



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

Office of
Inspector General

FY 2024 Management Challenges

Background

In accordance with the Reports Consolidation Act of 2000, the Office of Inspector General (OIG) is reporting what it has determined are the most serious management and performance challenges facing the U.S. Equal Employment Opportunity Commission (EEOC) for FY 2024. This annual statement provides our views on these challenges for inclusion in the EEOC's FY 2023 Annual Financial Report.

Management Challenges

We determined that two of the three areas from FY 2023, Reentry and Digital Mission-Critical Data System Modernization, are no longer considered major management challenges. In the Agency's Reentry Memorandum of Understanding, dated November 18, 2022, all employees were instructed to resume their routine telework schedule of two in-office days per week, effective March 1, 2023. Also, the Agency is in the final stages of transitioning from its Integrated Mission System to the new Agency Record Center (ARC). The final module associated with ARC is scheduled to be completed in calendar year 2024. The Agency must continue its diligence to complete this project.

In FY 2024, we believe the EEOC faces three challenges that impact the Agency's ability to effectively perform its mission to "prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace." The identification of these challenges is based on information uncovered during the performance of our oversight responsibilities, as well as OIG analyses and observations. The challenges are Customer Service, Data and Technology Transformation and Modernization, and Digital Records Management, initially identified as a challenge in 2020.

Customer Service

All Executive agencies (5 U.S.C. 105) have a responsibility to manage customer experience and improve service delivery using leading practices and a human-centered approach.¹ In December 2021, President Biden issued Executive Order 14058 which states "Government must be held accountable for designing and delivering services with a focus on the actual experience of the people whom it is meant to serve." Improving customer service in the government is a priority for the current administration and EEOC has incorporated customer service goals into its strategic plan for 2022-2026.

During the last fiscal year, the OIG completed two internal evaluations and determined that EEOC faces several challenges related to customer service. In a report entitled "*Evaluation of EEOC's*

¹ The customer experience in the Federal government refers to "a combination of factors that result from touchpoints between an individual, business, or organization and the Federal Government over the duration of an interaction and relationship."

Management of Private Sector Customer Service,” issued on October 18, 2022, the OIG found that the Agency lacks an overall customer service plan. Customer service standards are not clearly defined or consistently measured. In addition, the Information Intake Group (IIG), which serves as the call center for the Agency, had wait times that exceeded industry standards, and did not have a quality control mechanism to ensure that customer emails are answered in a standard way. The Agency also does not collect and use customer feedback to improve customer service. The Agency has begun to implement the seven recommendations issued in the report.

Furthermore, in a second OIG report entitled “*Customer Service Portals Evaluation,*” the contractor determined that EEOC’s portals are not designed from a customer perspective.² While the portals provide some efficiency to EEOC staff, the metrics cited offer no helpful indication of whether or how the agency should improve the customer service experience. The portals are not easily accessible from the main EEOC website and portal usage does not work well on mobile devices, nor do they support multiple languages. This is problematic because most Americans own a cell phone, and non-English speakers will have difficulty navigating the portals. One of the most common issues that the public experiences with the portal is scheduling appointments within the district offices, which manage their own calendars with varied resources. A significant portion of the IIG’s incoming calls and helpdesk inquiries relate to the public’s inability to schedule appointments. Seven recommendations were issued in this report.

The customer service experience crosses organizational functions which highlights the need for a comprehensive customer service plan. In October 2022, EEOC created a workgroup called Reimagining Intake whose vision is “a fully accessible charge intake process, and a corresponding system, that leverages appropriate EEOC personnel and serves the public by accepting and efficiently processing charges of discrimination.” The workgroup briefed the Chair on its recommendations to improve customer service in August 2023. This workgroup is an important step in addressing customer service weaknesses and EEOC leadership should ensure that this work continues, and improvements are implemented.

Data and Technology Transformation and Modernization

In its recently issued Strategic Plan for FY 2022 through 2026, the Agency stated its dedication to improved use of technology and innovation in mission-critical areas. We agree that improvement in technology use and a more innovative ideology are key drivers for the Agency’s success. Over the past several years, EEOC took action to improve its technological transformation, modernization, and digital capabilities, but more work remains.

In January 2023, an OIG contractor completed an evaluation of EEOC’s digital process transformation and automation efforts.³ The evaluation report notes four areas needing substantial improvement: Strategy, Organization & Culture, Customer, and Operations digital elements are either in the developing or early stages. Under these elements, the OIG contractor found that EEOC

² The OIG funded a contractor led evaluation of four Agency portals to include the Public Portal, Respondent Portal, and FedSEP, as well as a now-defunct application known as the “Online Charge Status Portal.”

³ Digital transformation is the process of using digital technologies to create new, or modify existing, business processes, culture, and customer experience to meet changing business requirements.

does not have a sufficiently defined and comprehensive vision for digital transformation which has resulted in insufficient consideration of the customer perspective and how the agency's processes could be streamlined. The Agency's culture is reluctant to embrace new technologies and automated service delivery methods. There is no evidence of a customer experience measurement or improvement plan consistent with meeting the guidelines in Executive Order 14058 and the collection of customer feedback is inconsistent.⁴ EEOC policies and procedures are neither uniform nor streamlined for end-to-end connectivity. The Agency also does not have an agency-wide operational performance measurement plan. This report was issued with nine recommendations and a corrective action plan was submitted in September 2023.

In September 2023, an OIG contractor completed an evaluation of EEOC's outward-facing customer portals. The evaluation assessed how well the portals meet EEOC's strategic needs, as well as key performance aspects of the portals from the perspectives of how well they assist stakeholders and function as web applications. The OIG contractor found that the Agency's portals continue to facilitate interaction between EEOC and external customers, but they are reaching the end of their useful lifecycle because EEOC can do little to further expand or adapt them.⁵ It is important that the Agency's corrective action plan addresses how each recommendation will be implemented in a timely manner.

Finally, the Agency should consider exploring the additional use of artificial intelligence technologies, such as machine learning, to further enhance decision-making and business processes.⁶ Artificial intelligence (AI) is a wide-ranging tool that enables people to rethink how we integrate information, analyze data, and use the resulting insights to improve decision-making. EEOC should begin to explore how this emerging technology can be used to improve efforts to prevent and remedy unlawful employment discrimination and advance equal opportunity for all.

Digital Records Management

For the fourth year, records management remains a challenge for the Agency. However, over the last year, EEOC has made significant progress in this area. The Office of Legal Counsel (OLC) now has two dedicated staff to oversee the Agency's records management program. OLC's records management staff have established Records Liaisons in each EEOC office to serve as the initial point of contact for records management. The liaisons conduct a records inventory of different types of records and notify records management staff when an employee is leaving the agency or transferring to another EEOC office to ensure their records are properly stored before leaving. OLC also developed a monthly newsletter and Microsoft Teams site to share information about records management and updates from the National Archives Records Administration (NARA).

⁴ Executive Order 14058, "Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government," dated December 13, 2021, directed that each agency and department address how it will further streamline service delivery and improve the customer experience.

⁵ System and data modernization is the multiple step process of transforming access to data to greatly improve business intelligence and decision-making.

⁶ Machine learning is a pathway to artificial intelligence. This subcategory of AI uses algorithms to automatically learn insights and recognize patterns from data, applying that learning to make increasingly better decisions. To be successful in nearly any industry, organizations must be able to transform their data into actionable insight. Artificial Intelligence and machine learning give organizations the advantage of automating a variety of manual processes involving data and decision making.

Lastly, record schedules for legal and ARC records are completed and under internal review. After those are finalized, OLC will move to develop records schedules for other specialized areas such as financial and human resource records.

Despite this progress, OLC acknowledges there are challenges ahead. Along with developing additional records schedules, all existing paper records must be identified, prepared, and transferred to NARA which is an imposing task. The deadline to transfer paper records is June 30, 2024. Vandalism of EEOC headquarters office space in early 2023 delayed the progress of this effort. OLC identified four headquarters offices that still maintain paper records.⁷

Additionally, OLC plans to conduct a File Room Inventory Survey to identify any additional paper records maintained in headquarters offices. The Field offices have already completed this survey and most of their paper records are litigation and charge files which will be covered under the pending legal and ARC system record schedules.

Starting July 1, 2024, agencies will be required to digitize permanent records created in analog formats before transfer to NARA. Digitization and transfer must be made in accordance with NARA regulations and transfer guidance, including metadata requirements. To avoid such an arduous task, which would likely require contracting outside assistance and associated costs, it's critical that EEOC address the significant number of paper records that still exist within the Agency to comply with federal records management law and to protect the rights and interests of the government and public.

Respectfully, submitted:

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Inspector General

⁷ The Executive Secretariat, Office of Federal Operations (OFO), Office of General Counsel (OGC), and OLC.