

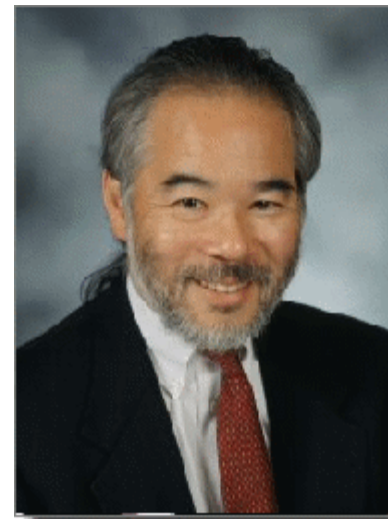
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A Message from the Acting Chairman

I am pleased to present the U.S. Equal Employment Opportunity Commission's (EEOC's) Performance and Accountability Report (PAR) Highlights for fiscal year 2009. This report contains portions of the agency's assessment of its FY 2009 program and its financial performance. As this report will show, over the past year, the new Administration has brought a renewed commitment to vigorous enforcement of our nation's civil rights laws, and the EEOC shares in and has benefited from that focus. For the full report, consult <http://www.eeoc.gov/eeoc/plan/2009par.cfm>.

Critically, on the budgetary front, the agency's FY 2009 allocation was \$343,925,000, a level that allowed us to begin the difficult process of rebuilding after eight years of inadequate funding. Most notably, we embarked on an ambitious hiring program. During FY 2009, we set out to hire an additional 125 investigators, 22 trial attorneys, 50 support staff, 10 paralegals and five expert statisticians and labor economists to support our systemic enforcement and litigation programs. By the end of the fiscal year, our workforce had grown by 155 net new hires (not including "backfills"). And that is just a start. We anticipate continued additional hiring in FY 2010.

This past fiscal year we also dedicated \$2.5 million to address dire gaps in training for our investigators, attorneys, program analysts, and other employees, many of whom had not attended a formal training in



*Stuart J. Ishimaru,
Acting Chairman,
U.S. Equal Employment
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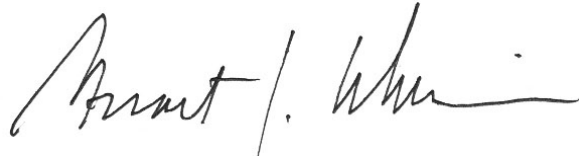
their entire employment with the EEOC. In this training effort—the largest the agency has conducted in at least a decade—we equipped our employees with essential skills and knowledge for investigating and litigating cases involving systemic discrimination, and did so while maximizing the use of technology to conduct low-cost training where appropriate.

In FY 2009, we also achieved unprecedented results in our private sector enforcement program. We obtained an historic level of relief for victims of discrimination through our administrative enforcement process—over \$294 million in monetary benefits, an all-time record. This year we continued to receive near-historic levels of private sector charges—93,277 total in FY 2009 (the second highest level of receipts in 20 years, second only to last fiscal year). At the same time, we also started working smarter and harder to reduce our charge inventory through a series of actions, including focusing on pre-charge counseling, identifying and implementing best practices for charge-handling, and re-training staff on Priority Charge Handling Procedures.

Throughout the past year, the agency also continued its concerted effort to build a strong national systemic litigation program. Since the Commission launched its Systemic Initiative in FY 2006, the agency has been directing resources toward staffing, technology and training related to this important component of our enforcement activities. The early results of this focus have been positive, with the number of systemic investigations and lawsuits increasing substantially. Notably, in FY 2009, we filed 111 lawsuits on behalf of classes of individuals. Efforts like these are contributing to a revitalized systemic program and are having a broad impact on entire industries, professions and companies across the country.

During this past fiscal year, the EEOC also received expanded enforcement responsibilities. We began to enforce and issued proposed regulations under the Americans with Disabilities Act Amendments Act of 2008, which became effective in January 2009, and greatly expanded protections against disability discrimination by expanding the scope of coverage under the ADA. We also began to enforce and issued guidance on the Lilly Ledbetter Fair Pay Act of 2009. This landmark legislation—the first major bill signed by President Obama—overturned adverse Supreme Court precedent and restored the EEOC's long-held position on the timeliness of pay discrimination claims. In FY 2010, we will continue to add to our statutory responsibilities when we officially begin to enforce Title II of the Genetic Information Nondiscrimination Act of 2008, which became effective on November 21, 2009. We also anticipate the possible passage of the Employment Nondiscrimination Act, which would preclude discrimination in employment on the basis of sexual orientation and gender identity. Should this landmark legislation become law, the EEOC would have primary responsibility for enforcing it.

Finally, I am pleased to report that for the sixth consecutive year, we have received an unqualified opinion from independent auditors. Also, the agency effectively managed its internal controls environment during FY 2009. The agency's management and financial controls environment under the Federal Managers' Financial Integrity Act was sound, with the exception of findings of several financial non-conformances, based on a review of agency-wide materials and the assurances of the agency's senior managers. The agency identified 18 financial non-conformances, including four that carried over from the previous fiscal year. Of the 18 identified, the agency fully corrected eight financial non-conformances in FY 2009, including one that had carried over from FY 2008. Of the 10 remaining financial non-conformances, the agency has implemented corrective action plans to resolve the findings in FY 2010. I am reasonably assured that the financial information contained in this report is complete and accurate. Also, I am reasonably assured that the data measuring EEOC's performance is complete and accurate.



Stuart J. Ishimaru
Acting Chairman,
U.S. Equal Employment Opportunity Commission
November 16, 2009

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