



U.S. Equal Employment Opportunity Commission

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION QUALITY CONTROL PLAN 2013 DRAFT PRINCIPLES

The quality indicia set forth in this Quality Control Plan (QCP) have been developed and disseminated by the EEOC exclusively to provide internal guidance and practical support to EEOC staff in connection with the Commission's internal program review system. It is an internal assessment device intended only to increase the overall quality of EEOC investigations/conciliations. The QCP shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity against the EEOC or its employees. The QCP shall not be construed to create any right to judicial review involving the compliance or noncompliance of the EEOC or its employees with any matter dealt with in the QCP. The QCP is not intended and should not be construed by any party to judge whether a particular investigation was adequate, whether a particular determination was justified, or whether a particular conciliation was carried out in good faith.

The U.S. Equal Employment Opportunity Commission's [Strategic Plan for Fiscal Years 2012 - 2016](#) requires the development of a [Quality Control Plan \(QCP\)](#) that establishes criteria for evaluating the quality of EEOC investigations and conciliations and a peer review system to conduct assessments of investigations and conciliations. This plan addresses issues of quality and timeliness.

To ensure that the QCP was developed by those with in-depth knowledge of the agency's administrative enforcement program, Chair Jacqueline Berrien appointed an internal work group of EEOC front-line staff and managers to develop a draft plan for the Commission's review and approval. The work group was led by Commissioner Chai Feldblum, Dallas District Director Janet Elizondo, and Chicago District Director John P. Rowe.

The Commission also solicited recommendations for quality indicia from EEOC staff, the National Council of EEOC Locals, No. 216, AFGE/AFL-CIO, and external stakeholders. In February 2013, the Commission solicited [written input](#), and in March 2013, the Commission held a [public meeting](#) with three roundtables of experts familiar with the agency's administrative enforcement program: EEOC front-line staff and a union representative, private practitioners representing charging parties and respondents, and EEOC senior managers.

As a result of the input received and internal deliberations, the plan defines a quality investigation as one in which:

1. The Commission identifies the bases, issues, and relevant allegations of the alleged unlawful employment action in a charge.
2. The Commission conducts an investigation consistent with its Priority Charge Handling Procedures (PCHP).

3. The Commission applies the law to the facts to determine if there is reasonable cause to believe that unlawful employment discrimination has occurred.
4. The Commission communicates with the Charging Party and the Respondent (or with their lawyers, if represented) to obtain sufficient information to make its determination.

The plan defines a quality conciliation as one in which:

1. The Commission seeks targeted, equitable relief.
2. The Commission informs the parties of the proposed categories of relief and how monetary terms were reached.
3. The Commission responds appropriately to reasonable offers made by the parties.

The plan should be used to evaluate the quality of the EEOC's investigations and conciliations on a national basis. The standard of review in assessing the quality of investigations and conciliations will be whether the actions taken were reasonable given the totality of the circumstances, including available resources. The plan does not measure the activities of any particular staff person. That latter task is reserved for the existing performance review process.

While all charges will receive some level of investigation, nothing in this plan should be read to suggest that each charge will be given the same level of investigation. The level of investigatory resources given to each charge will depend on its categorization under the PCHP and overall resources available, especially staffing.

The quality indicia set forth in the QCP are not to be confused with the statutory provisions set forth in Title VII, the ADEA, ADA, EPA, and GINA. Those federal statutes do not set out quality standards for individual investigations or conciliations.

Although the EEOC is able to help many individuals, there will be many claims of employment discrimination that the agency will not be able to remedy because of limited resources. In such cases, Congress has provided charging parties a private right of action to pursue litigation under the statutes enforced by the EEOC.