CENTER FOR WORKPLACE COMPLIANCE

1501 M Street, NW | Suite 1000 | Washington, DC 20005 TEL: 202.629.5650 email: info@cwc.org www.cwc.org

July 19, 2026

Submitted via Federal eRulemaking Portal: https://www.regulations.gov

Hon. Andrea R. Lucas, Chair
U.S. Equal Employment Opportunity Commission
131 M Street, N.E.
Washington, DC 20507

Re: Comments of the Center for Workplace Compliance on the EEOC's Draft Strategic Plan for Fiscal Years 2026-2030; Docket ID: EEOC-2026-0001

Dear Chair Lucas:

The Center for Workplace Compliance (CWC) welcomes the opportunity to submit the following comments on the U.S. Equal Employment Opportunity Commission's Draft Strategic Plan for Fiscal Years (FY) 2026-2030. Overall, the draft represents a meaningful improvement over prior plans. CWC supports several of the draft Plan's core performance measures and believes its streamlined structure will make it a more effective management and accountability tool. These comments also offer recommendations intended to further strengthen the Plan and improve agency performance.

Statement of Interest

Founded in 1976, CWC is the nation's leading nonprofit association of employers dedicated exclusively to helping members develop practical and effective programs for ensuring compliance with fair employment and other workplace requirements. CWC's membership includes U.S. employers from nearly every major industry sector and geographic region.

All CWC members are employers subject to the federal employment nondiscrimination statutes enforced by the EEOC. Accordingly, as potential respondents to discrimination charges, CWC's members have a strong interest in ensuring that the Commission administers and enforces those laws in a fair, effective, and accountable manner.

CWC has long engaged with the Commission on regulatory, policy, and administrative matters affecting the agency's operations and enforcement programs. Over the years, we have provided comments and recommendations on a variety of issues, including EEOC strategic planning, charge processing procedures, quality control initiatives, mediation, and other efforts to improve the agency's effectiveness. These comments are offered in that same spirit and are intended to help ensure that the Commission's Strategic Plan serves as an effective management, accountability, and performance-improvement tool.

Summary of Recommendations

CWC offers the following comments for the Commission to consider as it works to finalize its Strategic Plan for FY 2026-2030.[1]

CWC supports:

- The more streamlined and user-friendly structure of the Plan;
- The Plan's continued emphasis on high-quality investigations and conciliations;
- The more appropriate framing of performance measures related to systemic investigations;
- The Commission's efforts to improve the charge-intake process; and
- The continued use of mediation as an important component of the charge-resolution process.

CWC also urges the Commission to:

- Continue monitoring variation in quality-review results among field offices and promote greater transparency regarding agency performance;
- Closely monitor the impact of the $1 million monetary-relief threshold applicable to systemic investigations;
- Expand intake-related performance metrics to provide a more complete picture of intake accessibility, responsiveness, and effectiveness;
- Adopt a performance measure evaluating the effectiveness of the EEOC's mediation program;
- Reinstate a meaningful charge-processing timeliness goal, such as the Commission's former objective of resolving a specified percentage of charges within 180 days; and
- Resume regular public reporting of Average Processing Days for private-sector discrimination charges.

The Strategic Plan Properly Focuses on Quality Investigations and Conciliations

The Strategic Plan for FY 2018-2022 established a performance measure for EEOC investigations and conciliations to meet established quality criteria. Since then, the EEOC has reported annually on the percentage that meet those criteria. For example, in FY 2025 the EEOC's goal was for 89.5% of charge investigations and conciliations to meet quality standards. The EEOC reported that 91.3% of investigations met those standards, thus exceeding the goal for that year.[2]

Performance Measure 6 would require that, through FY 2030, at least 90% of completed investigations and conciliations, hearings, and federal appeals meet or exceed established quality standards. CWC strongly supports the Commission's continued emphasis on high-quality investigations and conciliations as a core measure of agency performance.

---

[1] Please note that these comments are limited to the draft Strategic Plan. They do not address matters, such as substantive enforcement priorities, more appropriately framed for a discussion of the National Enforcement Plan.
[2] FY 2027 Agency Performance Plan (APP) and FY 2025 Agency Performance Report (APR) (April 3, 2026), *available at* https://www.eeoc.gov/fy-2027-agency-performance-plan-app-and-fy-2025-agency-performance-report-apr.

While we are pleased to support this provision, we encourage the agency to ensure that it reviews variations among regional offices. As noted by the Government Accountability Office in a 2022 report, in FY 2021 investigations meeting quality control standards varied by office from a low of 73.3% to a high of 98.1%.[3] Although national statistics suggest the Commission generally performs well against its quality standards, performance varies significantly among field offices, with some offices falling well short of established benchmarks. For employers and charging parties alike, confidence in the administrative process depends on the expectation that similarly situated cases will be investigated and resolved under comparable standards regardless of where a charge is filed.

CWC urges the Commission to continue monitoring field-office performance against established quality standards and to direct appropriate training, oversight, and resources to offices that consistently underperform. The Commission should also consider periodically reporting field-office quality results in an aggregated format that promotes accountability and helps stakeholders better understand agency performance trends.

The Strategic Plan Appropriately Frames Systemic Investigations

CWC has long expressed concern that certain EEOC performance measures placed undue emphasis on expanding the number of systemic investigations and lawsuits, creating incentives that could divert resources from the timely investigation and resolution of individual charges. We therefore welcome the Commission's decision to adopt a different approach in the draft Strategic Plan. Unlike previous plans that focused on increasing the agency's systemic enforcement capacity or the number of systemic cases,[4] Performance Measure 3 focuses on the relief achieved in systemic matters where reasonable cause has been found. This more appropriately emphasizes outcomes rather than volume and better aligns the agency's performance measures with its mission of remedying unlawful discrimination.

CWC particularly supports the measure’s emphasis on targeted equitable relief designed to address the specific employment practices at issue and prevent future violations. We are, however, somewhat concerned that the measure’s requirement that the Commission obtain at least $1 million in monetary relief in 80% of systemic investigations where cause is found could create an unintended disincentive to resolve matters below that threshold. While the monetary benchmark may help focus systemic resources on cases involving significant alleged harm, the Commission should carefully monitor whether the measure affects case resolution decisions in unintended ways. The ultimate focus should remain on securing appropriate relief and effective remedies rather than achieving a particular dollar amount.

The Strategic Plan Should Include a Performance Measure for Mediation

CWC has long supported the Commission's mediation program and believes it remains one of the EEOC's most effective tools for resolving charges efficiently and informally. Over the years,

---

[3] Government Accountability Office, *Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process Is Needed*, GAO-23-106245, at 15 (October 31, 2022).

[4] United States Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2012-2016, *available at* https://www.eeoc.gov/united-states-equal-employment-opportunity-commission-strategic-plan-fiscal-years-2012-2016; EEOC Strategic Plan 2022-2026, *available at* https://www.eeoc.gov/eeoc-strategic-plan-2022-2026.

evaluations of the program have consistently found high levels of participant satisfaction, and the program continues to produce substantial results. According to the EEOC's FY 2025 Annual Performance Report, the agency conducted 11,346 mediations during FY 2025, resolving 7,929 charges and securing more than $245 million in benefits for charging parties.[5]

Given mediation's important role in the charge-resolution process, CWC is surprised that the draft Strategic Plan does not include a performance measure related to the program. The Plan appropriately emphasizes accountability and effective administration, and mediation advances both objectives by providing parties with an opportunity to resolve disputes at an early stage without the need for prolonged investigations or litigation. CWC therefore encourages the Commission to adopt a mediation-related performance measure evaluating factors such as utilization rates, successful resolutions, timeliness, participant satisfaction, or other indicators of program effectiveness. Including such a measure would be consistent with the Plan's broader emphasis on accountability, stakeholder service, and efficient administration.

The Strategic Plan Takes Important Steps To Improve the Intake Process

Performance Measure 7 would establish new goals to improve the EEOC's intake process, including reducing pending intake inventory and decreasing the time required to process intake inquiries. CWC supports these efforts. An effective intake process benefits charging parties, respondents, and the Commission by ensuring that charges are properly framed, relevant issues are identified early, and agency resources are directed toward matters warranting further review.

The Commission's focus on intake also responds to concerns identified by the Government Accountability Office (GAO) regarding significant delays in the intake process. According to the report, *Equal Employment Opportunity Commission: Oversight of the Length of the Charge Intake Process is Needed*,[6] individuals seeking to file discrimination charges waited an average of 60 to 71 days for an initial intake interview, with wait times in some field offices approaching four months. The GAO also found that the EEOC did not routinely track the time between an individual's initial inquiry and intake interview and recommended greater oversight of intake processing times. CWC therefore supports the Commission's efforts to improve intake services and reduce pending inventory. As the Commission implements this performance measure, it should consider additional metrics that track the time between an initial inquiry and an intake interview, the age of the pending inquiries, stakeholder satisfaction with the intake process, and other measures that provide a more complete picture of intake accessibility, responsiveness, and effectiveness.

Reinstate the Goal To Resolve Discrimination Charges Within 180 Days and Report on Average Processing Days

The Commission should supplement its appropriate emphasis on quality investigations with a meaningful measure of charge-processing timeliness. While thorough investigations are essential, lengthy investigations serve neither charging parties, respondents, nor the Commission itself. Delays

---

[5] EEOC, FY 2027 Agency Performance Plan (APP) and FY 2025 Agency Performance Report (APR) (April 3, 2026), *available at* https://www.eeoc.gov/fy-2027-agency-performance-plan-app-and-fy-2025-agency-performance-report-apr.
[6] GAO-23-106245 (October 31, 2022).

postpone relief for individuals who have experienced unlawful discrimination, increase costs and uncertainty for employers, and make effective fact-finding more difficult as memories fade, documents become harder to locate, and witnesses leave the workplace. Yet despite the draft Strategic Plan's emphasis on efficiency, service delivery, and stakeholder satisfaction, it does not include a performance measure focused on the timely resolution of discrimination charges.

Title VII directs the Commission to make reasonable-cause determinations "as promptly as possible" and, "so far as practicable," within 120 days after a charge is filed.[7] Recognizing the importance of timely charge resolution, the Commission previously established a performance goal measuring the percentage of private-sector charges resolved within 180 days.[8] At the time, the Commission explained that "justice delayed is justice denied" and that the measure appropriately balanced the need for prompt service with the need to devote sufficient attention to charges presenting meritorious or complex claims. Unfortunately, the Commission discontinued this measure in its FY 2012-2016 Strategic Plan and has not included a comparable processing-time metric since. CWC urges the Commission to reinstate a meaningful charge-processing timeliness goal, such as its former objective of resolving a specified percentage of charges within 180 days.

To promote accountability and transparency, the Commission should also resume regular public reporting of the average number of days required to process and resolve private-sector discrimination charges. For many years, the EEOC routinely reported this "Average Processing Days" (APD) metric, providing stakeholders with a clear measure of charge-processing timeliness. The Commission no longer reports this information publicly. Public reporting of charge-processing times would provide stakeholders and Congress with a clearer understanding of agency performance, help manage expectations regarding the charge process, and create an additional incentive to improve the efficiency of charge investigations and resolutions. For these reasons, CWC recommends that the Commission both reinstate a meaningful charge-processing timeliness goal and resume regular reporting of Average Processing Days.

Conclusion

CWC appreciates the opportunity to provide the Commission with the foregoing comments. Please do not hesitate to contact me if CWC can be of further assistance as you finalize the Strategic Plan for FY 2026-2030.

Sincerely yours,

Michael J. Eastman
Senior Vice President, Policy and Assistant General Counsel

---

[7] 42 U.S.C. § 2000e-5(b).
[8] Annual Measure 2.1, Strategic Plan for Fiscal Years 2007-2012, *available at* https://www.eeoc.gov/strategic-plan-fiscal-years-2007-2012-0.