

What We Know

ARTICLES & INSIGHTS

ABOUT THE AUTHOR



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EEOC Releases Updated Strategic Plan

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A New Plan or More of the Same?

On February 12, 2018, the United States Equal Employment Opportunity Commission (EEOC) published its Strategic Plan for fiscal years 2018 through 2022. The Strategic Plan serves to provide a high-level overview of the EEOC's objectives for the next several years and how it intends to meet those objectives with its requested 2019 budget of \$363 million – the same amount of funding the EEOC asked for last year.

The Strategic Plan provides the framework for implementing the objectives outlined in the EEOC's Strategic Enforcement Plan for 2017 through 2021. The plan is the result of a collaborative effort among EEOC staff in Washington and its field offices, as well as input from public and stakeholder commentary, and is intended to reflect the agency's commitment to three core values: commitment to equal employment opportunity, accountability, and integrity.

The Strategic Plan outlines three key objectives:

I. COMBAT AND PREVENT EMPLOYMENT DISCRIMINATION THROUGH THE STRATEGIC APPLICATION OF THE EEOC'S LAW ENFORCEMENT AUTHORITIES.

With this strategic objective, the EEOC aims to achieve two outcomes.

- Stop and remedy discriminatory employment practices and to provide meaningful relief to those who have been subjected to such practices.
- Exercise its enforcement authority fairly and efficiently in a manner that takes into consideration the circumstances of each charge or complaint.

II. PREVENT EMPLOYMENT DISCRIMINATION AND PROMOTE INCLUSIVE WORKPLACES THROUGH EDUCATION AND OUTREACH.

Via this strategic objective, the EEOC has signaled its commitment to deterring discrimination before it occurs by assisting members of the public in understanding their rights under the law and by providing tools and guidance to employers, unions,

and employment agencies to ensure compliance with laws prohibiting discrimination and to address issues when they arise.

III. ACHIEVE ORGANIZATIONAL EXCELLENCE WITHIN THE AGENCY.

The EEOC seeks to improve its internal management functions with an emphasis on technology, infrastructure enhancement, and accountable financial stewardship. It aims to accomplish these goals by retaining staff members that exemplify a culture of excellence, respect, and accountability, and by allocating resources effectively to ensure alignment with the EEOC's stated priorities. The EEOC indicates that it is committed to building a digital workplace to improve efficiency and the provision of timely service.

In addition to the three primary objectives outlined above, the EEOC also established twelve "performance measures" intended to track the EEOC's progress in meeting its enumerated goals.

In the EEOC's budget request, it anticipates utilizing approximately \$30 million to focus on state and local fair employment practice agencies. Its budget goals include (1) investing in the "agency of the future; (2) managing its inventory and reducing backlogged charges; (3) improving and leveraging technology; and (4) improving outreach, education, and strategic law enforcement. It remains to be seen whether the EEOC's budget request will pass given the Trump Administration's recent curtailing of the Consumer Financial Protection Bureau. Also, the EEOC remains in somewhat of a state of limbo, with only three commissioners since last summer, two nominees still awaiting a Senate confirmation vote, and with Victoria Lipnic still serving as acting chair since shortly after President Trump took office.

Despite all this, employers should continue with efforts to curb discriminatory practices. The EEOC filed 184 lawsuits during the 2017 fiscal year while operating under similar budgetary constraints – 124 suits on behalf of individual claimants, 30 suits involving multiple victims or employer policies that were allegedly discriminatory, and 30 suits involving allegations of systemic discrimination. The agency investigated 84,254 charges of workplace discrimination in 2017 and reported securing \$398 million for victims of discrimination in the private sector and state and local government workplaces.

If you have questions or concerns about this regulatory guidance or other legal issues, please feel free to contact Connie Carrigan at ccarrigan@smithdebnamlaw.com.

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