



Report to the Republican Leader,
Committee on Education and Labor,
House of Representatives

October 2022

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Oversight of the Length of the Charge Intake Process Is Needed

GAO Highlights

Highlights of [GAO-23-106245](#), a report to the Republican Leader, Committee on Education and Labor, House of Representatives

Why GAO Did This Study

EEOC is the primary federal agency that enforces federal laws prohibiting employment discrimination and investigates allegations of employment discrimination. It received over 60,000 discrimination charges in fiscal year 2021. EEOC also provides guidance to employers and employees to help ensure compliance with federal anti-discrimination laws. According to EEOC, its enforcement and outreach activities play a critical role in advancing equal opportunity in the workplace.

GAO was asked to review EEOC's charge investigation and outreach processes. This report examines (1) the steps EEOC has taken since fiscal year 2011 to address its pending charge inventory, and what is known about the length and quality of its investigation process; and (2) how EEOC evaluates its outreach efforts, and the challenges officials said they face when providing outreach.

GAO analyzed EEOC charge data for fiscal years 2011 through 2021 and reviewed EEOC documentation. GAO conducted 9 discussion groups with officials in EEOC field offices selected based on geography and workload, and interviewed EEOC headquarters and field officials.

What GAO Recommends

GAO recommends that EEOC monitor field office data on the length of the intake process to help it support offices that take longer to complete the process. EEOC concurred with this recommendation.

View [GAO-23-106245](#). For more information, contact Dawn G. Locke at (202) 512-7215 or LockeD@gao.gov.

October 2022

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

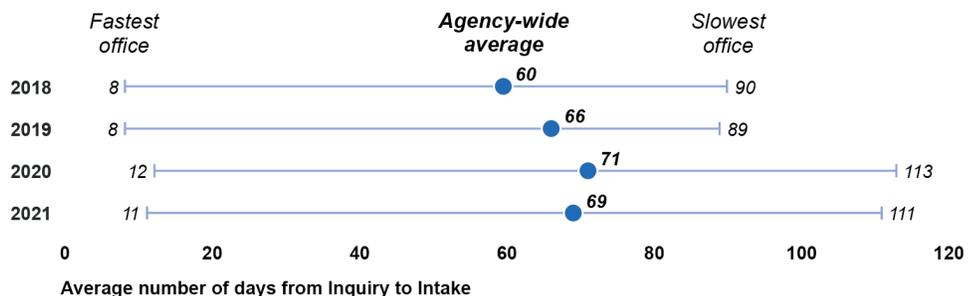
Oversight of the Length of the Charge Intake Process Is Needed

What GAO Found

From fiscal years 2011 to 2021, the Equal Employment Opportunity Commission (EEOC) reduced its pending charge inventory—the number of open charges as of the end of the fiscal year. Specifically, the pending charge inventory decreased from 82,199 to 43,520 charges during this time. EEOC officials identified steps that contributed to the reduction. For example, in fiscal year 2018, EEOC implemented an online portal, which allows individuals to file an inquiry and helps them determine if they meet the criteria to proceed with filing a charge.

EEOC monitors the quality of its investigations; however, GAO found that EEOC does not monitor the length of the intake process across field offices. For the purposes of this report, the intake process begins when an individual files an inquiry and ends when an EEOC official interviews the individual about the alleged incident. GAO's analysis of EEOC data from the online portal shows that the average length of the intake process varied among EEOC's 53 field offices (see figure). EEOC officials said they could monitor data on the length of the intake process, but do not routinely do so because they have focused on ensuring that individuals who file inquiries do not miss the statutory deadline for filing a charge. By not monitoring the length of the intake process across field offices, EEOC is missing information that could allow it to better identify and provide support to offices that take longer to complete the intake process.

The Length of the Intake Process Varies Greatly among EEOC Field Offices



Source: GAO analysis of Equal Employment Opportunity Commission Data. | GAO-23-106245

EEOC tracks certain measures related to its outreach efforts such as the number of events it hosts and attendees, and is taking steps to develop measures to assess the impact of its efforts. However, Outreach and Education Coordinators (OEC) GAO spoke with identified challenges with providing outreach such as a need for additional training and support. EEOC headquarters officials identified multiple steps they take to provide training and support to OECs. For example, in fiscal year 2021, EEOC held an OEC conference that provided training on multiple topics including how to market outreach events.

This is a public version of a law enforcement sensitive report that GAO issued concurrently. Information that EEOC deemed law enforcement sensitive has been omitted from this report.

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Abbreviations

EEOC	Equal Employment Opportunity Commission
OEC	Outreach and Education Coordinator
OFP	Office of Field Programs
PCHP	Priority Charge Handling Procedures

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October 31, 2022

The Honorable Virginia Foxx
Republican Leader
Committee on Education and Labor
House of Representatives

Dear Dr. Foxx:

The Equal Employment Opportunity Commission (EEOC) is the primary federal agency that enforces federal laws that prohibit employment discrimination. As part of its enforcement responsibilities, EEOC receives and investigates charges of discrimination.¹ In fiscal year 2021, EEOC received over 145,000 inquiries and over 60,000 charges of workplace discrimination.² EEOC's laws apply to all aspects of employment, including hiring, firing, promotions, training, wages, and benefits. EEOC resolves tens of thousands of charges each year; however, questions have been raised about EEOC's management of its pending inventory of charges.³ According to EEOC officials, pending charges are charges that are open at the time of a reporting period.⁴ To complement its enforcement efforts, EEOC provides guidance to employers and employees—through its various outreach efforts—to further help ensure

¹According to EEOC's website, a charge of discrimination is a signed statement asserting that an employer, union or labor organization engaged in employment discrimination. A charge is a request for EEOC to take remedial action. See U.S. Equal Employment Opportunity Commission, "Filing a Charge of Discrimination with the EEOC," accessed August 18, 2022, <https://www.eeoc.gov/filing-charge-discrimination>. EEOC uses the term "charge" in the context of private sector and state and local government workplaces, and EEOC uses the term "complaint" for similar signed statements from federal employees. The procedures for filing a discrimination complaint against a federal government agency differ from those for filing a charge. In this report, we focus on examining charges filed against private, state, and local government employers.

²An inquiry is typically an individual's first contact with EEOC regarding their concerns about potential employment discrimination and the process for filing a charge. Charge and inquiry data presented in this report are based on GAO's analysis of EEOC's operational data, and therefore do not match EEOC's publicly reported data.

³See, for example, Nancy M. Modesitt, "Reinventing the EEOC," *All Faculty Scholarship* (Fall 2010): p. 1241, and Pauline T. Kim, "Addressing Systemic Discrimination: Public Enforcement and the Role of the EEOC," *Boston University Law Review* (May 2015): p. 1144, 1146-1147.

⁴For the purposes of this report, we selected the end of the fiscal year as the reporting period for pending charges.

compliance with federal anti-discrimination laws. According to EEOC, its enforcement and outreach activities play a critical role in advancing equal opportunity in the workplace.⁵

You asked us to examine EEOC's charge investigation and outreach processes. This report examines (1) the steps EEOC has taken to address its pending charge inventory since fiscal year 2011, and what is known about the quality and length of its investigation process; and (2) how EEOC evaluates its outreach efforts to employers and employees, and the challenges officials said they face when providing outreach.

This report is a public version of a law enforcement sensitive report that we are issuing concurrently.⁶ EEOC deemed some of the data and other information in that report to be law enforcement sensitive. Therefore, this report omits an appendix that contained sensitive EEOC field office level-charge data, as well as certain district-level information regarding EEOC's internal reviews of the charge investigation process. Although we have removed this information, this report addresses the same objectives as the sensitive report and incorporates the same methodology.

To address our objectives, we analyzed EEOC charge data from fiscal year 2011 through fiscal year 2021. EEOC's charge data included information on the number of new charges filed each year and the number of charges EEOC officials closed each year. We assessed the reliability of these data by taking steps such as reviewing EEOC's documentation about the data and performing logic checks on the data. We found the data to be sufficiently reliable for the purposes of this report. We also reviewed EEOC planning documents for the charge investigation and outreach processes, and guidance specific to the charge investigation process. Additionally, we assessed EEOC's actions against its internal guidance and agency goals, as well as against federal internal control standards.⁷

⁵U.S. Equal Employment Opportunity Commission, *2021 Annual Performance Report (APR)* (Washington, D.C.: March 2022).

⁶GAO, *Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process Is Needed*, GAO-23-104508SU (Oct. 31, 2022).

⁷See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). We assessed EEOC's procedures against internal control principle 13.01.

We interviewed EEOC headquarters officials, field office officials, former EEOC Chairs, and EEOC Commissioners to discuss the charge investigation and outreach processes. To understand how charges are managed in field offices, we held discussion groups with charge investigators and managers from four of EEOC's 53 field offices.⁸ In these meetings we discussed how charges are prioritized and the challenges investigators face. We selected offices based on a range of office workloads (high and low volume of charges), geographic location, and other factors.⁹ We also conducted a discussion group with eight of EEOC's 20 Outreach and Education Coordinators (OEC) from field offices across EEOC to discuss the outreach process, such as outreach goals and how OECs track progress towards these goals.¹⁰ We selected OECs based on a range of office workloads (number of outreach events), geographic location, and the number of OECs in the district. We conducted nine discussion groups in total. The results of these discussion groups are not generalizable to EEOC field office officials nationwide, but provide important context on the experiences of selected EEOC field office officials.

To gather worker and employer perspectives on EEOC's processes, we interviewed a range of organizations that interact with EEOC on behalf of workers and employers. To obtain the perspectives of workers, we selected organizations that represent members of various protected classes under the laws EEOC enforces (e.g., race, gender, etc.). For groups representing employers, we selected employment lawyers and organizations that represent employers of various sizes and industries (e.g., human resource professionals and retail business associations).

For further information on our objectives, scope, and methodology, see appendix I.

We conducted this performance audit from September 2020 to October 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe

⁸We held separate discussion groups with charge investigators and managers from each of these four offices, for a total of eight discussion groups.

⁹See appendix I for information on our process for selecting investigators and managers from these offices.

¹⁰In June 2021, EEOC had 20 OECs.

that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

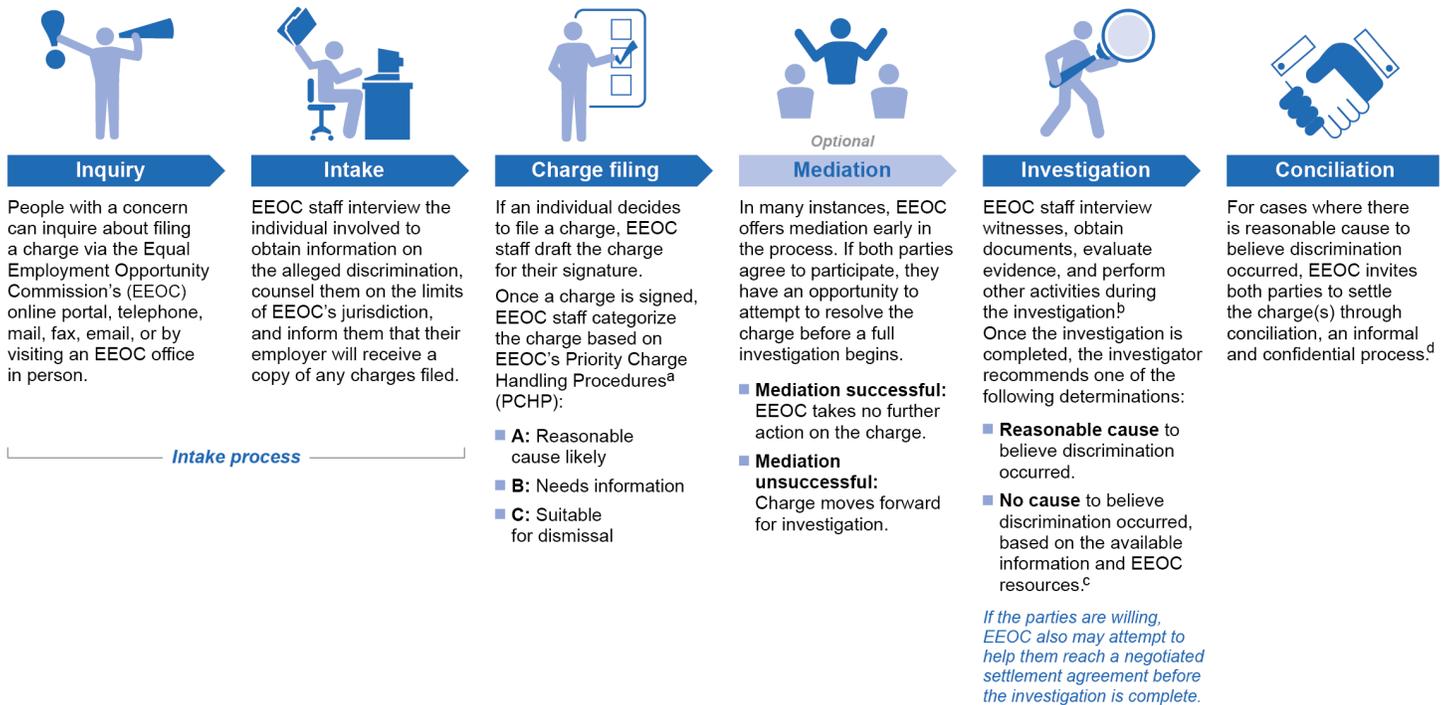
Overview of EEOC and Its Charge Investigation Process

Created by Title VII of the Civil Rights Act of 1964, EEOC promotes equal opportunity in the workplace and enforces federal laws that prohibit employment discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 and older), disability, and genetic information. EEOC investigates employment discrimination charges, files litigation in select cases against employers that it determines have engaged in employment discrimination, and reaches out to employers and the public to educate and prevent discrimination, among other things.

Individuals who believe they have experienced employment discrimination may file a charge with EEOC.¹¹ EEOC staff are to investigate the charge and determine whether there is reasonable cause to believe that unlawful discrimination has taken place. EEOC's charge investigation process consists of multiple steps, as outlined in figure 1.

¹¹In some circumstances, an individual, agency, or organization may file a charge on behalf of another person. See, e.g., 29 C.F.R. § 1601.7.

Figure 1: General Overview of the Equal Employment Opportunity Commission’s (EEOC) Charge Investigation Process



Source: GAO analysis of Equal Employment Opportunity Commission procedures. | GAO-23-106245

Note: This figure provides a general overview of the charge investigation process and does not include every possible path to file a charge or path a charge can take during a charge investigation. For example, according to EEOC officials, EEOC does not always conduct intake interviews for charges that are drafted by an attorney on behalf of a charging party.

^a“A” charges are charges that EEOC concludes will likely result in a reasonable cause determination. “B” charges are charges for which EEOC requires additional information to determine whether its investigation of a charge is likely to result in a reasonable cause determination, and other charges for which EEOC cannot judge the merits of a charge at charge receipt. “C” charges are charges for which EEOC has obtained sufficient information to conclude that a reasonable cause determination is not likely. According to EEOC officials, EEOC staff can dismiss C charges very soon after they receive them and some can be dismissed at intake. Officials also stated that EEOC staff continually reassess a charge’s category throughout the charge investigation process.

^bMost laws enforced by EEOC require individuals to file a charge with EEOC before they can file an employment discrimination lawsuit against their employer.

^cIf EEOC issues a no cause determination, EEOC will not proceed further with its investigation and it will issue a Notice of Right to Sue to the charging party, which allows them to file a lawsuit against their employer. This determination does not certify that the employer against which a charge is filed is in compliance with the statutes EEOC enforces, and in making this determination, the EEOC makes no decision regarding the merits of the allegations included in a charge.

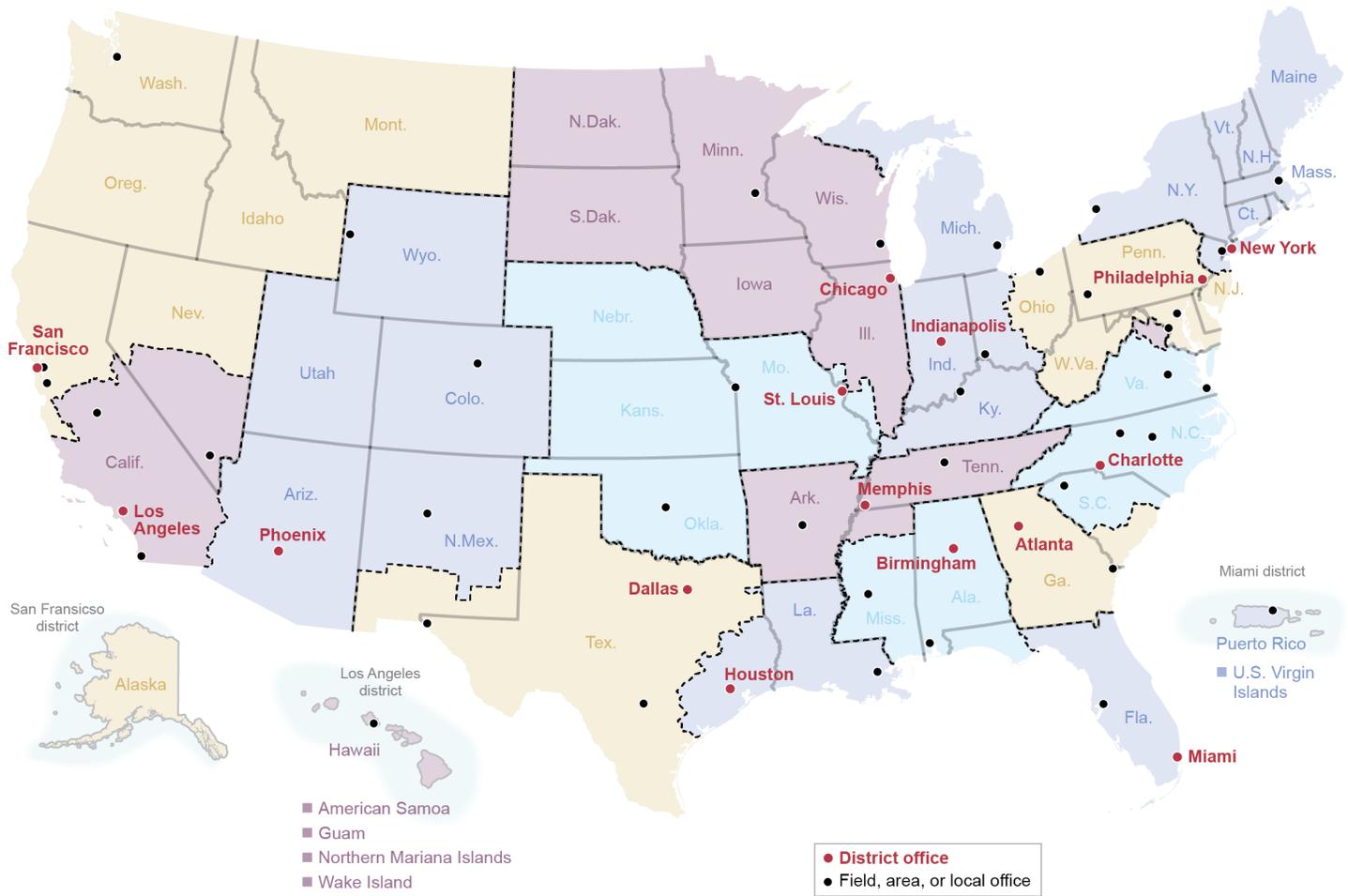
^dIf a settlement is not reached, EEOC’s legal staff, dependent on resources among other factors, may decide to file a lawsuit to obtain relief for the charging party. If EEOC decides not to file a lawsuit, they will then issue a Notice of Right to Sue to the charging party. EEOC’s litigation process was outside the scope of our review.

EEOC Resources and Organization

For fiscal year 2021, EEOC was appropriated about \$404 million, and according to its 2023 Congressional Budget Justification, EEOC had 1,927 Full-Time Equivalent staff.¹² There are four types of offices: 15 district offices, nine field offices, 15 area offices, and 14 local offices. EEOC generally refers to all four kinds of offices as “field offices.” Each district office and the Washington Field Office operate under the supervision of the Director of the Office of Field Programs through the Director of Field Management Programs, and the General Counsel. Each field, area and local office, except for the Washington Field Office, operate under the supervision of the district director. According to EEOC officials, multiple factors affect field office designation, including the number of charges received, location, geographical coverage, and staffing. EEOC officials also stated that the office types have different amounts and types of support staff, with district offices having the most support staff, and local offices having the least. See figure 2 for a map of EEOC’s offices.

¹²According to EEOC’s fiscal year 2013 and fiscal year 2023 Congressional Budget Justifications, EEOC’s appropriations were almost \$367 million in fiscal year 2011 and about \$404 million in fiscal year 2021. During this period, the number of EEOC staff decreased from 2,505 Full-Time Equivalents in fiscal year 2011 to 1,927 Full-Time Equivalents in fiscal year 2021, according to EEOC.

Figure 2: Map of Equal Employment Opportunity Commission Districts and Field Offices



Source: Equal Employment Opportunity Commission data; U.S. Census Bureau (base map). | GAO-23-106245

EEOC Took Steps to Reduce the Charge Inventory, and While It Has Procedures to Monitor Quality, It Does Not Monitor the Length of Its Charge Intake Process

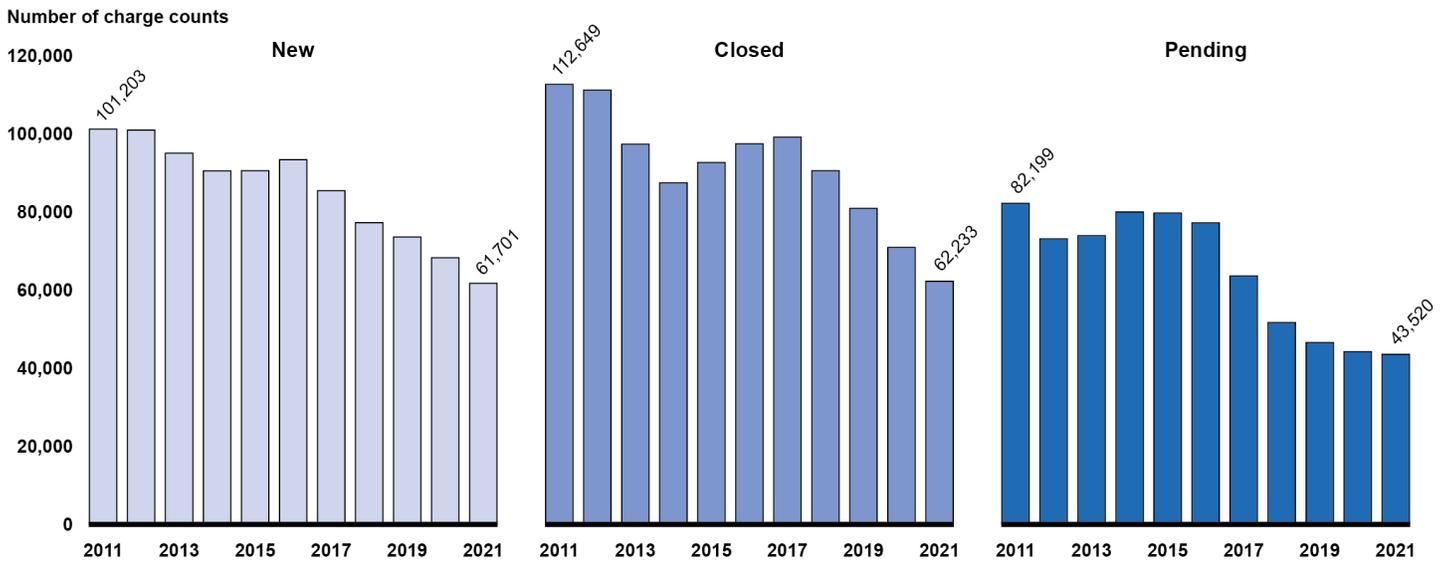
EEOC Officials Identified Charge Prioritization and Changes to the Intake Process As Factors That Helped EEOC Reduce Its Charge Inventory

According to our analysis of EEOC data, the pending charge inventory dropped about 47 percent from 82,199 to 43,520 charges from fiscal year 2011 through 2021. (See fig. 3.)¹³ New charge filings dropped about 39 percent from 101,203 to 61,701 from fiscal year 2011 through 2021. EEOC was able to close more charges than it received for nearly every year during this period.¹⁴

¹³These charge data are based on GAO's analysis of EEOC's operational data, and therefore do not match EEOC's publicly reported data. According to EEOC officials, pending charges are charges that are open at the time of a reporting period. We selected the end of the fiscal year as the reporting period for pending charges.

¹⁴EEOC can take various actions to close a charge. For example, EEOC can close a charge by (1) working with the charging party (individual who filed a charge) and the party against which a charge is filed to negotiate a voluntary settlement after EEOC determines there is reasonable cause to conclude that unlawful discrimination has taken place, or (2) completing an investigation and making a determination that there is no reasonable cause to conclude discrimination occurred.

Figure 3: Reduction in the Equal Employment Opportunity Commission’s Pending Charge Inventory, Fiscal Years 2011-2021



Source: GAO analysis of Equal Employment Opportunity Commission data. | GAO-23-106245

Note: These charge data are based on GAO’s analysis of the Equal Employment Opportunity Commission’s (EEOC) operational data, and therefore do not match EEOC’s publicly reported data. For charges closed in fiscal year 2021, the most recent year for which data were available at the time of our review, EEOC closed 64 percent of charges by issuing a no cause determination—meaning the EEOC investigator did not find reasonable cause to conclude that unlawful employment discrimination occurred. According to EEOC, favorable resolutions of charges include charges resolved with an outcome favorable to the charging party (the party that filed the charge) or a charge with meritorious allegations. EEOC refers to these as “merit resolutions”. Merit resolutions consist of settlements (EEOC works with the charging party and the party against which a charge was filed to negotiate a settlement), withdrawals with benefits (an individual decides to withdraw their charge and receive benefits through a separate agreement with the employer), successful conciliations (EEOC works with the charging party and the party against which a charge was filed to negotiate a voluntary settlement after determining there is reasonable cause to conclude that unlawful discrimination has taken place), and unsuccessful conciliations (EEOC determines there is reasonable cause to conclude that unlawful discrimination has taken place, but is unable to negotiate a voluntary settlement). In fiscal year 2021, settlements, withdrawals with benefits, successful conciliations, and unsuccessful conciliations made up roughly 9 percent, 8 percent, 1 percent, and 2 percent of closed charges, respectively.

According to EEOC officials, EEOC’s Priority Charge Handling Procedures (PCHP) and changes to the intake process helped EEOC reduce its pending charge inventory.

Priority charge handling procedures. Officials said that reinforcing EEOC’s Priority Charge Handling Procedures, which were implemented in 1995, helped EEOC reduce its charge inventory. Under the PCHP, EEOC officials categorize charges for priority handling based on the

The Equal Employment Opportunity Commission's (EEOC) Priority Charge Handling Procedures (PCHP)

EEOC uses PCHP to focus its resources on charges that it concludes are most likely to result in a reasonable cause determination. EEOC places charges into one of three general categories:

- **“A” charges** are charges that EEOC concludes will likely result in a reasonable cause determination.
- **“B” charges** are charges for which EEOC requires additional information to determine whether its investigation of a charge is likely to result in a reasonable cause determination. This category also includes other charges for which EEOC cannot judge the merits of a charge at charge receipt.
- **“C” charges** are charges for which EEOC has obtained sufficient information to conclude that a reasonable cause determination is not likely. According to EEOC officials, EEOC staff can dismiss C charges very soon after they receive them. For example, EEOC staff may dismiss a charge if the laws that EEOC enforces do not cover an individual's allegation.

Source: EEOC officials and EEOC's Priority Charge Handling Procedures. | GAO-23-106245

likelihood of an investigation resulting in a reasonable cause determination (see sidebar).¹⁵

According to EEOC guidance, diligent application of the PCHP is necessary to manage EEOC's finite resources.¹⁶ EEOC officials said that in 2014, they brought together senior field office managers to identify and share best practices for managing the charge inventory. As a result of this effort, in fiscal year 2015, EEOC issued a memo to senior field office managers to stress the importance of continued rigorous application of the PCHP. In fiscal year 2017, EEOC issued another memo to senior managers to further stress the importance of reducing the inventory using PCHP.

Managers from three of the four EEOC field offices included in our discussion groups also attributed the decrease in their office's pending charge inventory to the PCHP.¹⁷ A manager from one office said that applying the PCHP accurately helps control their office's charge inventory and allows investigators to work more efficiently. A manager from another office said that applying the PCHP helped to reduce their office's pending charge inventory, but acknowledged that there are tradeoffs to doing so. Specifically, this manager said that staff are not necessarily resolving all charges in the manner they would like—meaning they are not able to fully investigate every charge because of EEOC's limited resources. Instead, this manager said that EEOC staff are applying resources where they can have an impact on a large number of people. According to this manager, staff are making difficult decisions regarding the amount of time to devote to a case.

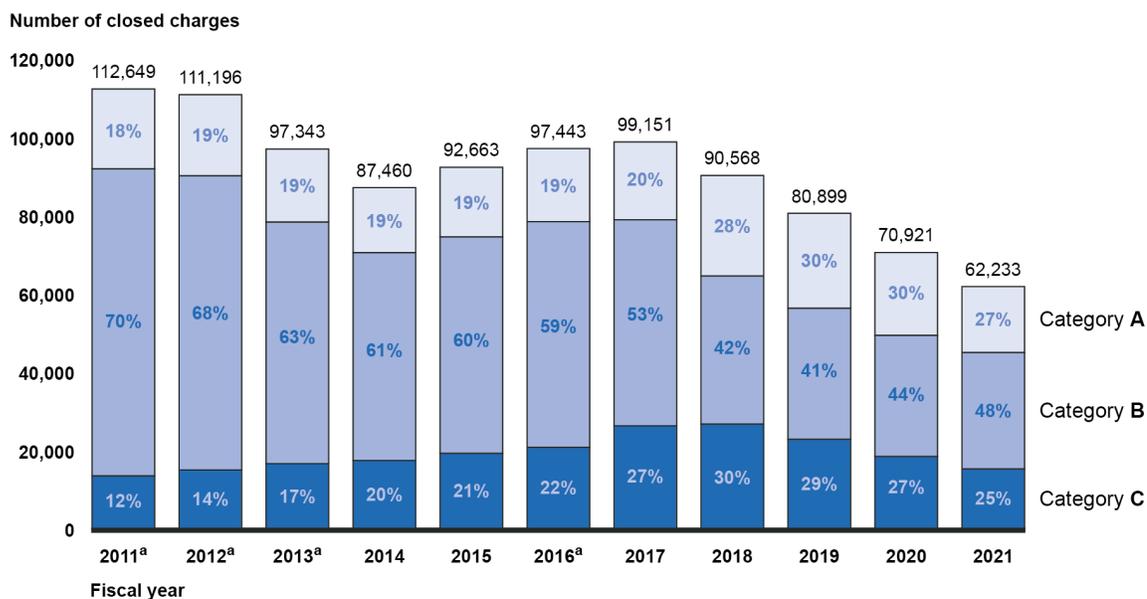
¹⁵Prior to the adoption of the PCHP, EEOC staff fully investigated all charges regardless of their merit.

¹⁶U.S. Equal Employment Opportunity Commission, *U.S. Equal Employment Opportunity Commission Strategic Enforcement Plan Fiscal Years 2017-2021*.

¹⁷We conducted discussion groups with charge investigators and management staff from selected EEOC field offices. See appendix I for additional details.

From fiscal years 2011 to 2021, the percentage of category “A” charges increased, the percentage of “B” charges decreased, and the percentage of “C” charges increased, as figure 4 shows.¹⁸

Figure 4: Distribution of Closed Charges across the Equal Employment Opportunity Commission’s Priority Charge Handling Procedures Categories, Fiscal Years 2011-2021



Source: GAO analysis of Equal Employment Opportunity Commission data. | GAO-23-106245

Note: These charge data are based on GAO’s analysis of the Equal Employment Opportunity Commission’s (EEOC) operational data, and therefore do not match EEOC’s publicly reported data. “A” charges are charges that EEOC concludes will likely result in a reasonable cause determination. “B” charges are charges for which EEOC requires additional information to determine whether its investigation of a charge is likely to result in a reasonable cause determination. This category also includes other charges for which EEOC cannot judge the merits of a charge at charge receipt. “C” charges are charges for which EEOC has obtained sufficient information to conclude that a reasonable cause determination is not likely. According to EEOC officials, EEOC staff can dismiss C charges very soon after they receive them. We did not evaluate EEOC’s charge categorization determinations.

^aThese are years for which less than 1 percent of closed charges were uncategorized. There were no uncategorized charges in the other years shown.

¹⁸“A” charges are charges that EEOC concludes will likely result in a reasonable cause determination. “B” charges are charges for which EEOC requires additional information to determine whether its investigation of a charge is likely to result in a reasonable cause determination. This category also includes other charges for which EEOC cannot judge the merits of a charge at charge receipt. “C” charges are charges for which EEOC has obtained sufficient information to conclude that a reasonable cause determination is not likely. According to EEOC officials, EEOC staff can dismiss C charges very soon after they receive them. We did not evaluate EEOC’s charge categorization determinations.

Intake process. Changes to the intake process may have also contributed to the reduction of pending charges. Officials said that before fiscal year 2018, an individual could more easily submit a charge prior to an intake interview.¹⁹ In fiscal year 2018, EEOC transitioned to—and encouraged the public to use—an online portal to file an inquiry and schedule a pre-charge intake interview, according to EEOC officials.²⁰ Managers from two of the four EEOC field offices included in our discussion groups stated that the transition to an online intake process may have helped to reduce EEOC’s pending charge inventory. For example, a manager from one office said that EEOC’s online portal includes questions that, when answered, allow individuals to screen themselves out because they may not meet the criteria for filing a charge.²¹ A former EEOC chair that we interviewed said that when an intake interview occurs before filing a charge, the interview may result in an individual deciding not to file a charge. For example, according to this former chair, during the intake interview an individual may decide not to file a charge once they learn that their employer will receive a copy of the charge.

In fiscal year 2017, there were 85,431 new charge filings, and they decreased to 61,701 (roughly 30 percent) by fiscal year 2021. This occurred even though the number of inquiries generally grew during this time period relative to most prior years. (See fig. 5.)²²

¹⁹Officials said that prior to fiscal year 2018, if an individual wanted to file a charge, they would generally submit a paper form to EEOC staff. Once the individual completed and signed the form, the case was considered a charge. This could occur prior to an intake interview. EEOC eliminated this paper form during the first quarter of fiscal year 2018.

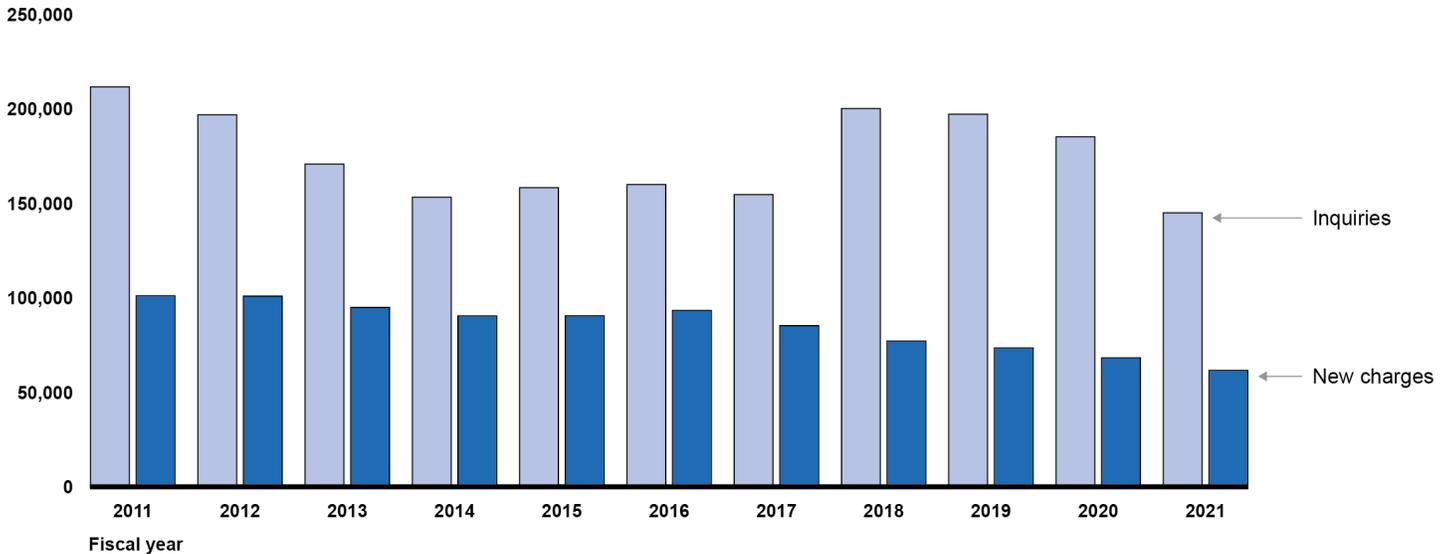
²⁰EEOC officials said that, under EEOC’s current procedures, individuals generally have an intake interview with an EEOC staff before they can file a charge.

²¹According to EEOC, the laws that it enforces require it to accept charges alleging employment discrimination. If the laws do not apply to an individual’s claim, if a charge is not filed within the law’s time limits, or if the EEOC decides to limit its investigation—because, for example, the evidence does not indicate a violation of EEOC’s laws—the EEOC will dismiss the charge without any further investigation and notify the individual of their legal rights.

²²EEOC attributed the increase in inquiries from fiscal year 2018 to 2019 to the fiscal year 2018 rollout of its online portal, which increased the public’s access to EEOC by giving them the ability to file inquiries online. See U.S. Equal Employment Opportunity Commission, “Fiscal Year 2019 Annual Performance Report” (Feb. 10, 2020), accessed October 29, 2020, <https://www.eeoc.gov/fiscal-year-2019-annual-performance-report>. In addition, EEOC officials said that the COVID-19 pandemic has affected new charge filings.

Figure 5: Equal Employment Opportunity Commission New Charge Filings Dropped after Fiscal Year 2018 Even Though Inquiries Generally Increased Relative to Pre-Fiscal Year 2018 Levels

Number of inquiries and new charges



Source: GAO analysis of Equal Employment Opportunity Commission data. | GAO-23-106245

Note: These charge and inquiry data are based on GAO's analysis of the Equal Employment Opportunity Commission's (EEOC) operational data, and therefore do not match EEOC's publicly reported data. Individuals decide whether to file a charge after filing an online inquiry. We did not evaluate individuals' decisions regarding whether to file a charge after filing an inquiry.

EEOC Has Procedures to Monitor the Quality of Charge Investigations

Procedures for Monitoring Quality

EEOC officials outlined multiple steps that the agency has to (1) help ensure there are quality, consistent procedures across its field offices, and (2) confirm that completed investigations met EEOC's standards for quality. (See table 1.)

Table 1: Steps the Equal Employment Opportunity Commission (EEOC) Has to Help Ensure the Quality of Its Charge Investigation Process

Step	Description
Guidance	EEOC’s Priority Charge Handling Procedures, ^a Quality Control Plan, ^b and its Compliance Manual ^c provide guidance to staff on how to conduct charge investigations.
Training	According to EEOC officials, EEOC trains all new investigators and provides refresher training on EEOC’s internal processes and procedures and legal developments, among other topics.
Supervisory review	Supervisors are to review the charge categorization decisions that investigators make. In addition, managers from all four offices included in our discussion groups said they review investigators’ work at multiple other points throughout the investigation.
File reviews	EEOC headquarters staff are to conduct file reviews for 1-2 percent of total closed charges per year. During file reviews, headquarters staff are to review case files for individual charges and determine whether the case files meet certain criteria. For example, among other things, they are to assess whether files contain adequate documentation and whether charge categorizations are reasonable.
Technical assistance visits	EEOC headquarters staff are to conduct technical assistance visits where headquarters teams of analysts visit each field office every 3-5 years to ensure the offices are properly implementing policies and procedures, and providing good customer service. EEOC officials said that, during technical assistance visits, headquarters staff engage in discussions with field office staff and review case processing in intake and enforcement, legal and enforcement interaction, communication, and morale. ^d Since March 2020, due to the COVID-19 pandemic, EEOC has conducted these visits virtually, according to officials.

Source: EEOC. | GAO-23-106245

^aU.S. Equal Employment Opportunity Commission, Priority Charge Handling Procedures (June 1995).

^bU.S. Equal Employment Opportunity Commission, Quality Practices for Effective Investigations and Conciliations (Sept. 30, 2015).

^cU.S. Equal Employment Opportunity Commission, Compliance Manual. Volume 1 of the Compliance Manual covers EEOC’s investigative procedures.

^d“Enforcement” refers to the procedures for investigating and resolving discrimination charges.

Results of Quality Reviews

EEOC data show that, based on a national average of field office file review scores for each year since fiscal year 2017, investigations have

consistently met EEOC’s targets for quality.²³ (See table 2.)²⁴ Reviewed files are scored and the “target” refers to the desired percentage of case files agency wide that meet the quality criteria. In fiscal year 2021, EEOC’s target was for 87 percent of case files nationwide to meet the quality criteria, and 91 percent of case files nationwide ultimately met the criteria, according to EEOC data.

Table 2: Results of Equal Employment Opportunity Commission Case File Reviews, Fiscal Years 2017-2021

	Fiscal year 2017	Fiscal year 2018	Fiscal year 2019	Fiscal year 2020	Fiscal year 2021
File review score for the district with the highest score	98.3%	97.7%	98.2%	99.4%	98.1%
File review score for the district with the lowest score	79.4%	71.4%	76.4%	72.3%	73.3%
Target (desired percentage of case files agency-wide that meet the quality criteria)	82%	86%	85%	86%	87%
National Average	87.8%	88.2%	88.8%	87.5%	90.9%

Source: Equal Employment Opportunity Commission data. | GAO-23-106245

Note: We do not identify the specific names of Equal Employment Opportunity Commission districts along with their file review scores because EEOC deems this information to be law-enforcement sensitive. Reviewed files are scored and the “target” refers to the desired percentage of case files agency wide that meet the quality criteria.

EEOC headquarters staff also are to provide feedback to field office staff at the conclusion of technical assistance visits. According to EEOC officials, EEOC headquarters staff meet with the field office director to provide general feedback and observations regarding their office’s operations. EEOC officials also said that during these meetings, headquarters staff share best practices for optimizing the field office’s effectiveness and provide suggestions for additional training or support.

²³EEOC’s 2012-2016 Strategic Plan included a goal for EEOC to establish criteria for evaluating the quality of investigations. EEOC’s Quality Control Plan, issued at the close of fiscal year 2015, was responsive to this goal. See U.S. Equal Employment Opportunity Commission, *Quality Practices for Effective Investigations and Conciliations* (Sept. 30, 2015). In fiscal year 2016, EEOC developed procedures to help apply the criteria established under the Quality Control Plan to a sample of investigations and conciliations. In addition, it selected a representative sample of case files for review from each field office. EEOC established the first targets for quality for file reviews it conducted in fiscal year 2017.

²⁴In table 2, we do not identify the specific names of EEOC districts along with their file review scores because, according to EEOC, this information is law enforcement sensitive.

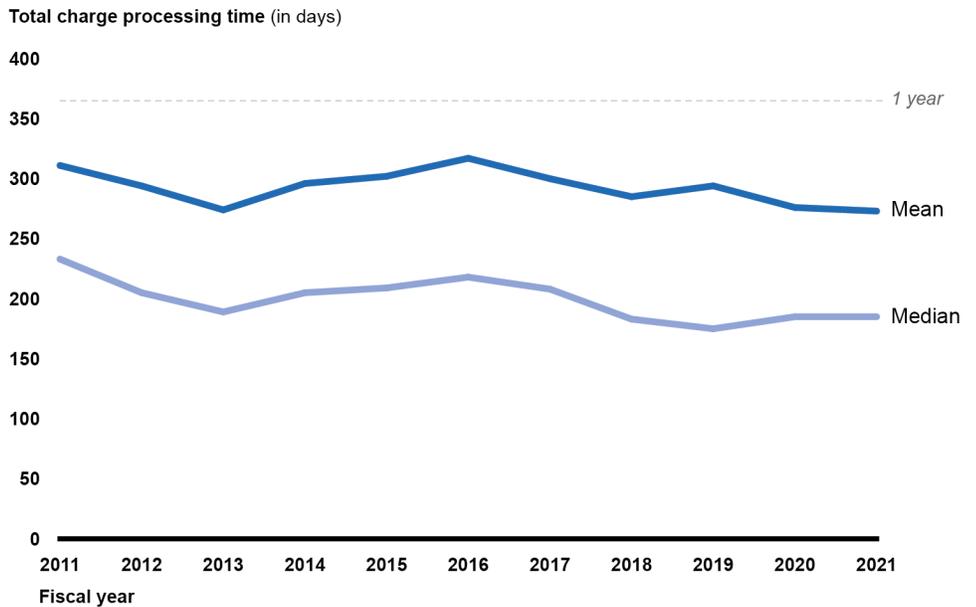
The Average Length of Charge Investigations Has Remained Stable Over Time, but EEOC Does Not Monitor the Length of the Intake Process

Length of Charge Investigations

According to GAO's analysis of EEOC data, from fiscal year 2011 to 2021, average (mean) charge processing times (from charge filing to resolution) remained relatively stable at around 300 days.²⁵ (See fig. 6.) EEOC officials said the length of a charge investigation varies depending on the facts of each case and availability of investigators, among other factors. These officials highlighted the importance of not rushing cases to meet specific processing time deadlines, as doing so would be a disservice to the individuals who file charges.

²⁵Charge processing time is the amount of time (in days) that passes from when a charge is filed to when EEOC resolves the charge either (1) at the end of an investigation or (2) in some cases prior to the end of an investigation, such as if an individual who filed a charge and their employer are able to negotiate a settlement.

Figure 6: Equal Employment Opportunity Commission Average Charge Processing Times, Fiscal Years 2011-2021



Source: GAO analysis of Equal Employment Opportunity Commission data. | GAO-23-106245

Note: These charge data are based on GAO’s analysis of the Equal Employment Opportunity Commission’s (EEOC) operational data, and therefore do not match EEOC’s publicly reported data. These are the average (mean) and median processing times for charges that EEOC resolved in each of the years shown. These processing times represent the mean and median number of days (agency-wide) between the date individuals filed charges and the date EEOC staff resolved the charges. EEOC can resolve a charge by, for example, making a determination that there is reasonable cause to conclude discrimination occurred, or making a determination that there is no reasonable cause to conclude discrimination occurred.

Charge processing times varied among individual EEOC field offices. In fiscal year 2021, for example, the average (mean) processing time, by office, ranged from a low of 132 days to a high of 597 days. EEOC officials said processing times for some offices are longer than those of others for reasons such as the need to issue subpoenas and go to court to obtain information from employers and office staffing levels, among other reasons.²⁶ Officials said certain field offices issue more subpoenas than others, which takes additional time to process.

²⁶As noted in the background section, EEOC staff collect information from employers and individuals who file charges, as well as perform other activities, during a charge investigation.

Length of the Intake Process

Since fiscal year 2018, the average length of the intake process varied greatly among field offices. For the purposes of this report, the intake process begins when an individual files an inquiry and concludes when they have an intake interview with an EEOC official.²⁷ While in fiscal year 2021, it took an average of 69 days (agency-wide) for field offices to complete the intake process, the slowest office averaged 111 days, and the fastest office averaged 11 days. (See table 3.)²⁸ EEOC officials said that EEOC's ability to conduct timely intake interviews is determined by the circumstances of each case, such as whether EEOC staff have to follow-up with an individual because they missed their intake interview appointment. EEOC data show that the number of inquiries EEOC received each year from fiscal year 2011 to 2021 was higher in some years than others. Therefore, the volume of inquiries EEOC receives in a given year may also affect its ability to conduct timely intake interviews.

²⁷This is the way we discussed the intake process in our meetings with EEOC officials and how we defined the intake process when conducting the data analysis we present in this section. However, as we were concluding our work, EEOC officials said that the intake process begins when an individual files an inquiry and concludes when they file a charge or when their inquiry is closed without a charge filing. Since the definition of the intake process shown above applied to our earlier discussions with EEOC officials and served as the basis for our data analysis, we did not modify it. EEOC officials said that, in fiscal year 2018—with the rollout of EEOC's online portal—EEOC began capturing the intake interview date in its data system.

²⁸The amount of time that passes between an inquiry and the intake interview is not a distinct variable in EEOC's data system. Instead, we created this variable by calculating the number of days between the inquiry filing date and the date EEOC conducted the intake interview, two dates EEOC captures in its data system. EEOC officials said that the intake interview date is only captured for inquiries that individuals file through EEOC's online portal. In fiscal year 2021, EEOC received over 60 percent of inquiries through the portal. Individuals can also use other methods to file inquiries such as contacting EEOC in person, by phone, mail, fax, or email.

Table 3: Variation in the Average Length of the Intake Process among Equal Employment Opportunity Commission Field Offices, Fiscal Years 2018-2021

Fiscal year	Average number of days from inquiry to intake (agency- wide)	Average number of days from inquiry to intake (for the office that took the longest amount of time in each fiscal year)	Average number of days from inquiry to intake (for the office that took the shortest amount of time in each fiscal year)	Average number of days from inquiry to intake (for the office in the middle of the distribution in each fiscal year)
2018	60	90	8	59.5 ^a
2019	66	89	8	66
2020	71	113	12	70
2021	69	111	11	72

Source: GAO analysis of EEOC data. | GAO-23-106245

Note: We used fiscal year 2018 as the starting point for our analysis because the Equal Employment Opportunity Commission (EEOC) modified its intake process in fiscal year 2018.

^aThis figure represents the average (mean) of the two numbers in the middle of the distribution.

Charge investigators we spoke with expressed concerns about the intake process. Investigators from two of the four offices included in our discussion groups said their offices' intake calendars are booked at least 3 months out. Investigators from two of our four discussion groups also identified intake as a pain point in the charge investigation process. In one of these groups, investigators said intake takes time away from investigations because investigators have to split their time between helping out with intake and investigating charges.²⁹ One investigator said they would like support staff, or some other change, to reduce the burden on investigators to perform intake activities.

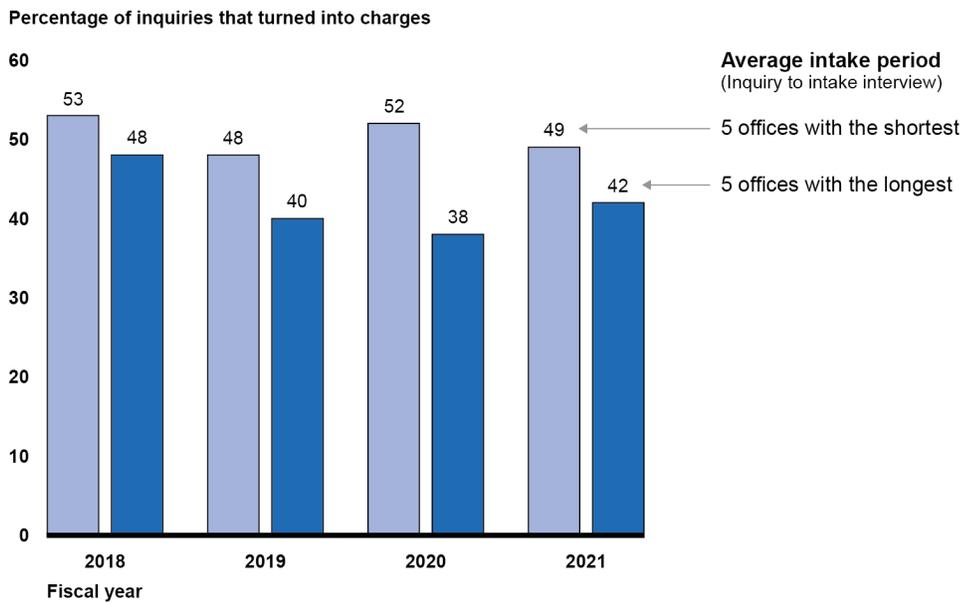
The length of the intake process could have a dampening effect on new charge filings, according to our data analysis and EEOC field office officials with whom we spoke. In our analysis of EEOC's charge data, we found that, for each year from fiscal year 2018 to 2021, the five field offices with the longest average intake periods had a smaller percentage of inquiries turn into charges, on average, than the five offices with the

²⁹EEOC officials said that conducting intake interviews is part of an investigator's job and is the first stage in an investigation. In all four EEOC field offices we spoke with in our discussion groups, investigators take shifts conducting intake interviews.

shortest average intake periods.³⁰ (See fig. 7.) In addition, an investigator from a field office included in our discussion groups expressed concern that the waiting time for an intake interview could discourage individuals from ultimately filing charges. A field office supervisor said that their biggest pain point in the charge investigation process is when individuals who intended to file a charge do not do so because they are unable to easily secure an intake interview appointment.

³⁰We did not perform statistical modeling or testing to take into account or control for other potential variables that could explain why inquiries do not turn into charges. Thus, factors other than the length of the intake process could also affect charge filings. As previously noted, we calculated the length of the intake period by counting the number of days from the date of the inquiry to the date of the intake interview. EEOC officials said that, after an individual files an inquiry, EEOC staff follow up with them to see if they would like to proceed with an intake interview. Prior to August 2021, EEOC automatically closed out some inquires after 90 days when the potential charging party did not contact EEOC to proceed with the intake process.

Figure 7: Percentage of Inquiries That Turned into Charges for Equal Employment Opportunity Commission Field Offices with the Longest and Shortest Average Intake Periods, Fiscal Years 2018-2021



Source: GAO analysis of Equal Employment Opportunity Commission data. | GAO-23-106245

Note: We did not perform statistical modeling or testing to take into account or control for other potential variables that could explain why inquiries do not turn into charges. Thus, factors other than the length of the intake process could also affect charge filings. These charge and inquiry data are based on GAO's analysis of the Equal Employment Opportunity Commission's (EEOC) operational data, and therefore do not match EEOC's publicly reported data. We used fiscal year 2018 as the starting point for our analysis because EEOC modified its intake process in fiscal year 2018. EEOC officials said that, after an individual files an inquiry, EEOC staff follow up with them to see if they would like to proceed with an intake interview. For each year from fiscal year 2018 through 2021, for inquiries that did not turn into charges, the two most common reasons why EEOC closed out inquiries were because (1) the potential charging party did not contact EEOC to proceed with the intake process, and thus the inquiry was automatically closed, and (2) the individual who filed the inquiry declined to file a charge. For each year during this time period, for inquiries that did not turn into charges, these two reasons accounted for at least 70 percent of the inquiries that EEOC closed out agency-wide. EEOC officials said that, in August 2021, EEOC stopped automatically closing out inquiries within a certain number of days because the potential charging party did not contact EEOC to proceed with the intake process.

EEOC's Strategic Plan highlights the agency's objective to conduct its operations in an efficient manner,³¹ and internal control standards underscore the importance of federal agencies using available information to achieve their objectives.³² Specifically, internal control standards state that organizations should use available information—incorporating relevant operational and other data—to achieve their objectives, and that effective information and communication are vital for an organization to achieve its objectives.³³

EEOC officials told us that although they could do so, they do not routinely monitor the length of the intake process across field offices because they have focused on ensuring that individuals who file inquiries do not miss statutory deadlines for filing a charge.³⁴ EEOC officials also said they monitor the number of intake interview appointments each field office conducts and provide intake support to offices with large intake interview workloads. Monitoring office-level data on how long the intake process takes would provide EEOC with key information to help it identify trends across field offices. This would allow headquarters officials to identify offices where the intake process takes longer and target intake related support, as needed, to these offices. Monitoring these data would also help EEOC better determine whether it is consistently achieving its

³¹Specifically, in support of the agency's mission, EEOC's FY2018-2022 Strategic Plan outlines an objective to exercise EEOC's enforcement authorities fairly, efficiently, and based on the circumstance of each charge or complaint. See U.S. Equal Employment Opportunity Commission, *U.S. Equal Employment Opportunity Commission (EEOC) Strategic Plan for Fiscal Years 2018-2022* (February 2018).

³²See [GAO-14-704G](#), Internal Control Principle 13.01.

³³In the context of EEOC, operational data include charge related data such as data on the length of the intake process.

³⁴EEOC officials said that they produce monthly reports to monitor charge investigations, but these reports do not capture information on the length of the intake process. For the laws EEOC enforces, individuals are generally required to file a charge with EEOC within a certain amount of time after the date the alleged discriminatory act occurred. According to officials, EEOC takes multiple steps to address urgent inquiries prior to the expiration of the statute of limitations. For example, officials said that when an individual files an inquiry in EEOC's online portal and for previously filed inquiries, the portal calculates whether the inquiry is being filed within 60 days of the expiration of the statute of limitations based on the information provided by the individual. If so, the portal alerts the individual and provides them with a phone number and email address they can use to contact their local EEOC district office to schedule an intake interview.

objective, as stated in its Strategic Plan, to exercise its enforcement authorities efficiently.

EEOC Plans to Evaluate the Effect of Outreach, and Selected Field Office Officials Reported Challenges

EEOC Tracks Outreach Events and Plans to Evaluate the Effects of Outreach Efforts

EEOC Conducts a Variety of Outreach Efforts

EEOC conducts a variety of free outreach and fee-based training events to help employers and workers understand and prevent employment discrimination.³⁵ EEOC has two goals for its outreach efforts: (1) to ensure that members of the public understand employment discrimination laws and know their rights and responsibilities under these laws; and (2) to ensure that employers take steps to prevent discrimination, effectively address equal employment opportunity issues, and support more inclusive workplaces.

EEOC conducts both free outreach and fee-based training:

- **Free outreach:** EEOC coordinates with local advocacy groups, local business groups, federal agencies, and other groups to conduct outreach events at no cost to the groups or audience. EEOC establishes partnerships with advocacy groups that represent workers, and organizations that represent employers (called significant partnerships). According to EEOC officials, free outreach can include formal presentations, hosting a booth at a job fair, and meeting farm workers before their morning shifts, among other things.

³⁵EEOC uses the term “outreach” to refer to its no cost education and outreach and the term “fee-based training” to refer to its training and technical assistance programs for which it charges a fee. For the purposes of this report, we refer to both broadly as “outreach,” unless otherwise specified.

In fiscal year 2021, EEOC allocated \$6 million for free outreach, as reflected in its fiscal year 2023 Congressional Budget Justification.³⁶

- **Fee-based training:** EEOC's Training Institute conducts fee-based training for employers and employees in the private sector, state and local governments, and federal agencies.³⁷ For example, it provides Customer Specific Training programs for employees, managers, supervisors, and human resource professionals from large, mid-size, and small employers on topics such as equal employment opportunity responsibilities and preventing and correcting workplace discrimination. Employers can choose either standardized courses or customized courses delivered at employers' worksites. The Training Institute also hosts workshops that educate employers and employees about their respective rights and obligations and provide detailed information about identifying and preventing workplace discrimination. EEOC annually hosts the Examining Conflicts in Employment Laws Training Conference that is directed at both government and private sector Equal Employment Opportunity practitioners and covers topics such as compliance and emerging trends in equal employment opportunity.

Outreach and Education Coordinators (OEC) located in field offices are the primary staff responsible for conducting and coordinating outreach. As of June 2021, there were 20 OECs—each district had at least one OEC, and some districts had two. A variety of staff across the field offices are involved in outreach efforts, including regional attorneys, investigators, and other staff. For example, one OEC told us that she assigns some management staff in her district to be liaisons with the district's significant partners.

Multiple EEOC headquarters offices also support EEOC's outreach efforts. The Office of Field Programs (OFP), which oversees the daily

³⁶U.S. Equal Employment Opportunity Commission, *Fiscal Year 2023 Congressional Budget Justification* (March 2022).

³⁷To finance the activities of EEOC's Training Institute, a revolving fund was established by the EEOC Education, Technical Assistance and Training Revolving Fund Act of 1992. A revolving fund authorizes an agency to retain receipts and deposit them into the fund to finance the fund's operations. The institute's ongoing training activities are funded by fees collected from organizations using the institute's services and fees are limited to the actual costs of the training activities. In fiscal year 2021, EEOC spent almost \$3.7 million through the revolving fund, collected almost \$3.6 million, and had a closing balance of about \$2.5 million. EEOC also provides fee-based training to federal agencies (and some no-cost outreach); however, we do not cover EEOC outreach to federal agencies in this report. To the extent that training offerings apply to both the private and federal sector, we describe this in the report.

operations of EEOC’s 53 field offices, oversees field office outreach efforts. EEOC’s Training Institute is responsible for the management of fee-based training programs, and is located within OFP. The Training Institute generally relies on field office staff to conduct workshops and Customer Specific Training programs. Multiple other EEOC headquarters offices are also involved in outreach efforts. The Office of Communications and Legislative Affairs maintains EEOC’s website and agency-wide social media presence and issues press releases. Office of General Counsel and Office of Legal Counsel staff participate in speaking engagements to inform the public of EEOC guidance.

According to EEOC headquarters officials, while OECs handle most of the logistics for arranging outreach events on their own, headquarters staff provide various types of technical assistance and support to OECs, including

- making headquarters experts available when OECs have questions;
- providing a shared digital library of outreach and training materials for free outreach and fee-based training; and
- contracting assistance for outreach events and fee-based training events that are hosted off-site; among other things.

EEOC Tracks Certain Measures Related to Outreach and Plans to Evaluate the Effect of Outreach

EEOC tracks certain measures related to its outreach efforts, including the number of events it hosts and the number of attendees, among other things. (See table 4.) According to EEOC officials, OECs record these events in an internal database. EEOC officials stated that some district directors also ask their OECs to report their outreach activities on a monthly basis, and sometimes more frequently, but this is not an agency-wide requirement. Officials stated that OFP also requests data from field offices biannually, but may request ad hoc reports throughout the fiscal year.

Table 4: Number of Equal Employment Opportunity Commission Free Outreach Events and Fee-Based Trainings and Attendees, Fiscal Years 2011-2021

Fiscal year	Number of free outreach events	Number of attendees at free outreach events	Number of fee-based trainings	Number of attendees at fee-based trainings
2011	3,784	270,917	517	28,902
2012	3,819	296,161	533	24,525
2013	3,650	258,641	411	21,377
2014	3,414	222,432	307	18,627
2015	3,689	327,283	281	15,881

Fiscal year	Number of free outreach events	Number of attendees at free outreach events	Number of fee-based trainings	Number of attendees at fee-based trainings
2016	3,637	316,600	360	17,791
2017	3,482	615,439	449	18,298
2018	3,126	366,497	791	34,255
2019	2,792	238,280	985	46,992
2020	2,341	292,531	475	15,192
2021	2,015	241,270	313	13,641

Source: EEOC. | GAO-23-106245

Note: This table reflects free outreach and fee-based training events conducted by the Equal Employment Opportunity Commission's (EEOC) field offices and reported by EEOC's Office of Field Programs, and does not include outreach events conducted by field legal units or headquarters' offices, nor does it include federal sector outreach.

According to OECs in our discussion group, for fee-based trainings, EEOC collects feedback from participants who attended by surveying them. According to EEOC officials, headquarters staff review survey results to identify trends and discuss strategies for improving outreach during yearly meetings with the district offices.

For free outreach events, EEOC does not formally gather feedback, according to OECs in our discussion group. Some of the OECs said they developed their own feedback mechanisms. For example, one OEC stated that now that their outreach sessions are virtual, they send an online survey to participants following each outreach session. An OEC that we interviewed separately from our discussion group stated that their office obtains feedback by hosting listening sessions with community organizations after free outreach events.

While EEOC has primarily evaluated its outreach by tracking measures such as the number of attendees at events, it is taking steps to develop performance measures that assess the impact of its efforts. For example, EEOC officials stated that EEOC recently performed an assessment of the impact of its significant partnerships. According to EEOC officials, this assessment resulted in multiple recommendations for EEOC to shift its focus toward increasing engagement with targeted underserved communities and prioritizing listening sessions and regional outreach events, among other recommendations. In fiscal year 2022, EEOC provided districts with a data visualization tool to better identify and reach out to underserved communities. This tool uses data from the U.S. Census Bureau's American Community Survey that show district demographics, such as limited English proficient populations, tribal areas, and the top industries in each district. According to EEOC officials, each

office will use these data to improve outreach plans, resource allocations, and more.

Selected EEOC Field Office Officials Cited a Variety of Challenges Conducting Outreach and EEOC Is Taking Steps to Address These Challenges

EEOC field office officials we spoke with identified a variety of challenges with providing outreach to the public, including a lack of resources, difficulty traveling to reach all areas within a district, and a need for additional training and support.

Lack of resources. Managers from three of our discussion groups identified a lack of resources as a pain point for outreach. For example, during one discussion group, a manager cited inconsistencies in available outreach resources. The manager explained that at times funding is available for outreach events, but at other times events are delayed due to a lack of funding. In another discussion group, a manager explained that it is hard for staff to find time to do outreach along with their other responsibilities.

Difficulty reaching all areas and populations within a district. A manager from one discussion group stated that geography is a pain point for outreach because it is hard to get staff to volunteer to conduct outreach events far away. A manager from another office we spoke with also said it is difficult to reach remote areas in their district to conduct outreach. Due to the number of OECs across the country, each OEC can be responsible for multiple states. An OEC we interviewed outside of our discussion groups stated that they sometimes drive 4 hours each way to give an hour-long presentation.

OECs we spoke with stated that conducting virtual outreach events during the COVID-19 pandemic had advantages and disadvantages. With virtual outreach, staff are able to reach people in places they would not typically be able to access. For example, the OEC based in Los Angeles gave a virtual presentation in American Samoa, which is nearly 5,000 miles away. However, an OEC said that providing only virtual events can limit access for people who do not have the necessary technology. EEOC headquarters officials stated that after COVID-19, EEOC plans to continue using videoconferencing technology to host some virtual events. In August 2022, EEOC officials told us they had resumed in-person outreach.

Lack of standardized outreach materials. Over half of the OECs in our discussion group said they would like EEOC to develop standardized materials for outreach efforts. Currently, OECs use other methods to ensure the consistency and quality of their materials. For example, one

OEC in our discussion group develops outreach materials using information from EEOC's website, and another OEC oversees the development of all materials that staff use for presentations in their region to ensure quality. Some OECs also stated that making EEOC's website more accessible and creating outreach materials in additional languages would be helpful. EEOC has a shared library of outreach and training materials for free events, but according to the OECs we spoke with, it is not clear which materials on this shared library are approved by headquarters. EEOC headquarters officials told us they provide OECs with standardized materials for fee-based trainings, and that in fiscal year 2020, EEOC hired an Associate Director for Curriculum and Training to develop standardized materials and to ensure materials are accessible to people with disabilities. Officials also stated that they are in the process of developing a similar core set of standardized resources and materials for free outreach events.

A need for additional training and support. Though headquarters staff provide training and support to OECs in various ways, half of the OECs in our discussion group stated they would like additional training and support. OECs identified various aspects of planning and executing outreach events for which they believe additional support and written guidance from headquarters would be beneficial. Specifically, OECs said they want additional support in the following areas:

- Setting up contracts with vendors for in-person fee-based training events
- Making presentations accessible to people with disabilities (for example, people with visual impairments)
- Producing virtual trainings
- Marketing outreach events

OECs highlighted several challenges that they believe could be alleviated with additional training and support from headquarters. For example, one OEC in our discussion group expressed concern that without written guidance on policies related to outreach, staff might do something incorrectly and be disciplined. Additionally, one OEC said that additional training could help them work more efficiently because they would not have to rely on other people, which creates bottlenecks.

EEOC officials said that they provide training to OECs. For example, EEOC headquarters officials said that the EEOC Training Institute provides annual training to OECs on spending plan submissions and

provides templates for Customer Specific Training agreements. In addition, EEOC headquarters officials said they host monthly meetings with OECs to keep them up to date on agency priorities and program guidance. According to EEOC officials, these meetings are a key source of training for OECs and allow headquarters staff to continually engage with OECs. Headquarters officials also stated that they host a conference for OECs every other year. In fiscal year 2021, the conference covered topics such as making virtual presentations, marketing, social media, and more. According to headquarters officials, EEOC's Office of Information Technology provides OECs with training on videoconferencing technology. Headquarters officials also stated that they can identify areas where OECs need additional support by monitoring the OEC internal communications platform. With respect to making presentations accessible to people with disabilities, EEOC headquarters officials said that they provide templates to ensure that slide shows are 508 compliant, provide American Sign Language interpreters and other support for deaf and hard of hearing participants, and provide foreign language interpreters to support outreach events targeted at people with limited English proficiency.³⁸

Conclusions

EEOC has taken steps to reduce its pending charge inventory—in the past decade it has reduced its pending inventory by almost half—but demand for EEOC's services is high as evidenced by the more than 145,000 inquiries it received in fiscal year 2021. This demand underscores the importance of EEOC efficiently managing its inventory to carry out its mission. The length of the intake process warrants EEOC's attention since the amount of time it takes certain offices to complete the intake process may result in some individuals not taking the next step to file a discrimination charge. Monitoring office-level data on how long the intake process takes would allow headquarters officials to identify offices where the intake process takes longer and target intake related support, as needed, to these offices. By paying greater attention to the intake process as a result of monitoring these data, EEOC may be able to identify ways to make the process more efficient.

³⁸According to EEOC's website, Section 508 of the Rehabilitation Act requires all electronic and information technology (also referred to as information and communication technology or ICT) that is developed, procured, maintained, or used by a federal agency to be accessible to people with disabilities. Examples of ICT include web sites, telephones, multimedia devices, and copiers. See U.S. Equal Employment Opportunity Commission, "Accessibility: Notice of Rights Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d)", accessed October 12, 2022, <https://www.eeoc.gov/accessibility>.

Recommendation for Executive Action

The Chair of the EEOC should monitor field office-level data on the length of the intake process. For example, EEOC could monitor these data by including them in the monthly internal management reports it produces. (Recommendation 1)

Agency Comments

We provided a draft of this report to EEOC for review and comment. EEOC's comments are reproduced in appendix II. In its comments, EEOC concurred with our recommendation. EEOC officials said that EEOC is modernizing its charge management system, and as it does so it will evaluate what additional data points need to be captured to track the length of the intake process. EEOC also provided technical comments, which we incorporated as appropriate.

We are sending copies of this report to the appropriate congressional committees, the Chair of the EEOC, and other interested parties. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-7215 or locked@gao.gov. 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 key contributions to this report are listed in appendix III.

Sincerely yours,



Dawn G. Locke, Acting Director
Education, Workforce, and Income Security Issues

Appendix I: Objectives, Scope, and Methodology

Overview

This report examines (1) the steps the Equal Employment Opportunity Commission (EEOC) has taken to address its pending charge inventory since fiscal year (FY) 2011, and what is known about the quality and length of its investigation process; and (2) how EEOC evaluates its outreach efforts to employers and employees, and the challenges officials said they face when providing outreach.

This report is a public version of a law enforcement sensitive report that we are issuing concurrently.¹ EEOC deemed some of the data and other information in that report to be law enforcement sensitive. Therefore, this report omits an appendix that contained sensitive EEOC field office level charge data, as well as certain district-level information regarding EEOC's internal reviews of the charge investigation process. Although we have removed this information, this report addresses the same objectives as the sensitive report and incorporates the same methodology.

To address our objectives, we analyzed EEOC data on charges from FY 2011 through FY 2021. We also reviewed EEOC planning documents for the charge investigation and outreach processes, and guidance specific to the charge investigation process. Additionally, we assessed EEOC's actions against its internal guidance and agency wide goals, as outlined in its planning documents, as well as against federal internal control standards.²

We interviewed EEOC headquarters officials, field office officials, former EEOC Chairs, and current EEOC Commissioners to obtain their perspectives on a range of issues related to the discrimination charge investigation and outreach processes. To gain additional perspectives from staff in the field, we conducted discussion groups with charge investigators and managers from selected EEOC field offices to obtain information on how charges are prioritized and the challenges investigators face. We also conducted a discussion group with Outreach and Education Coordinators (OEC), as detailed below.

Analysis of Discrimination Charges

We reviewed charge data from FY 2011 through FY 2021 to capture data from both before and after EEOC put a renewed emphasis on its Priority

¹GAO, *Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process Is Needed*, GAO-23-104508SU (Washington, D.C.: Oct. 31, 2022).

²See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). We assessed EEOC's procedures against internal control principle 13.01.

Charge Handling Procedures around 2014. EEOC provided us with direct access to EEOC's Enterprise Data Warehouse, known as the data enclave, which houses all of EEOC's charge data. The National Opinion Research Center (NORC) at the University of Chicago manages the data enclave. From NORC's database management system within the Electronic Data Warehouse, we accessed the data table that had details about charges along with additional data tables that had charge related information on the charging party (the individual, agency, or organization who filed the charge), respondent (the entity against which a charge is filed), EEOC staff who processed the charge, and more. We then downloaded the data. The data that we downloaded included inquiries or charges that opened or closed from FY 2011 through FY 2021. We filtered out any charges processed by Fair Employment Practices Agencies, rather than EEOC.³ We confirmed the accuracy of the charge data we downloaded by conferring with EEOC/NORC to verify the total counts for new charges, closed charges, pending charges, and initial inquiries.

In addition to conferring with NORC and EEOC, we assessed the reliability of these data by

- reviewing EEOC's documentation related to its stored data;
- interviewing officials from EEOC's Office of Enterprise Data and Analytics; and
- performing logic checks to identify obvious errors in the data, among other steps.

Based on the steps taken, we determined that the data included in our report were sufficiently reliable for our purposes.

Using the confirmed data, we conducted a descriptive analysis employing selective variables that reflect various charge-related characteristics.

³Many states and localities have their own laws prohibiting employment discrimination and their own agencies responsible for enforcing state and local laws, often referred to as "Fair Employment Practices Agencies."

Discussion Groups with EEOC Field Staff

Selection of Offices, Field Office Management Staff, and Charge Investigators

To conduct our discussion groups, we selected four offices based on the following criteria:

- **Geographic diversity.** We selected one office from each region of the country— Northeast, South, Midwest, and West (based on U.S. Census Bureau data).⁴
- **Office type.** We selected one of each office type (district office, field office, local office, or area office).
- **Charge workload.** We selected offices that differed in the number of charges they received. Using FY 2019 EEOC charge receipt data, we separated the offices into quartiles based on the number of charges they received, and selected one office from each quartile.

The selected EEOC offices are all located in urban areas, however, the jurisdiction of each office also encompasses areas with rural populations. After selecting our four offices, EEOC provided us with a roster of staff from each office, which included their position titles. We hosted two discussion groups for each office (eight in total)—one for management staff and one for charge investigators.

Field Office Management Staff

To select participants for our management-level discussion groups, we obtained a list of employees for each selected office and invited all staff that EEOC identified as having a supervisory position. Since offices have different numbers and types of staff (e.g., district offices have more staff and types of positions than other offices), the number of participants we included in each discussion group differed. For example, for the smallest of our four offices, we had one participant, but for the largest office, we had six participants. For reporting purposes, we present the information we obtained from these discussion groups at the group level.

⁴U.S. Census Bureau, "Census Regions and Divisions of the United States" accessed June 14, 2022, https://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf.

Charge Investigators

To select participants for our separate discussion groups with charge investigators, we reviewed the previously noted list of employees for each office and identified staff with charge investigator position titles. If an office had 10 or fewer charge investigators, we invited all of the investigators to participate in our groups. If the office had more than 10 investigators, we randomly selected our participants. In our largest office, we selected our participants by using a stratified random sample and randomly selected two bilingual charge investigators and six non-bilingual charge investigators.

Selection of Outreach and Education Coordinators

We also conducted a discussion group with OECs from field offices across the country to obtain information on various aspects of the outreach process. We asked participants a variety of questions about their outreach goals, how they accomplish their work, challenges they face, and more. EEOC provided a roster of its 20 OECs as of June 2021, from which we selected eight to participate in our discussion group. We hosted our discussion group in August 2021.

We considered the following criteria for selecting OECs to invite to our discussion group:

- **Geographic diversity.** We selected OECs from the four regions of the United States—Northeast, South, Midwest, and West (based on U.S. Census Bureau data).⁵
- **OEC workload.** To ensure a mix of OECs with different workloads, we selected OECs that had various numbers of significant partners and hosted different numbers of events in fiscal year 2019.⁶
- **Number of OECs in the district.** We ensured representation from districts that employed one OEC and those that employed two OECs.

Transcription and Analysis

Each discussion group was recorded and transcribed by an outside vendor, and we used the transcripts to summarize participants' responses. One GAO analyst reviewed each transcript to summarize statements from discussion group participants. Then another analyst

⁵U.S. Census Bureau, "Census Regions and Divisions of the United States" accessed June 14, 2022, https://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf

⁶EEOC shared data on the number of significant partners and the number of events hosted by district. For districts that had two OECs, it was not possible to identify the number of events for which each OEC was responsible.

**Appendix I: Objectives, Scope, and
Methodology**

reviewed and corroborated the summary statements. Because of our limited sample size, the results of these discussion groups are not generalizable to EEOC field office officials nationwide, but provide important context on the experiences of selected EEOC field office officials.

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



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

October 5, 2022

Dawn Locke
Acting Director
Education, Workforce,
and Income Security Issues
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. Locke:

Thank you for the opportunity to review the Government Accountability Office's (GAO) draft report entitled *Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process is Needed* (draft report). In the draft report, GAO examined the U.S. Equal Employment Opportunity Commission's (EEOC) investigation and outreach processes and analyzed the steps the EEOC has taken to address its pending charge inventory, the length and quality of the investigation process, and the EEOC's outreach efforts. The EEOC respectfully submits the following comments.

The EEOC was created in direct response to the historic 1963 March on Washington for Jobs and Freedom and first opened its doors in 1965 with a simple mission — to prevent and remedy discrimination in our nation's workplaces. Today, the EEOC's role in promoting equal employment opportunity and enforcing the nation's federal workplace anti-discrimination laws is as necessary as ever. Moreover, the EEOC's education and outreach efforts are critical to the agency's ability to prevent and remedy employment discrimination.

GAO's report recognizes the EEOC's progress in significantly reducing its pending charge inventory from fiscal year 2011 to fiscal year 2021 while at the same time prioritizing the continued quality of its investigations. The draft report also examines the EEOC's education and outreach efforts, which are an essential part of the agency's mission critical work. GAO analyzed how the EEOC has continued to improve its outreach, education, and technical assistance programs to promote inclusive workplaces and prevent employment discrimination before it occurs.

The draft report also sets forth areas where the agency can improve its intake and outreach activities, and the EEOC will carefully consider that information. The agency continually strives to improve our service to the public, and GAO's analysis will assist the EEOC in further enhancing our mission critical work. In the draft report, GAO recommends that the EEOC monitor field office-level data on the length of the intake process for individuals seeking

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

to file a charge of discrimination.¹ In making this recommendation, GAO recognizes that demand for the EEOC's services remains high and underscores the importance of effectively managing the agency's pre-charge inquiries and charge inventory. Currently, the EEOC monitors the intake process to ensure that individuals who wish to file a charge of discrimination can do so prior to the expiration of the relevant statute of limitations. GAO's recommendation focuses on the customer service aspect of intake and the wait time for intake interviews. We agree these are also important metrics to monitor.

Currently, the EEOC's charge management system does not capture all the information necessary to track the length of the intake process as GAO has defined it in the draft report. The EEOC is undergoing a multi-year effort to modernize its charge management system. As the agency works to further update and improve the agency's charge management system, the EEOC will evaluate what additional intake-related data points will enable the agency to effectively manage its charge inventory in furtherance of the agency's mission.

We appreciate the opportunity to review the draft report and to submit these comments for your consideration. We hope that you find this information helpful.

Sincerely,



Charlotte A. Burrows
Chair

¹ While the EEOC defines the intake process as the length of time from inquiry to the point at which an individual either files a charge of discrimination or the inquiry is closed without a charge filing, the agency understands that in the draft report, GAO has defined the length of the intake process from the date of the inquiry to the intake interview.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Dawn G. Locke, (202) 512-7215 or locked@gao.gov

Staff Acknowledgments

In addition to the individual named above, Blake Ainsworth (Assistant Director), Sherwin Chapman (Analyst in Charge), Christoph Hoashi Erhardt, Jean McSween, Lauren Shaman, Walter Vance, and John Yee made key contributions to this report. Also contributing to this report were James Bennett, Clifton Douglas Jr, Katherine Lenane, Aaron Olszewski, Jessica Orr, and Adam Wendel.

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