, outreach and prevention, and mediation activities; needed technological improvements; and human capital management. Appendix II contains a list of these recommendations. EEOC addressed some of these recommendations, however, it did not have an organized strategy for considering all of them.⁴ Instead, EEOC considers addressing the three major initiatives as the completion of its primary restructuring efforts. To address the three initiatives, EEOC (1) established a pilot test of a national contact center to take calls from the public, (2) recently approved a plan to streamline its field structure, and (3) intends to reorganize its headquarters operations at an undetermined date once the structure of its field operation has been determined.

National Contact Center

EEOC's national contact center, which is operated by a contractor, became operational in March 2005 and will continue as a pilot test for 18 months. Contact center representatives provide callers with basic information but do not take charges of discrimination, contrary to NAPA's recommendation. Instead, contact center representatives refer potential charges of discrimination to EEOC field locations for investigation. The contact center also processes postal mail and e-mail inquiries from the public. As a part of the pilot test, the EEOC Inspector General is conducting a review of the contact center.

Field Streamlining

EEOC approved its field streamlining plan in July 2005 and plans to begin implementing it in October 2005. The plan would increase the total number of field locations nationwide, but it would change the size level of some offices. In an effort to better match workload with the size of its field locations, EEOC's plan would reduce the number of district and area offices and increase the number of field and local offices. Further, it would change the menu of services available at select locations to correspond with their new size levels. According to EEOC officials, workload and geography were the primary criteria used to determine each field location's level. EEOC will not lay off any employees or force them to relocate as a result of implementing the streamlining plan. Employees will leave these positions through attrition or through voluntary reassignment. EEOC officials estimate that implementing the field streamlining plan will free up \$8.26 million through fiscal year 2013. However, EEOC will not

⁴Although EEOC contracted with NAPA to conduct the study, the agency is under no obligation to implement the recommendations.

begin to realize these financial benefits until fiscal year 2010 because of the immediate costs of opening two new local offices and the time needed for employees to leave their eliminated positions.

Headquarters Reorganization

EEOC intends to reorganize its headquarters operations, but it does not yet have a plan or specific time frame for doing so. According to EEOC officials, the agency will begin reorganizing its headquarters operations after its field streamlining is under way—at some time during fiscal year 2006. As a part of the headquarters reorganization, the agency intends to shift 20 percent of resources—a combination of human resources and funding—from its headquarters to the field in order to better serve the public.

Conclusion

In the last year, EEOC took major restructuring actions that could fundamentally change the way the agency serves the public. Given its role as the preeminent antidiscrimination enforcement agency, making such important changes in how the agency is structured and operates calls for carefully considering all available options. NAPA completed a major study of EEOC's operations and created an extensive list of recommendations. However, EEOC has no organized approach to consider each of these recommendations. Without such an approach, EEOC lacks assurance that each recommendation has been fully considered. As a result, EEOC may miss an opportunity to fully benefit from NAPA's work, become more efficient and effective, and further improve its ability to enforce the nation's civil rights laws.

Recommendation for Executive Action

In order to improve the Commission's restructuring efforts, we recommend that the Chair of EEOC develop and implement an organized strategy to consider all of the NAPA recommendations. This strategy should include, among other things: (1) an examination of each recommendation from the perspective of its potential to aid in achieving the strategic goals and objectives of the agency, (2) an evaluation of the costs associated with their implementation, and (3) a means of measuring the impact of any recommendations that are implemented.

Agency Comments and Our Evaluation

We provided officials at EEOC an opportunity to comment on a draft of this report. In general, EEOC disagreed with our findings, conclusion, and recommendation regarding the agency's lack of an organized approach to consider all of NAPA's recommendations. EEOC's assertion, that it has

developed an organized and comprehensive framework for considering and implementing NAPA's recommendations, does not correspond with the results of our review. More specifically, over the course of our review, we sought documentation supporting the agency's strategy for reviewing and implementing the NAPA recommendations; however, EEOC officials told us on several occasions that such documentation did not exist. Only after we completed our review and discussed our preliminary findings did EEOC provide us with an internal tracking document that discussed its implementation of many of NAPA's recommendations. Only in response to a draft of this report did the Commission provide us with an additional document that listed the implementation status of each of the recommendations. Neither of these documents contained, nor could we obtain from the agency, evidence of the strategy EEOC said it developed to evaluate the NAPA recommendations, or evidence of the kind of strategic approach that we continue to recommend: (1) an examination of each recommendation from the perspective of its potential to aid in achieving the strategic goals and objectives of the agency, (2) an evaluation of the costs associated with their implementation, and (3) a means of measuring the impact of any recommendations that are implemented. EEOC's comments and our response are reproduced in appendix III.

We are sending copies of this report to the Chairman and Ranking Member, House Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, Committee on Appropriations; other interested parties; and will make copies available to others upon request. We are also sending copies to the Chair of the EEOC. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you have any questions about this report, please contact me at (202) 512-7215. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix IV.



Robert E. Robertson
Director, Education, Workforce,
and Income Security Issues

Appendix I: Briefing Slides



EEOC: Status of Restructuring Efforts

**Briefing to Subcommittee on Science, the Departments of State,
Justice, and Commerce, and Related Agencies
Committee on Appropriations
House of Representatives
September 19, 2005**

1



Introduction: Mission

- The Equal Employment Opportunity Commission (EEOC) was established by title VII of the Civil Rights Act of 1964.
 - The agency promotes equal opportunity in the workplace and enforces federal laws prohibiting employment discrimination on the basis of race, color, religion, sex, national origin, age, and disability.
 - EEOC investigates charges of employment discrimination from the public, litigates major cases, and reaches out to the public to help educate it and prevent such discrimination.
-



Introduction: Restructuring Plan

- In May 2001, EEOC and other federal agencies were directed by the Office of Management and Budget (OMB) to prepare restructuring plans to make government more responsive to citizens' needs.
 - OMB's directive required that EEOC submit a restructuring plan to OMB with its fiscal year 2003 budget submission and annual performance plan. These documents were due to OMB in September 2001.
-



Introduction: Restructuring Plan (cont.)

- OMB Bulletin 01-07 called for agencies to prepare restructuring plans based on a workforce analysis and submit them to OMB. The plans should include:
 - organizational charts showing baseline program, staffing levels, and work processes that would be accomplished;
 - costs and savings that will result from implementing the restructuring plan;
 - the human resources management tools and flexibilities needed to implement the plan;
 - the specific actions to be taken, with a timetable; and
 - the anticipated impact from implementing the plan along with the agency's methods for measuring its progress.

Note: Workforce analyses were due to OMB in June 2001.

4



Objectives

- You asked us to provide an update on EEOC's restructuring actions. To determine the status of EEOC's actions we sought to assess
 1. whether EEOC implemented OMB's directive to develop a restructuring plan, and
 2. what actions EEOC is taking to restructure and make its operations more efficient and effective.



Methodology

- We interviewed key EEOC officials and reviewed documents pertaining to the agency's restructuring efforts.
- We visited EEOC headquarters, the national contact center, and EEOC district offices in Chicago and San Antonio to learn about EEOC's operations.
- We interviewed directors from five other districts (Atlanta, Detroit, Philadelphia, Phoenix, and San Francisco) to learn more about EEOC field operations and gather perspectives on the restructuring.
- We interviewed representatives of the National Academy of Public Administration (NAPA) and the American Federation of Government Employees, EEOC Locals 216, to obtain their views on EEOC's restructuring.
- We interviewed OMB staff and reviewed the President's Management Agenda and OMB guidelines on agency restructuring.



Summary of Findings

1. EEOC did not develop a restructuring plan as the OMB directive required, but did develop and submit a workforce analysis. OMB found EEOC's subsequent restructuring approach to be acceptable.
 2. To assist its restructuring efforts, EEOC contracted for a study of its operations in June 2002. The study identified three major initiatives and 64 wide-ranging recommendations. EEOC chose to implement the three initiatives, beginning with the first in September 2004, but did not have an organized strategy to consider all of the recommendations.
-



Finding One: Status of EEOC's Implementation of OMB's Directive

- EEOC did not develop or submit a restructuring plan to OMB because, according to an EEOC official, the agency was experiencing a transition from the prior chairmanship to the current chairmanship. EEOC submitted a workforce analysis that would serve as the baseline for restructuring.
- OMB officials stated that they have worked with EEOC throughout its restructuring and have found EEOC's subsequent approach to be acceptable.



Finding Two: EEOC's Actions to Restructure

- To assist its restructuring efforts, EEOC sought the assistance of the National Academy of Public Administration, an independent organization chartered by Congress to improve governance.
- In its February 2003 report to EEOC, NAPA made 64 recommendations to help EEOC restructure and improve its operations. The recommendations included suggestions such as improving technology and making the best use of the agency's workforce.

Note: Although EEOC sought NAPA's assistance, EEOC was not required to implement any of NAPA's recommendations. In addition, GAO did not evaluate the recommendations.

9



Finding Two: EEOC's Actions to Restructure (cont.)

- EEOC is addressing NAPA's three major initiatives. EEOC
 - established a national contact center to answer calls from the public,
 - approved a plan to streamline its field structure, and
 - intends to reorganize its headquarters operations at an undetermined date.

 - EEOC did not have an organized strategy to consider all of NAPA's 64 recommendations for agency restructuring. For example, EEOC did not establish a group to oversee the implementation of the NAPA recommendations, as NAPA suggested. Instead, EEOC considers addressing the three major initiatives as the completion of its restructuring efforts.
-



National Contact Center Initiative

- EEOC began developing the national contact center in September 2004.
- The center, operated by a contractor, began taking calls from the public in February 2005 and became fully operational in March 2005.
- After an 18-month pilot ending in September 2006, EEOC will evaluate the center's effectiveness.
- Center representatives provide callers with basic information but do not take charges of discrimination, contrary to NAPA's recommendation. Center representatives refer potential charges of discrimination to EEOC field locations for investigation.
- In addition to taking calls, the national contact center also processes mail and e-mail inquiries from the public.



Streamlined Field Structure Initiative

- EEOC approved its field streamlining plan in July 2005 and plans to begin formally implementing it in October 2005.
 - As a result of the streamlining, there will be fewer district and area offices and more field and local offices. Specifically, EEOC's plan
 - keeps all existing offices open and keeps the same number of full-service offices, contrary to NAPA's recommendation;
 - adds two new field locations (Mobile, Alabama, and Las Vegas, Nevada); and
 - converts some offices from one level to another, in part to free up management and administration resources for other purposes.
-



Field Streamlining Initiative: Criteria

- According to EEOC officials, workload and geography were the primary criteria used for determining each field location's level: district, field, area, or local.
- According to EEOC officials, the agency also used other criteria that an EEOC work group developed. These criteria included:
 - population,
 - accessibility,
 - office performance,
 - office size,
 - visibility,
 - operational efficiency,
 - employers,
 - economies of scale, and
 - operation costs.



Field Streamlining Initiative: Office-Level Changes

Office level	Number of offices prior to streamlining	Number of offices after streamlining	Services provided					
			Charge receipt	Enforcement	Mediation	Legal functions	Federal services	Outreach/prevention
District	23	15	✓	✓	✓	✓	✓	✓
Field	1	9	✓	✓	✓	✓	✓	✓
Area	19	15	✓	✓	✓	✓		
Local	8	14	✓	✓				
Total	51	53						

Source: EEOC.

Note: EEOC considered both district and field offices to be full-service offices.



Field Streamlining Initiative: District Offices Affected

- EEOC converted seven district offices from the district level to the field level:
 - Baltimore,
 - Cleveland,
 - Denver,
 - Detroit,
 - New Orleans,
 - San Antonio, and
 - Seattle.
- Another EEOC district office was converted from the district level to the area level:
 - Milwaukee.

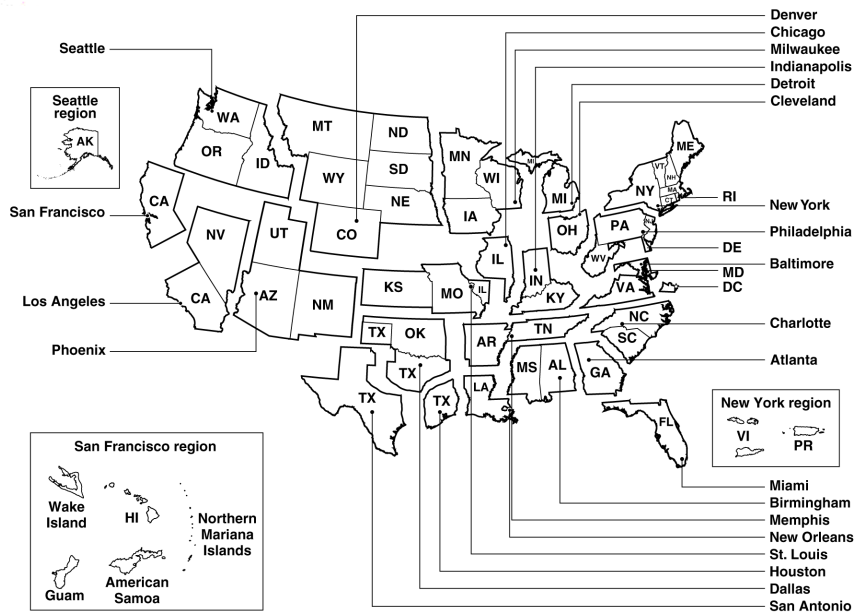


Field Streamlining Initiative: Employee Positions Affected

- The field streamlining plan did not lay off any employees or force them to relocate.
- The plan eliminated the following employee positions:
 - 8 district directors,
 - 8 regional attorneys, and
 - 19 administrative employees.
- Employees will leave these positions through attrition or staff reassignment.



Prior to Field Streamlining Initiative, EEOC Had 23 Districts



Source: EEOC.



Field Streamlining Initiative: Financial Benefits

- EEOC estimated that implementing its field streamlining plan will free up \$8.26 million through fiscal year 2013. EEOC officials also stated that additional benefits will result from moving additional resources to frontline positions.
- EEOC will not begin to realize these financial benefits until fiscal year 2010, for the following reasons:
 - immediate costs to open and operate two new local offices and
 - delayed benefits to allow time for employees to leave their eliminated positions through retirement or voluntary reassignment.

Note: These benefits are based on EEOC's estimates. Assumes that EEOC will begin implementing the field streamlining plan in fiscal year 2006 as the agency intended.

19



Headquarters Initiative: Reorganized Operations

- EEOC intends to reorganize its headquarters operations but does not have a plan or time frame for doing so. According to EEOC officials, the agency will begin reorganizing its headquarters operations after its field streamlining is under way in fiscal year 2006.
- Because EEOC has not yet developed a plan, it is too early to determine whether EEOC will implement NAPA's recommendation to establish a better balance among enforcement, outreach/prevention, and mediation activities.
- According to EEOC officials, the agency intends to shift 20 percent of headquarters resources—a combination of human resources and funding—from headquarters to the field.

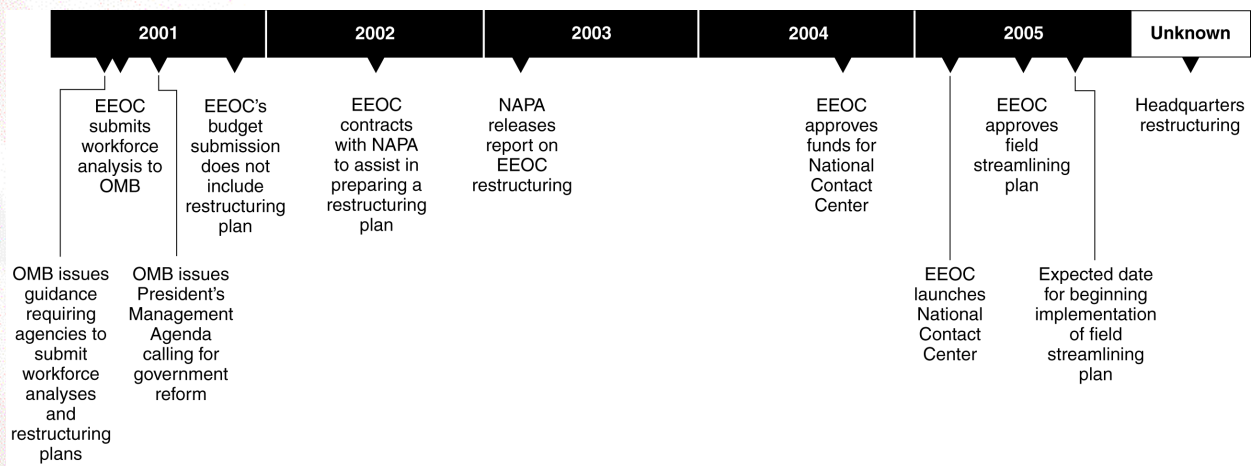


EEOC Took Other Ad Hoc Actions to Streamline and Restructure the Agency

- EEOC consolidated some district offices under fewer managers as a temporary measure until its field streamlining is implemented.
- EEOC saved on annual rental costs through actions such as
 - moving its Washington Field Office into its headquarters building, saving about \$500,000 in rental costs, and
 - renting out extra space in its Puerto Rico office, saving about \$54,000 in rental costs.
- EEOC streamlined its litigation work in headquarters by transferring responsibility for internal litigation from its Office of Legal Counsel to its Office of General Counsel.



Timeline of EEOC's Restructuring Efforts



Source: GAO.

Appendix II: Sixty-four Recommendations from the National Academy of Public Administration to EEOC

Aligning Mission and Functions

Initiative 1: Establish a nationwide call center.

1.	Establish a toll-free national call center staffed by individuals who have been thoroughly trained in both responding to questions about EEOC's mission and services, and in taking charges over the phone.
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Initiative 2: Realign field offices and administrative work.

2.	Establish a network of lead offices in areas with high workload levels. EEOC should define workload to include private sector charge filings and other factors, such as local industry data, 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.
3.	Create pilot projects for a combination of place-based, mobile, and remote services so that 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.
4.	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.
5.	Locate at least some of its consolidated support functions (should EEOC choose to provide them directly) outside of Washington, D.C., in locations where real estate costs are lower and where it may be easier to recruit and retain staff.
6.	Develop the costs and benefits of two options: (1) establishing a full service agreement with the Department of Interior, instituting additional cross-servicing agreements with other federal organizations, or (2) contracting out administrative functions to the private sector.

Initiative 3: Realign headquarters.

7.	Establish more distinct focuses of accountability at the headquarters level for prevention and technical assistance, enforcement, and mediation. These three areas should have appropriate priority in field offices, even though resource allocation cannot be equally divided.
8.	Put all operational legal work in the Office of General Counsel and ensure that the Office of Legal Counsel maintains a policy guidance and internal advice role.
9.	Ensure that staff who review federal agency affirmative action programs report directly to the Office of Federal Operations.

Harnessing Technology to Achieve the Mission

Design secure technology tools for electronic charge filing.

10.	Ensure that the secure technology tools for electronic filing be designed so that customer service is user-friendly, staff can routinely follow up on Internet-filed charges with phone or in-person interviews, and information can be promptly provided to those whose queries or submissions do not involve employment discrimination.
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Acquire software and use new technology to improve management information, better support program delivery, and save money over the long term.

11.	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.
12.	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.
13.	Conduct business case analyses on some long-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, conciliations, and internal organization meetings.

**Appendix II: Sixty-four Recommendations
from the National Academy of Public
Administration to EEOC**

Institute pilot telework programs and develop the secure technology to support them.	
14.	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.
15.	Protect data at the sensitive-but-unclassified level by such things as Protective Key Infrastructure for mobile staff. These protections include adequate firewalls, antivirus protection for clients and servers, intrusion detection systems, onetime password authentication identification systems, and encryption software for laptops.
16.	Implement the EEOC Office of Inspector General recommendation that EEOC institute pilot telework programs.
Ensure that senior management candidates understand the value of technology.	
17.	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 an ability to lead others in applying this value.
Making the Best Use of EEOC's Workforce	
Realign staff through work with OPM and union.	
18.	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.
19.	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.
20.	Design and implement a cost-effective career transition center.
21.	Work in partnership with EEOC's unions as the agency makes decisions to realign staff work locations.
Enhance agency leadership through leadership programs and improved accountability.	
22.	Build a model of leadership that integrates achieving results, leveraging resources, maintaining accountability, and improving the organizational culture.
23.	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.
24.	Partner with whichever federal, academic, nonprofit, or for-profit entities can most effectively tailor leadership development training programs for EEOC staff at all levels.
25.	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.
26.	Design performance measures and metrics that support accountability and the full scope of management.
27.	Focus on inspiring, leading, motivating, and sustaining high-performing organizations and offices within EEOC as well as managing staff resources and workload.
Create strategic human capital plan expeditiously and link it to the planning and budget processes.	
28.	Expedite a workforce planning effort and link it to the planning and budget processes.
29.	Develop an inventory of the competencies required to perform mission-critical work such as investigation, litigation, mediation, analysis, outreach, and prevention.
30.	Determine which of those staff who are eligible to retire plan to do so, the gaps these retirements 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.
31.	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.
32.	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.

**Appendix II: Sixty-four Recommendations
from the National Academy of Public
Administration to EEOC**

33.	Revise individual performance appraisal elements to reflect changes in roles and the linkage to achieving organizational performance goals.
34.	Develop the metrics for the revised performance elements.
Develop a multi-year training plan for supervisors, managers, SES candidates, and other mission-critical staff.	
35.	Develop a multiyear training plan, anchored in the competencies required for mission-critical staff, that reflects an adequate and 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.
36.	Develop a strong first-line supervisor and midlevel manager training program so that individuals moving into these and more senior leadership positions have the competencies they need to succeed.
37.	Develop an expanded Senior Executive Service candidate development program that leverages EEOC resources with those of other federal organizations for such things as mobility assignments or developmental activities.
Align support staff responsibilities with fully-trained support staff.	
38.	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.
39.	Provide adequate training and career development for administrative and support staff.
Revamp the agency awards and evaluation systems.	
40.	Revamp the agency awards systems to ensure they meet the four key elements of effective reward design: (1) performance requirements (financial, operational, and customer satisfaction); (2) talent needs (skills, experience, behaviors, and employee preferences); (3) cost and funding (affordability); and (4) culture and branding (alignment with mission, vision, and values).
41.	Revise the process for evaluating, counseling, and (if necessary) terminating poor performers to ensure that EEOC's cadre of staff includes those who not only are dedicated to its mission but demonstrate their dedication through effective performance.
Performance-Based Management	
Delegate authorities to senior executives with accompanying budgets, management tools, and accountability.	
42.	Delegate authorities to senior executives with accompanying budgets, management tools, and accountability.
43.	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 and a 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.
44.	Train senior executives and delegated staff to manage that portion of the EEOC budget for which they are accountable, and phase in additional delegations as appropriate.
45.	Review, periodically, program accomplishment against expenditures for which each senior executive is responsible.
46.	Assess, annually, 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.
47.	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 to adjust for new needs.
Ensure cases are closed with the most appropriate resolution at the most appropriate time.	
48.	Require that the Office of Field Programs routinely examine a random sample of closed cases from each office, on a rotating basis, to ensure that the cases were adequately investigated, given the information the charging party and respondent provided.

**Appendix II: Sixty-four Recommendations
from the National Academy of Public
Administration to EEOC**

49.	Require that 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.
50.	Stress that cases are to be closed with the most appropriate resolution at the most appropriate time.
Expand capacity to analyze, validate, and disseminate best practices.	
51.	Expand EEOC's capacity to analyze, validate, and disseminate information on best practices and take this expansion one step further to correlate work methods or processes with results. If some methods are clearly better, then the results achieved through them should be used in designing new standards of performance.
52.	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.
53.	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.
Develop methods to demonstrate the impact EEOC work has on reducing employment discrimination in the workplace.	
54.	Develop methods to demonstrate the impact EEOC's work has on reducing employment discrimination in the workplace.
55.	Develop baseline discrimination metrics for certain industries, nationwide firms, or geographic areas.
56.	Plan specific EEOC activities to direct toward the industries, firms, or areas that are implementing the activities and recording the level of effort.
57.	Track discrimination levels in the selected industries, firms, or geographic areas.
Implementation Strategy and Plan	
Develop an implementation strategy and detailed implementation plan.	
58.	Develop an implementation strategy and detailed implementation plan for the changes the commission decides to make, and use the plan to manage the implementation process.
59.	Decide which of the panel's recommended changes do not require extensive consultation and can be implemented immediately.
60.	Identify a small staff responsible for planning, execution, tracking, and implementation assessment efforts.
61.	Present funding estimates and justifications for the multiyear restructuring plan to OMB, seeking the first-year resources at minimum as a change to the pending fiscal year 2004 request now at OMB. Explore with OMB whether any additional resources for fiscal year 2003 might be provided as a small amendment to the fiscal year 2003 appropriation.
Develop a communication strategy and plan.	
62.	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.
Develop resource estimates for implementation.	
63.	Develop resource estimates: The Academy Panel stresses that substantive improvements require real increases in resources each year for several years. This would be over and above the flexibility that can be realized against internal realignment and reallocations.
Develop appropriate training for staff on the new methods and policies.	
64.	Develop appropriate training to ensure that staff members who use or are responsible for the new methods and policies have the knowledge to fulfill their new roles and responsibilities successfully.

Source: National Academy of Public Administration.

Appendix III: Comments from the U.S. Equal Employment Opportunity Commission



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
the Chair

October 13, 2005

Mr. Robert E. Robertson
Director, Education, Workforce, and Income
Security Issues
U.S. Government Accountability Office
Washington, D.C. 20548

Dear Mr. Robertson:

Thank you for the opportunity to review and comment on the draft report, *"Equal Employment Opportunity Commission: Actions Taken, but Agency Restructuring Efforts Could Benefit from a More Systematic Consideration of Advisory Panel's Recommendations,"* (GAO-06-10), which we received on September 29, 2005. We would like to provide the following comments and ask that you include them in any final report that you issue.

The draft report identifies some of the many actions the EEOC has taken to implement the recommendations of the National Academy of Public Administration (NAPA) in its 2003 study of the EEOC, and we appreciate your recognition of the positive benefits that will result from our plan to reposition the EEOC to better serve our stakeholders. We are pleased that the draft report focuses on ways to improve our future restructuring efforts and does not suggest any reason our efforts should be delayed.

The draft report questions the EEOC's approach to considering the NAPA recommendations and suggests a strategy for EEOC to utilize in moving forward with restructuring. We agree with the principle that a systematic approach is needed in evaluating the recommendations of NAPA. We disagree, however, with the suggestion that the Commission has not been adhering to a systematic approach in our repositioning efforts. To the contrary, the EEOC is proceeding with repositioning in three well-defined phases.

The EEOC in fact has had an organized and comprehensive framework for considering and implementing, as appropriate, the NAPA recommendations. Upon receipt of the NAPA report in February 2003, EEOC reviewed all of the recommendations in the first instance, sought staff and stakeholder input, and convened a day-long Commission meeting to discuss and evaluate the recommendations. Our framework for implementation was to divide the NAPA recommendations into two groups, the major mission-central initiatives that would require extensive study and Commission approval, and the subsidiary, specific recommendations that could be evaluated and implemented as soon as feasible through administrative action as we moved forward with study of the major recommendations.

See comment 1.

See comment 2.

The choice of this implementation framework was based, in part, on one very significant organizational fact about the EEOC that the draft report misses: the EEOC is a multi-member Commission, created by Title VII of the Civil Rights Act of 1964. Title VII invests the Chair of the EEOC with responsibility for the agency's administrative operations. However, it is the Commission that approves Commission policy and that decides by vote of all of its members whether to approve agency reorganizations.

The three major NAPA recommendations were: (1) establishment of a National Contact Center; (2) streamlining and repositioning of the field structure; and (3) reorganization of the headquarters structure. The EEOC determined that addressing these recommendations sequentially was the most appropriate approach. Under our plan, these recommendations were designated as Phases I, II, and III.

In accordance with the NAPA report's emphasis that the need for a National Contact Center was the most urgent of its recommendations, the EEOC convened a staff Work Group to examine whether a contact center would advance the work of the agency, to investigate the center's estimated costs, and to provide for methods of measuring the impact of the contact center. The Work Group's report, completed in August 2003, was discussed at two public Commission meetings, culminating in the Commission's approval of the contact center in September 2004. The executive summary of the Work Group's report is available at <http://www.eeoc.gov/abouteeoc/meetings/9-8-03/center.html>. The Contact Center became fully operational nationwide in March 2005. The two-year pilot will include an independent evaluation of the Contact Center's performance in terms of quality, efficiency, effectiveness, and achievement of agency goals and objectives. Implementation of the Contact Center was Phase I of repositioning.

The EEOC developed its field plan, Phase II of repositioning, in a similar framework. As NAPA recommended, we conducted extensive fact-finding and gathered input on field repositioning from our employees and stakeholders, engaging in a thorough discussion and systematic evaluation of the NAPA recommendations. We analyzed population demographics, charge filing patterns over time, and other factors as recommended by NAPA, and staff presented that analysis to the Commission at its September 2003 meeting. This analysis is available at <http://www.eeoc.gov/abouteeoc/meetings/9-8-03/>. We also convened a staff Work Group, under the leadership of the EEOC Vice Chair and a Commissioner, to examine NAPA's recommendations in view of their impact on the agency's strategic goals and mission. Specifically, NAPA recommended that the EEOC establish a network of lead offices in the field and identify factors to consider in locating field offices and realigning the field. Accordingly, the Work Group enumerated specific factors including workload levels, geographic considerations, and population demographics. Those factors were used in the EEOC's repositioning plan, which was approved by the Commission in July 2005. Methods to measure the plan's impact on our efficiency and effectiveness will be an integral part of its implementation.

Phase III is our plan to reorganize our headquarters structure. We are following a similar framework for evaluation and implementation of the NAPA recommendations. To

determine the most appropriate and effective headquarters structure to provide support to the field, it was necessary to determine the field structure first. As we worked on the field plan, we began evaluating the current headquarters structure in depth. In early 2005, Chair Dominguez conducted functional reviews of thirteen headquarters offices/activities, with all office directors and the senior management team devoting many days to this evaluation and planning process, using a defined methodology for organizational improvement. We examined all functional capacities at headquarters, including, as NAPA recommended, the balance of capacities between enforcement activities and our prevention and mediation activities. We also went well beyond the NAPA recommendations, looking to identify other potential areas for streamlining and providing more effective levels of service. The functional reviews laid the groundwork for development of the headquarters repositioning plan, which will occur during FY 2006.

See comment 3.

We would also like to emphasize that NAPA has expressed confidence in the EEOC's implementation actions in response to its 2003 report. Before the field plan was approved by the Commission, we briefed NAPA representatives and NAPA concluded that "it appears that [the EEOC's] proposed actions to change EEOC's field staff are consistent with recommendations made by an Academy Panel in its February 2003 report. . . ." The full text of the letter from NAPA President C. Morgan Kinghorn to EEOC Chair Cari M. Dominguez is attached.

See comment 4.

In sum, the draft GAO report reflects a fundamental misunderstanding of our strategy. It fails to recognize the strategic process that we used in addressing the NAPA recommendations and the sound policy, organizational and operational reasons for our actions. The record shows that the EEOC has, in fact, carefully evaluated *all* the NAPA recommendations and implemented, or is in the process of evaluating and implementing, the large majority of them. Where we have chosen not to implement a particular recommendation, or devised a modified approach to accomplish the objective identified by NAPA, we have documentation to support our decisions.

See comment 5.

We provided GAO with our internal tracking document listing the implementation status of each recommendation. We are disappointed that GAO did not use this information in the draft report. Our internal assessment shows that the EEOC has implemented or is in the process of implementing the large majority of NAPA's recommendations. As we explained, we have decided not to implement some recommendations at this time, or to take an alternative approach, based on our assessment of what will best advance the agency's mission.

See comment 6.

We note that Appendix II of the draft report enumerates 64 NAPA recommendations. We had not previously been provided with this list, but the EEOC's internal assessment does address the same points. To correlate our assessment with the Appendix, we have prepared a chart keyed to the 64 items, giving the status of implementation of each item. The bottom line remains the same: the EEOC has implemented most of the NAPA recommendations, either in whole or in modified form. We are in the process of evaluating those recommendations relating to Phase III of our plan. Please add this information to your Appendix II.

Finally, the draft report concludes by recommending that the EEOC improve its restructuring efforts by implementing a strategy to include: (1) evaluation of the NAPA recommendations in terms of their potential to aid in achieving the strategic goals and objectives of the EEOC; (2) evaluation of the costs associated with implementation; and (3) a means of measuring the impact of any recommendations that are implemented. We appreciate your highlighting these points. We certainly agree that any recommendations for organizational change must be evaluated in terms of the agency's mission and the costs and impact of implementation. Please be assured that these important steps have been integral to our strategy thus far and we will emphasize them as we move forward.

Over the last four years, Chair Dominguez has shepherded this agency's progress in spite of tight resources and an archaic organizational structure that has been unchanged for more than 25 years. Our structure was created in 1979 for an agency of 3,800 employees. It predates the era of information technology. Today we have 2,400 employees and vastly different needs and resources. We are faced with a pressing need to redirect our resources to where the jobs are, where the charges of discrimination arise, and where the public most requires our services. But we cannot continue to operate without some relief from this outdated structure. It is essential for the EEOC's future viability to move to an organizational structure that is more flexible and responsive to our environment while protecting our limited resources and our employees' jobs.

From the outset the Chair has clearly articulated our strategy in developing a new organizational structure: we must take our resources away from where they are no longer needed and reinvest those resources where they need to be in today's environment. There is complete consensus on our need to invest in more line jobs providing direct service to the public -- more trial attorneys, investigators, mediators, and outreach specialists -- and to devote less of our budget to upper level management jobs. Our repositioning strategy has been driven, at every stage, by our objective of enhancing front-line service to the public.

Thank you again for the opportunity to comment on the draft report.

Sincerely,



Leonora L. Guarraia
Chief Operating Officer

Attachments:

- (1) EEOC Chart: Actions Taken by EEOC on Sixty-four NAPA Recommendations
- (2) July 5, 2005 letter from NAPA President C. Morgan Kinghorn to EEOC Chair Cari M. Dominguez

Sixty-four Recommendations from the National Academy of Public Administration to EEOC, with Action Taken by EEOC

RECOMMENDATION		ACTION		
		A	B	C
	Aligning Mission and Functions			
1	Initiative 1: Establish a nationwide call center, responding to questions about EEOC's mission and services, and in taking charges over the phone.	✓		
2	Initiative 2: Realign field offices and administrative work. Establish a network of lead offices in areas with high workload levels. EEOC should define workload to include private sector charge filings and other factors, such as local industry data, 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.	✓	■	
3	Create pilot projects for a combination of place-based, mobile, and remote services so that 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.		✓	
4	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.	✓	■	
5	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 where it may be easier to recruit and retain staff.		✓	
6	Develop the costs and benefits of two options: (1) establishing a full service agreement with the Department of Interior, instituting additional cross-serving agreements with other federal organizations, or (2) contracting out administrative functions to the private sector.	✓		
7	Initiative 3: Realign headquarters. Establish more distinct focuses of accountability at the headquarters level for prevention and technical assistance, enforcement, and mediation. These three areas should have appropriate priority in field offices, even though resource allocation cannot be equally divided.		✓	
8	Put all operational legal work in the Office of General Counsel and ensure that the Office of Legal Counsel maintains a policy guidance and internal advice role.	✓		
9	Ensure that staff who review federal agency affirmative action programs report directly to the Office of Federal Operations.	✓		
	✓ ■ = Approved/pending implementation			

ACTIONS
 A=Implemented or implemented with modification
 B=In process/under evaluation for Phase III
 C=Evaluated, not implemented at this time

Appendix III: Comments from the U.S. Equal Employment Opportunity Commission

Sixty-four Recommendations from the National Academy of Public Administration to EEOC, with Action Taken by EEOC

RECOMMENDATION		ACTION		
		A	B	C
	Harnessing Technology To Achieve The Mission			
10	Design secure technology tools for electronic charge filing. Ensure that the secure technology tools for electronic filing be designed so that customer service is user-friendly, staff can routinely follow up on Internet-filed charges with phone or in-person interviews, and information can be promptly provided to those whose queries or submissions do not involve employment discrimination.	✓		
	Acquire software and use new technology to improve management information, better support program delivery, and save money over the long term.	✓		
11	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.	✓		
12	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.	✓		
13	Conduct business case analyses on some long-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, conciliations, and internal organization meetings.	✓		
	Institute pilot telework programs and develop the secure technology to support them.			
14	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.	✓		
15	Protect data at the sensitive-but-unclassified level by such things as Protective Key Infrastructure for mobile staff. These protections include adequate firewalls, antivirus protection for clients and servers, intrusion detection systems, online password authentication identification systems, and encryption software for laptops.	✓		
16	Implement the EEOC Office of Inspector General recommendation that EEOC institute pilot telework programs. <u>Ensure that senior management candidates understand the value of technology.</u>	✓		
17	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 an ability to lead others in applying this value.	✓		

ACTIONS

A=Implemented or implemented with modification

B=In process/under evaluation for Phase III

C=Evaluated, not implemented at this time

Appendix III: Comments from the U.S. Equal Employment Opportunity Commission

Sixty-four Recommendations from the National Academy of Public Administration to EEOC, with Action Taken by EEOC

	RECOMMENDATION	ACTION		
		A	B	C
	Making the Best Use of EEOC's Workforce			
18	Realign staff through work with OPM and union. 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.	✓		
19	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.	✓		
20	Design and implement a cost-effective career transition center.	✓		
21	Work in partnership with EEOC's unions as the agency makes decisions to realign staff work locations.		✓	
22	Enhance agency leadership through leadership programs and improved accountability. Build a model of leadership that integrates achieving results, leveraging resources, maintaining accountability, and improving the organizational culture.	✓		
23	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.		✓	
24	Partner with whichever federal, academic, nonprofit, or for-profit entities can most effectively tailor leadership development training programs for EEOC staff at all levels.	✓		
25	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.	✓		
26	Design performance measures and metrics that support accountability and the full scope of management.	✓		
27	Focus on inspiring, leading, motivating, and sustaining high-performing organizations and offices within EEOC as well as managing staff resources and workload.	✓		
28	Create strategic, human, capital plan expeditiously and link it to the planning and budget processes.			
29	Expedite a workforce planning effort and link it to the planning and budget processes. Develop an inventory of the competencies required to perform mission-critical work such as investigation, litigation, mediation, analysis, outreach, and prevention.	✓	✓	
30	Determine which of those staff who are eligible to retire plan to do so, the gaps these retirements 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.	✓		
31	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.		✓	

ACTIONS

A=Implemented or implemented with modification

B=In process/under evaluation for Phase III

C=Evaluated, not implemented at this time

Appendix III: Comments from the U.S. Equal Employment Opportunity Commission

Sixty-four Recommendations from the National Academy of Public Administration to EEOC, with Action Taken by EEOC

	RECOMMENDATION	ACTION		
		A	B	C
32	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.	✓	✓	
33	Revise individual performance appraisal elements to reflect changes in roles and the linkage to achieving organizational performance goals.	✓		
34	Develop the metrics for the revised performance elements. Develop a multi-year training plan for supervisors, managers, SES candidates, and other mission-critical staff.	✓		
35	Develop a multiyear training plan, anchored in the competencies required for mission-critical staff, that reflects an adequate and 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.		✓	
36	Develop a strong first-line supervisor and midlevel manager training program so that individuals moving into these and more senior leadership positions have the competencies they need to succeed.	✓		
37	Develop an expanded Senior Executive Service candidate development program that leverages EEOC resources with those of other federal organizations for such things as mobility assignments or developmental activities.			✓
38	Align support staff responsibilities with fully-trained support staff. 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.		✓ Phase I	
39	Provide adequate training and career development for administrative and support staff.	✓		
40	Revamp the agency awards and evaluation systems. Revamp the agency awards systems to ensure they meet the four key elements of effective reward design: (1) performance requirements (financial, operational, and customer satisfaction); (2) talent needs (skills, experience, behaviors, and employee preferences); (3) cost and funding (affordability); and (4) culture and branding (alignment with mission, vision, and values).	✓		
41	Revise the process for evaluating, counseling, and (if necessary) terminating poor performers to ensure that EEOC's cadre of staff includes those who not only are dedicated to its mission but demonstrate their dedication through effective performance.	✓		

ACTIONS
A=Implemented or implemented with modification
B=In process/under evaluation for Phase III
C=Evaluated, not implemented at this time

Appendix III: Comments from the U.S. Equal Employment Opportunity Commission

Sixty-four Recommendations from the National Academy of Public Administration to EEOC, with Action Taken by EEOC

	RECOMMENDATION	ACTION		
		A	B	C
	Performance-Based Management			
	Delegate authorities to senior executives with accompanying budgets; management tools, and accountability.			
42	Delegate authorities to senior executives with accompanying budgets, management tools, and accountability.		✓	
43	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 and a 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.		✓	
44	Train senior executives and delegated staff to manage that portion of the EEOC budget for which they are accountable, and phase in additional delegations as appropriate.		✓	
45	Review, periodically, program accomplishment against expenditures for which each senior executive is responsible.	✓		
46	Assess, annually, 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.	✓		
47	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 to adjust for new needs.	✓		
48	Ensure cases are closed with the most appropriate resolution at the most appropriate time.			
48	Require that the Office of Field Programs routinely examine a random sample of closed cases from each office, on a rotating basis, to ensure that the cases were adequately investigated, given the information the charging party and respondent provided.	✓		
49	Require that 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.	✓		
50	Stress that cases are to be closed with the most appropriate resolution at the most appropriate time.	✓		
51	Expand capacity to analyze, validate, and disseminate best practices.			
51	Expand EEOC's capacity to analyze, validate, and disseminate information on best practices and take this expansion one step further to correlate work methods or processes with results. If some methods are clearly better, then the results achieved through them should be used in designing new standards of performance.	✓		
52	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.	✓		

ACTIONS

- A=Implemented or implemented with modification
- B=In process/under evaluation for Phase II
- C=Evaluated, not implemented at this time

Appendix III: Comments from the U.S. Equal Employment Opportunity Commission

Sixty-four Recommendations from the National Academy of Public Administration to EEOC, with Action Taken by EEOC

	RECOMMENDATION			ACTION		
	A	B	C	A	B	C
53	✓					
54	✓					
55	✓					
56	✓					
57			✓			
58	✓ Phase I	✓				
59	✓					
60	✓					
61	✓					
62	✓					
63	✓					
64	✓					

ACTIONS
A=Implemented or implemented with modification
B=In process/under evaluation for Phase III
C=Evaluated, not implemented at this time

GAO Comments

1. EEOC's assertion, that it has developed an organized and comprehensive framework for considering and implementing NAPA's recommendations, does not correspond with the results of our review. More specifically, over the course of our review, we sought documentation supporting the agency's strategy for reviewing and implementing the NAPA recommendations; however, EEOC officials told us on several occasions that such documentation did not exist. Only after we completed our review and discussed our preliminary findings did EEOC provide us with an internal tracking document that discussed its implementation of many of NAPA's recommendations. Only in response to a draft of this report did the agency provide us with an additional document that listed the implementation status of each of the recommendations. Neither of these documents contained, nor could we obtain from the agency, evidence of the strategy EEOC said it developed to evaluate the NAPA recommendations, or evidence of the kind of strategic approach that we continue to recommend.
2. EEOC asserted that our report overlooks that EEOC is a multi-member Commission that decides whether to approve agency reorganizations by vote of all of its members. Our finding that EEOC did not have an organized strategy to consider all of NAPA's recommendations is not based on EEOC's organizational structure. We believe EEOC's current organizational structure allows the agency to develop and implement such a strategy.
3. EEOC asserted that NAPA, in a letter to the Commission, expressed confidence in EEOC's implementation actions in response to its 2003 report. We reviewed this letter and acknowledge that NAPA expresses confidence in EEOC's field streamlining plan. However, NAPA's letter does not address all of EEOC's restructuring actions or the many other NAPA recommendations, and NAPA's comments are qualified by the statement "Given that we have not had the opportunity to restudy the issues addressed in this report, our comments in this letter are based solely on current information supplied by EEOC."
4. EEOC claimed that our report reflects a fundamental misunderstanding of its strategy for addressing NAPA recommendations, and it has carefully evaluated all the NAPA recommendations and has documentation to support its decisions. See comment 1.
5. EEOC stated that it provided us with an internal tracking document listing the implementation status of each recommendation and is disappointed that we did not use this information in our draft report. See comment 1.

6. EEOC stated that we had not previously provided it with appendix II of our draft report. However, this appendix is merely a listing of the recommendations contained in the February 2003 NAPA report that should have been the Commission's starting point for systematically evaluating each of the recommendations and their potential to improve EEOC's operations. We have included EEOC's chart as an attachment to its letter. However, we cannot verify many of the actions that EEOC claims it has taken because the agency did not provide the supporting documentation.

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Robert E. Robertson (202) 512-7215 or robertsonr@gao.gov

Acknowledgments

David Lehrer, Assistant Director; Margaret Armen; Neal Gottlieb; Paul Schearf; and Rosemary Torres Lerma made significant contributions to this report.

Related GAO Products

Equal Employment Opportunity: The Policy Framework in the Federal Workplace and the Roles of EEOC and OPM. [GAO-05-195](#). Washington, D.C.: April 29, 2005.

Diversity Management: Expert-Identified Leading Practices and Agency Examples. [GAO-05-90](#). Washington, D.C.: Jan. 14, 2005.

Equal Employment Opportunity: Discrimination Complaint Caseloads and Underlying Causes Require EEOC's Sustained Attention. [GAO/T-GGD-00-104](#). Washington, D.C.: Mar. 29, 2000.

Equal Employment Opportunity: Complaint Caseloads Rising, with Effects of New Regulations on Future Trends Unclear. [GAO/GGD-99-128](#). Washington, D.C.: Aug. 16, 1999.

Equal Employment Opportunity: Data Shortcomings Hinder Assessment of Conflicts in the Federal Workplace. [GAO/GGD-99-75](#). Washington, D.C.: May 4, 1999.

Equal Employment Opportunity: Rising Trends in EEO Complaint Caseloads in the Federal Sector. [GAO/GGD-98-157BR](#). Washington, D.C.: July 24, 1998.

Equal Employment Opportunity: Administrative Judges' Recommended Decisions and Agencies' Actions. [GAO/GGD-98-122R](#). Washington, D.C.: June 10, 1998.

Alternative Dispute Resolution: Employers' Experiences with ADR in the Workplace. [GAO/GGD-97-157](#). Washington, D.C.: Aug. 12, 1997.

EEOC: Burgeoning Workload Calls for New Approaches. [GAO/T-HEHS-95-170](#). Washington, D.C.: May 23, 1995.

EEOC: An Overview. [GAO/T-HRD-93-30](#). Washington, D.C.: July 27, 1993.

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