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Transition Briefing Documents for the Biden
Administration, November 2020

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the Legal Counsel
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Assistant Legal Counsel, FOIA Programs
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[EEOC FOIA Online Request Portal](#)

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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August 20, 2021

Re: FOIA No.: 820-2021-000152

Your Freedom of Information Act (FOIA) request, received on January 04, 2021, is processed. Our search began on January 05, 2021. The initial due date was extended by 10-business days to February 17, 2021. All agency records in creation as of January 05, 2021 are within the scope of EEOC's search for responsive records. The paragraph(s) checked below apply.

[X] Your request is granted in part and denied in part. Portions not released are withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[X] You may contact the EEOC FOIA Public Liaison, Stephanie D. Garner, for further assistance or to discuss any aspect of your request. In addition, you may contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free 1-877-684-6448; or facsimile at (202)741-5769.

The contact information for the FOIA Public Liaison: (see contact information in the above letterhead or under signature line).

[X] If you are not satisfied with the response to this request, you may administratively appeal in writing. Your appeal must be postmarked or electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Division, Equal Employment Opportunity Commission, 131 M Street, NE, 5NW02E, Washington, D.C. 20507, or by fax to (202) 653-6056, or by email to FOIA@eeoc.gov, or online at <https://eeoc.arkcase.com.foia/portal/login>Your appeal will be governed by 29 C.F.R. § 1610.11.

[X] See the attached Comments page for further information.

Sincerely,

/s/Sdgarner

Stephanie D. Garner
Assistant Legal Counsel
FOIA Division
Phone: (202) 663-4634
FOIA@eeoc.gov

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

Exemption(s) Used: (b)(5)

Exemption (b)(5) to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(5) (2016), as amended by the FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538, permits withholding documents that reflect the analyses and recommendations of EEOC personnel generated for the purpose of advising the agency of possible action. This exemption protects the agency's deliberative process, and allows nondisclosure of "inter-agency or intra-agency memorandums or letters which would not be available to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). The exemption covers internal communications that are deliberative in nature. *National Labor Relations Board v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975); *Hinckley v. United States*, 140 F.3d 277 (D.C. Cir. 1998); *Mace v. EEOC*, 37 F.Supp. 2d 1144 (E.D. Mo. 1999). The purpose of the deliberative process privilege is to "allow agencies freely to explore alternative avenues of action and to engage in internal debates without fear of public scrutiny." *Missouri ex. rel. Shorr v. United States Corps of Eng'rs.*, 147 F.3d 708, 710 (8th Cir. 1998).

Records may be withheld under this exemption if they were prepared prior to an agency's decision, *Wolfe v. Department of Health and Human Services*, 839 F.2d 768, 775, 776 (D.C. Cir. 1988) (en banc) and for the purpose of assisting the agency decision maker. *First Eastern Corp. v. Mainwaring*, 21 F.3d 465, 468 (D.C. Cir. 1994). See also, *Greyson v. McKenna & Cuneo and EEOC*, 879 F. Supp. 1065, 1068, 1069 (D. Colo. 1995). Records may also be withheld to the extent they reflect "selective facts" compiled by the agency to assist in the decision making process *A. Michael's Piano, Inc. v. Federal Trade Commission*, 18 F.3d 138 (2d Cir. 1994). An agency may also withhold records to the extent that they contain factual information already obtained by a requester through prior disclosure. See *Mapother, Nevas, et al. v. Dep't of Justice*, 3 F.3d 1533 (D.C. Cir. 1993).

DOCUMENTS WITHHELD PURSUANT TO EXEMPTION (b)(5) TO THE FOIA:

FY2021 Draft Senate Appropriations Language, undated, was withheld in full (2 pages)

Comments

This is in response to your Freedom of Information Act (FOIA), request. You request the transition briefing documents prepared by EEOC for the incoming Biden Administration in late 2020. Your request is granted in part and denied in part.

Attached for your review is the following:

-EEOC Transition Overview November 2020 (18 pages)

-FY2021 House Appropriations Language (1 page)

For a full description of the exemption codes used please find them at the following URL:

<https://publicportalfoiapol.eeoc.gov/palMain.aspx>

This response was prepared by Tracy L. Smalls, Government Information Specialist, who may be reached at 202-921-2541.



EEOC TRANSITION OVERVIEW

NOVEMBER 2020

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I. Agency Contacts

A. Mona Papillon

Deputy Chief Operating Officer

U.S. Equal Employment Opportunity Commission

131 M Street NE, Washington, DC 20505.

Phone: 202-663-4649, mona.papillon@eeoc.gov

B. Brett Brenner

Associate Director, Office of Communications and Legislative Affairs

U.S. Equal Employment Opportunity Commission

131 M Street NE, Washington, DC 20505.

Phone: 202-663-7207, brett.brenner@eeoc.gov

II. In-person Briefing Schedule (TBD)

- A. Topic/date/time/location of in-person briefings
- B. Interview guide

III. Organizational Overview

A. Overview of organization's mission and priorities

More than 50 years ago, Title VII of the Civil Rights Act of 1964 (Title VII) created EEOC to enforce protections against employment discrimination on the basis of race, color, national origin, religion, and sex. Since that time, the agency's responsibilities and workload have expanded considerably. Congress subsequently vested EEOC with responsibility to enforce the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Section 501 of the Rehabilitation Act of 1973, Titles I and V of the Americans with Disabilities Act of 1990 (ADA), and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). EEOC has independent litigation authority against private employers under the statutes it enforces, as well as authority to litigate ADEA and Equal Pay Act claims against state and local government employers.

The Commission's priorities are discussed at length in EEOC's [Strategic Plan for Fiscal Years 2018 through 2022](#), and touched on below.

B. Organizational chart – *highlight key decision makers, influencers, etc.*

EEOC leadership consists of six presidential appointees – [five Commissioners \(including the Chair\) who serve staggered five-year terms and the General Counsel](#). No more than three Commissioners (including the Chair) may be from the same political party. The Chair is responsible for the administration and implementation of policy and the enforcement program, financial management and day-to-day operations of the Commission. The Commissioners participate in the development and approval of Commission policies, issue charges of discrimination where appropriate, and authorize the filing of lawsuits. The General Counsel supports the Commission and provides direction, coordination, and supervision to EEOC's litigation program.

EEOC Leadership	Term Expires
CHAIR JANET DHILLON	2022
VICE CHAIR, KEITH E. SONDERLING	2024
COMMISSIONER CHARLOTTE S. BURROWS	2023
COMMISSIONER JOCELYN SAMUELS	2021
COMMISSIONER ANDREA R. LUCAS	2025
GENERAL COUNSEL SHARON FAST GUSTAFSON	2023

The **Office of Field Programs (OFP)**, the **Office of General Counsel (OGC)**, and **53 field offices**, ensure that EEOC effectively enforces the statutory, regulatory, policy, and program responsibilities of the Commission to investigate, litigate, and resolve charges of discrimination. Staff also counsel individuals about their rights under the laws enforced by EEOC and conduct outreach and technical assistance programs. The **Office of General Counsel** conducts litigation in federal district courts and in the federal courts of appeals against private sector employers and against state and local government employers for alleged violations of the ADEA and EPA.

Additionally, through the **Office of Field Program's State and Local Program**, EEOC maintains work sharing agreements and a contract services program with 92 state and local **Fair Employment Practices Agencies (FEPAs)** to coordinate the investigation of charges dual-filed under state and local laws and federal law. EEOC also partners with more than 60 **Tribal Employment Rights Organizations (TEROs)** to promote equal employment opportunity on or near Native American reservations.

The **Office of Legal Counsel (OLC)** develops regulations and policy guidance, provides technical assistance to employers and employees, and coordinates with other agencies and stakeholders regarding the statutes and regulations enforced by the Commission. The Office of Legal Counsel also includes an external litigation and advice division, which defends the agency in actions brought by charging parties, respondents, tort claimants, FOIA requesters and other members of the public. OLC also advises the agency on administrative issues such as contracts, disclosures, ethics, fiscal law, and recordkeeping matters, and handles Freedom of Information Act requests and appeals.

EEOC has significant responsibilities for the federal government's compliance with federal anti-discrimination statutes, regulations, and policies. Through its **Office of Federal Operations (OFO)**, EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. This office ensures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning EEO complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes federal sector educational materials and conducts training for stakeholders. Through its **Office of Field Programs**, EEOC administrative judges conduct hearings on EEO complaints filed by federal employees. OFO provides guidance and assistance to EEOC administrative judges, and also adjudicates appeals from administrative decisions made by federal agencies on EEO complaints.

EEOC receives a congressional appropriation to fund the necessary expenses of enforcing civil rights legislation, as well as prevention, outreach, and coordination of activities within the private and public sectors. In addition, EEOC maintains a **Revolving Fund** Training Institute for technical assistance programs. These programs provide fee-based education and training relating to the laws administered by the Commission.

C. Biographies of Political and Career Staff in key leadership positions

CHAIR, COMMISSIONERS, AND GENERAL COUNSEL

Chair Janet Dhillon

Janet Dhillon was sworn in as Chair of the U.S. Equal Employment Opportunity Commission on May 15, 2019. She is the 16th Chair of the EEOC. Dhillon was first nominated by President Donald J. Trump on June 29, 2017 and confirmed on May 8, 2019. Her term will end on July 1, 2022.

Dhillon practiced law in the private sector for over 25 years. Prior to joining the EEOC, Dhillon served as Executive Vice President, General Counsel and Corporate Secretary of Burlington Stores, Inc. Previously, Ms. Dhillon served as Executive Vice President, General Counsel and Corporate Secretary of JC Penney Company, Inc., and before that, as Senior Vice President, General Counsel and Chief Compliance Officer of US Airways Group, Inc.

Dhillon began her legal career at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, where she practiced for 13 years. She is a graduate of Occidental College, magna cum laude, and the UCLA School of Law, where she ranked first in her class. A native of California, Dhillon currently lives in Virginia.

Vice Chair Keith E. Sonderling

Vice Chair Keith E. Sonderling was nominated by President Trump on July 17, 2019, and was confirmed on September 22, 2020, for a term expiring July 1, 2024. Sonderling was also designated by President Trump to serve as Vice Chair of the Commission.

Prior to his appointment to the EEOC, Vice Chair Sonderling served as the Deputy Administrator of the Wage and Hour Division of the U.S. Department of Labor. He previously served as the Acting Administrator. The Wage and Hour Division administers and enforces Federal labor laws including the Fair Labor Standards Act, the Family Medical Leave Act, and the labor provisions of the Immigration and Nationality Act.

Prior to joining the administration in 2017, he practiced labor and employment law at the Florida-based Gunster Law Firm.

Vice Chair Sonderling received his B.S., magna cum laude, from the University of Florida and his J.D., magna cum laude, from Nova Southeastern University.

Commissioner Charlotte A. Burrows

Charlotte A. Burrows was initially nominated to serve as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC) in 2014 and then re-nominated in 2019. By unanimous vote, the U.S. Senate confirmed her to a second term ending in 2023.

Prior to her appointment to the EEOC, Commissioner Burrows served as Associate Deputy Attorney General at the U.S. Department of Justice (DOJ), where she worked on a broad range of civil and criminal matters, including employment litigation, voting rights, combatting racial profiling, and implementing the Violence Against Women Act, among others.

Commissioner Burrows previously served as General Counsel for Civil and Constitutional Rights to Senator Edward M. Kennedy on the Senate Judiciary Committee and later on the Senate Committee on

Health, Education, Labor and Pensions. During her time on Capitol Hill, she worked on a variety of legislative initiatives, including the Lilly Ledbetter Fair Pay Act of 2009 and the Americans with Disabilities Act Amendments Act of 2008.

Before working on the Hill, Commissioner Burrows held several roles in the Civil Rights Division's Employment Litigation Section at DOJ, including Deputy Chief of the Section. There, she represented the United States in all phases of civil litigation, including trial, to enforce Title VII of the Civil Rights Act of 1964.

Commissioner Burrows received an A.B. from Princeton University and a J.D. from Yale Law School.

Commissioner Jocelyn Samuels

Jocelyn Samuels was nominated by President Trump on March 16, 2020, and was confirmed on September 23, 2020, to serve as Commissioner, for a term expiring July 1, 2021.

From June 2017 until the present, Commissioner Samuels was Executive Director of the Williams Institute at the UCLA School of Law. Prior to that, Samuels was the Director of the Office for Civil Rights at the U.S. Department of Health & Human Services and served as Acting Assistant Attorney General for Civil Rights at the U.S. Department of Justice during the Obama Administration. Earlier in her career, she worked as a senior policy attorney at the U.S. Equal Employment Opportunity Commission, as Labor Counsel to Senator Ted Kennedy, and as the Vice President for Education & Employment at the National Women's Law Center in Washington, D.C. She is a graduate of Middlebury College and Columbia University Law School.

Commissioner Andrea R. Lucas

Andrea R. Lucas was nominated by President Trump on March 16, 2020 and was confirmed on September 22, 2020 to serve as Commissioner, for a term expiring July 1, 2025.

Prior to her appointment to the EEOC, Commissioner Lucas was a senior associate in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. She was a member of the firm's labor and employment practice group as well as its litigation department. She has represented and advised employers on a wide-range of matters, including significant work around employment discrimination. Commissioner Lucas received her B.A., *magna cum laude*, from the University of Pennsylvania and her J.D. from the University of Virginia.

General Counsel Sharon Gustafson

Sharon Fast Gustafson was nominated to serve as the General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC) on March 20, 2018. She was confirmed by the U.S. Senate on August 1, 2019 for a term ending in 2023. She is the first woman to serve as General Counsel at the EEOC.

Gustafson has practiced employment law for 28 years. Prior to joining the EEOC, Gustafson advised and represented both employees and employers in employment-related legal matters as a solo practitioner in Virginia, Maryland and the District of Columbia. Gustafson began her legal career in the labor and employment law group at Jones Day in Washington, D.C., where she practiced for four years.

She earned her J.D. from Georgetown University Law Center, *cum laude*.

KEY STAFF

Chief Operating Officer Martin Ebel

Martin S. “Marty” Ebel is the EEOC’s Chief Operating Officer and the Director of Field Programs. He has held several other positions with the EEOC, including the Director of Field Management Programs, and both the Acting District Director and the Deputy Director of the Houston District Office. Before joining the EEOC, Ebel was General Counsel, and later, Commissioner, of the Massachusetts Commission Against Discrimination (MCAD). He was twice named a Massachusetts Super Lawyer.

Before joining MCAD, Ebel practiced employment and discrimination law, representing both management and employees. He appeared before state and federal trial and appellate courts and wrote briefs for, argued, and won, two cases that were included in Massachusetts Lawyers Weekly’s list of “The Most Important Opinions of 2001.”

Ebel was an adjunct professor at Boston College Law School where he taught Employment Discrimination. He is a graduate of Boston College Law School, where he was honored with the St. Thomas More Award—the Law School’s highest honor.

Deputy Chief Operating Officer Mona Papillon

Mona Papillon is the Deputy Chief Operating Officer at the Equal Employment Opportunity Commission. In that capacity, she assists the Chief Operating Officer in the overall management and oversight of the day-to-day operations of the Commission with a special focus on budget and internal grievance and litigation matters. She also specializes in a broad range of employment matters and serves as an advisor to the Chair as well as a senior liaison to the Commission’s internal and external stakeholders.

Prior to her appointment, Ms. Papillon was a Senior Attorney-Advisor in the Office of the Chair and the Office of Legal Counsel for Advice and External Litigation. In addition to her operational portfolio, Ms. Papillon currently oversees EEOC’s employee engagement and diversity and inclusion initiatives. Ms. Papillon earned her Bachelor of Science degree in International Relations from Georgetown University’s School of Foreign Service and earned her Juris Doctor degree from Columbia University Law School.

Chief of Staff Haley Wojdowski

The Chief of Staff provides counsel to and supports the Chair in the administration and implementation of policy, the enforcement program, litigation, financial management, and day-to-day operations of the Commission.

Prior to serving as Chief of Staff, Haley was a Special Assistant in the Office of Chair Dhillon. Before joining the EEOC, Haley was an associate for Jones Day in the Labor & Employment practice group. Prior to that, she clerked for Chief District Judge Mark R. Hornak, U.S. District Court, Western District of Pennsylvania. She received her undergraduate degree from the Johns Hopkins University and her law degree from the University of Pennsylvania Law School, from which she graduated magna cum laude.

Inspector General Milton A. Mayo, Jr.

Inspector General Milton A. Mayo Jr. is a native of Baltimore, Maryland. He earned a Bachelor of Science degree in Social Science from Coppin State College (now Coppin State University).

Inspector General Mayo began his public service career as a field examiner with the National Labor Relations Board. In 1991 he received an appointment as a special agent in the U.S. Equal Employment Opportunity Commission's Office of Inspector General. Since then, he has served in several positions, including Senior Criminal Investigator, Assistant Inspector General for Investigations, Deputy Inspector General, and Acting Inspector General. Mr. Mayo was appointed to the permanent position of Inspector General of the EEOC OIG in June 2011.

Inspector General Mayo is a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Basic Training Program, has attended Georgetown University's Certificate in Senior Executive Leadership Program, and participated in the Federal Executive Institute's Leaders for a Democratic Society Program.

Inspector General Mayo is a member of the Association of Certified Fraud Examiners and the Association of Inspectors General (AIG). He is a charter member of the District of Columbia Chapter of the AIG and currently serves on its Board of Directors. Mr. Mayo earned the designation of Certified Inspector General in 2001.

Office of Communications and Legislative Affairs

Brett Brenner, Associate Director

Mr. Brenner is responsible for providing direction for EEOC's work with the media and Congress, as well as the day to day management of the public affairs staff and website. He has also worked as an attorney in the Office of Legal Counsel and worked in the Office of Field Programs as a program analyst helping manage the establishment of EEOC's toll free response.

Before joining EEOC, Mr. Brenner was a staff member of the U.S. Senate Committee on Labor and Human Resources. He graduated from the University of Kansas with degrees in Political Science and Journalism and a JD from KU Law.

Director of the Office of Field Programs Marty Ebel

Martin S. "Marty" Ebel is the EEOC's Chief Operating Officer and the Director of Field Management Programs. He has held several other positions with the EEOC, including the Director of Field Management Programs, and both the Acting District Director and the Deputy Director of the Houston District Office. Before joining the EEOC, Ebel was General Counsel, and later, Commissioner, of the Massachusetts Commission Against Discrimination (MCAD). He was twice named a Massachusetts Super Lawyer.

Before joining MCAD, Ebel practiced employment and discrimination law, representing both management and employees. He appeared before state and federal trial and appellate courts and wrote briefs for, argued, and won, two cases that were included in Massachusetts Lawyers Weekly's list of "The Most Important Opinions of 2001."

Ebel was an adjunct professor at Boston College Law School where he taught Employment Discrimination. He is a graduate of Boston College Law School, where he was honored with the St. Thomas More Award—the Law School's highest honor.

Director of the Office of Federal Operations Carlton Hadden

Carlton M. Hadden is the Director of the Office of Federal Operations, United States Equal Employment Opportunity Commission, Washington, D.C. The office provides oversight for the government-wide EEO complaint adjudication and affirmative employment functions and is responsible for the Federal government's Equal Employment Opportunity (EEO) appellate function.

He is a graduate of an HBCU-North Carolina Central University. He also earned his Juris Doctorate degree from Catholic University's Columbus School of Law. Prior to his service with EEOC, Mr. Hadden was employed with the George Washington University.

Mr. Hadden began his federal career with the commission in 1987 as an attorney responsible for writing EEOC appeals decisions. Early in his career at EEOC, he worked as a Supervisory Attorney and later as an Attorney Advisor to the Director of the Office of Federal Operations. In 1999, he was selected to be the Director of the Office of Federal Operations.

Chief Information Officer Bryan Burnett

Bryan Burnett joined the EEOC as Chief Information Officer (CIO) and Director of the Office of Information Technology at the beginning of 2016. Prior to joining the EEOC, Bryan was CIO at the National Labor Relations Board (NLRB). In 2014, he was honored with a Federal 100 Award for his leadership and innovation in implementing the NLRB's Next Generation Case Management System (NxGen), which merged 11 legacy case handling systems and allowed for online charge filing and creation of all-electronic case files. Under his management, the NLRB's Information Technology program also received an Excellence.Gov award in 2009 and its website was named one of the five best for FOIA in the Federal Government.

Before joining the NLRB in 2006, Bryan worked for five years as a business technology consultant for BearingPoint, specializing in enterprise content management solutions, and 13 years in the publishing industry, where he focused on electronic media. Bryan has 25 years of IT management experience and an MBA from the University of North Carolina, Chapel Hill.

Chief Human Capital Officer Kevin Richardson

In June 2018, Kevin was appointed as the EEOC's Chief Human Capital Officer (CHCO) overseeing the agency's human resources programs, products, and services to recruit, develop and retain talent. Prior to his appointment as CHCO, Kevin served four years as the Associate Deputy Administrator for Program Support Services for Veterinary Services, with the U.S. Department of Agriculture (USDA). Kevin managed five divisions and 140 staff providing human resources; assessments and reviews; information technology; planning and financial management; and writing and editing services to Veterinary Services' 2,000 employees.

Previously, Kevin spent 11 years in various leadership positions with USDA's Agricultural Marketing Service (AMS). He was the Director for Performance and Administration managing human resources, strategic and human capital planning, and performance improvement services. Kevin's experience includes a one-year executive developmental assignment as Deputy Director for Caribbean Compliance at the Office of the U.S. Trade Representative.

Kevin began his Federal career with the U.S. Treasury Department, working both in Washington, DC and Parkersburg, West Virginia. He was Special Assistant to the Deputy Commissioner of the Treasury Department's Bureau of the Public Debt (renamed the Bureau of the Fiscal Service) overseeing human capital planning. He was also a human resources specialist for staffing, classification, and performance management with the Bureau of the Public Debt's Administrative Resource Center, a Federal shared service provider to several agencies.

Kevin is also a retired officer with the U.S. Coast Guard Reserve. He holds a Master's degree from The Johns Hopkins University and Bachelor's degree from Salem University with Honors (*magna cum laude*). He has an Advanced Certificate in Strategic Human Resources Management from Cornell University and his Chief Information Officer Certificate from Carnegie Mellon University.

Acting Chief Financial Officer Mona Papillon

As Acting CFO Ms. Papillon heads the Office of the Chief Financial Officer in formulating and executing the agency's budget, developing agency policy, guidelines and procedures for financial management, reporting and systems. In addition, she administers the agency's acquisitions program, and facilities program which includes real and physical property, mail management, physical security, and continuity of operations.

Prior to her appointment, Ms. Papillon was a Senior Attorney-Advisor in the Office of the Chair and the Office of Legal Counsel for Advice and External Litigation. In addition to her operational portfolio, Ms. Papillon currently oversees EEOC's employee engagement and diversity and inclusion initiatives. Ms. Papillon earned her Bachelor of Science degree in International Relations from Georgetown University's School of Foreign Service and earned her Juris Doctor degree from Columbia University Law School.

Chief Data Officer and Director of the Office of enterprise Data and Analytics Chris Haffer

Chris was appointed the Chief Data Officer (CDO) and Director of the Office of Enterprise Data and Analytics in November 2017. He oversees agency data governance, leads the collection and analysis of

relevant mission-critical data and information, recommends approaches and procedures to improve operations by ensuring data-driven decision-making, and provides internal and external customers with timely, accurate, and bias-free data and information.

In May 2018 Chris reorganized and restructured an outdated data processing office, transforming it into a 21st data and analytics organization. In September 2018 he implemented the EEOC Data and Analytics Modernization Program, which includes a comprehensive evaluation and overhaul of the collection, analysis, and dissemination of EEOC data products and services.

Chris has over 27 years' federal experience in data, analytics, and research, most recently leading the Data and Policy Analytics Group at the Office of Minority Health, U.S. Centers for Medicare and Medicaid Services (CMS). Prior to that he spent 14 years as Director of the National Medicare Health Outcomes Survey; receiving a National Institutes of Health Award of Merit for his work in 2012.

Chris has authored or co-authored over three dozen peer-reviewed publications. He holds a Bachelor of Arts in Sociology (1988) from Loyola College, and a Master of Public Policy (1991) and Ph.D. in Public Policy (1993) from UMBC.

Legal Counsel Andrew Maunz

The Legal Counsel is responsible for developing Commission guidance and providing legal advice to the Commission on a wide range of substantive and administrative issues. Chair Dhillon appointed Mr. Maunz Legal Counsel in April of 2020. Prior to serving as Legal Counsel, he was a Special Assistant in the office of Chair Dhillon. Before coming to the EEOC, Drew was a senior attorney in the Office of the General Counsel of the Social Security Administration where he practiced employment and administrative law. He received his undergraduate degree from Miami University in Ohio and his law degree from the University of Toledo College of Law, which he attended on full academic scholarship and graduated magna *cum laude*.

Director of Equal Opportunity Stan Pietrusiak

Stan Pietrusiak serves as the Director of the U.S. Equal Employment Opportunity's Commission's (EEOC) Office of Equal Opportunity (OEO). His principal duties include: (1) ensuring the accomplishment of the mission of OEO by providing leadership in the development, implementation and evaluation of the EEOC's internal equal opportunity programs and compliance operations; (2) supervising OEO's Compliance and Investigations Unit, which is responsible for conducting impartial counseling and investigation of discrimination complaints filed by EEOC employees and applicants for employment and issuing Final Agency Decisions; and (3) supervising OEO's Affirmative Employment Program, which is responsible for ensuring that all EEOC employees and applicants enjoy equal opportunities with respect to hiring, training, advancement and retention.

Prior his coming to the EEOC, from 1999 to 2008, Pietrusiak served as senior associate at Bracewell LLP, a Texas law firm. He practiced labor and employment law in San Antonio, Texas before relocating to Bracewell's Washington, D.C. office in 2008.

Pietrusiak began his career at the EEOC as an attorney with the EEOC's Internal Litigation Services department in 2008, where he worked with agency management to coordinate the defense of employment discrimination cases. Since 2013, Pietrusiak has served OEO as a senior attorney advisor, acting deputy director, deputy director and acting director. Pietrusiak was promoted to OEO director in March 2020.

Pietrusiak is a graduate of Columbia University and the St. Mary's College School of Law, where he served as Executive Editor of the *St. Mary's Law Journal*. He also served as Briefing Attorney to Texas Supreme Court Justice Gregg Abbott in 1997-98.

IV. Top Issues for New Leadership

- A. **Technology Modernization:** To meet the goal to continue modernizing EEOC's technology, the agency engaged in a year-long effort with the Technology Modernization Fund (TMF), an innovative funding vehicle that uses a competitive vetting process to make limited funds available to federal agencies for technology improvements consistent with the President's Management Agenda. In late fiscal year 2019, the TMF Board awarded the agency \$4 million dollars, providing the EEOC with the resources to modernize the legacy technology and data structure of its 18-year old Integrated Mission System (IMS) over a two-year period. The TMF funds were received in January 2020 and initial development is well underway with the milestone of delivering a new Private Sector Charge Management application to both the EEOC and its Fair Employment Practice Agency (FEPAs) partners in mid-2021.
- B. **Strategic Planning:** EEOC is currently operating under the [Strategic Plan for FY 2018-2022](#). The government-wide planning process call for a draft plan to be completed for OMB review by June 2021. These deadlines may be adjusted after the election.
- C. **CNSTAT Study of Pay Data Collection:** The Commission [approved funding](#) for a statistical study with the National Academies of Sciences, Engineering, and Medicines Committee on National Statistics (CNSTAT) to conduct an independent assessment of the quality and utility of the EEO-1 Component 2 data for FY 2017 and 18.
Mediation and Conciliation Pilot Programs: Chair Dhillon [launched two six-month pilot programs](#) that expanded opportunities for parties to voluntarily resolve charges through mediation and increase the effectiveness of the conciliation process. They are scheduled to conclude in December.
- D. **Litigation:** There are several suits involving the EEOC that new leadership should be aware of: ***U.S. Pastor Council v. EEOC***: A lawsuit brought by a nonprofit group of Christian pastors and a healthcare company over the EEOC's pursuit of LGBT discrimination cases on sex bias grounds. Was put on hold while the Supreme Court took up *Bostock*. ***California v. EEOC***: California, Maryland and Minnesota are suing the Commission for limiting state and local agencies' access to EEO-1 data.

V. Budget Overview

- A. Major budget changes from 2009-2017

Although Congress has raised sequestration spending caps the past several years, it has held EEOC funding level or imposed rescissions. For fiscal year 2020, Congress increased the EEOC's appropriation by \$10 million to \$389.5. The fiscal year 2021 Continuing Resolution (CR) holds the EEOC at that amount though the House has approved an increase of \$19.2 million.

For many years EEOCs appropriations were either cut or level funded – which led to chronic resources issues. Consequently, EEOC's FTE is 444 lower than at the high of 2,505 in FY 2011.

- i. See EEOC budget and staffing history from 1980 to present:

<https://www.eeoc.gov/eeoc-budget-and-staffing-history-1980-present>

- ii. Congressional Budget Justification for FY 2021:
<https://www.eeoc.gov/fiscal-year-2021-congressional-budget-justification>

B. Funding sources

- i. Single year appropriated funds.
- ii. Revolving Fund for fee-based training and technical assistance to the private and public sectors

VI. Congressional Relations and Issues

- A. EEOC Congressional Oversight Committees (oversight, authorization and appropriations).

EEOC works closely with committee staff, keeping them updated on the agency's work as well as assisting with constituent inquiries. We communicate most frequently with the Senate HELP Committee, the House Education and the Workforce, as well as appropriations.

Authorization/Oversight

- i. Senate Committee on Health, Education, Labor and Pensions (HELP): [Members](#)
[Jurisdiction](#)
Majority Staff: David Cleary, Kristen Spiridon
Minority Staff: Evan Shantz, Kathleen Borschow
- ii. Senate Committee on Homeland Security and Governmental Affairs: [Members](#)
[Jurisdiction](#)
- iii. House Committee on Education and Labor: [Members/Jurisdiction](#)
Subcommittee on Workforce Protections: [Members/Jurisdiction](#)
Majority Staff: Veronique Pluviose, Janice Nsor, Eunice Ikene
Minority Staff: John Martin
- iv. House Committee on Oversight and Government Reform: [Members](#)
[Jurisdiction](#)
Majority Staff: Dave Rapallo
Minority Staff: Chris Hixon

Appropriations Committees

- v. Senate Committee on Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies (CJS): [Members](#) [Jurisdiction](#)
Majority Staff: Allen Cutler
Minority Staff: Jennifer Eskra, Jordan Stone
- vi. House Committee on Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies (CJS): [Members](#) [Jurisdiction](#)
Majority Staff: Faye Cobb
Minority Staff: Stephanie Gadbois

Congressional Hearings Overview

Since 2009, the primary purpose of most congressional hearings concerning the agency was oversight. In that time, EEOC has been the subject of, or directly implicated in, [nine hearings](#). Of these eight hearings, the agency was invited to testify in five hearings. The House convened three oversight hearings on the EEOC between 2014 and 2016 where the agency was not invited to testify. Two of those hearings were on legislation directly impacting the EEOC's mission-related work. Chair Dhillon testified before the [House Education and Labor Committee on September 19, 2019](#).

The EEOC currently has no outstanding inquiries pending with its congressional oversight, authorizing, or appropriations committees.

B. Other members with special interest or subject matter expertise

- i. Congressional Black Caucus Chairman G.K. Butterfield [CBC Members](#)
- ii. Congressional Hispanic Caucus Chair Linda Sanchez [CHC Members](#)
- iii. Congressional Asian/Pacific American Caucus Chair Judy Chu [CAPAC Members](#)
- iv. Congresswoman Eleanor Holmes Norton (EEOC Chair 1977-1981)

C. Confirmation hearing prep

The EEOC has managed several confirmation hearings over the past two administrations. They are not common unless the package of nominees includes one for Chair. EEOC manages logistics for the confirmation process. The OCLA Director gathers and clears materials and transmits it per the direction of the White House Personnel Office, which typically establishes direct contact between the agency and the principal.

i. Leadership and members

- CJS Appropriations Chairman Richard Shelby
- CJS Appropriations Ranking Member Patrick Leahy
- HELP Committee Chairman Lamar Alexander
- HELP Committee Ranking Member Patty Murray
- House Education and the Labor Chairman Bobby Scott
- House Education and the Labor Ranking Member Virginia Foxx
- Congressional Black Caucus Chairman Karen Bass
- Congressional Hispanic Caucus Chair Joaquin Castro
- Congressional Asian/Pacific American Caucus Chair Judy Chu
- Congresswoman Eleanor Holmes Norton

ii. Top issues addressed at hearings

- Pending inventory or “backlog” of pending charges

- “Aggressive” litigation docket – viewed both as a positive and a negative
- EEOC’s “overreach” or “expansive” view of legislative mandate
- Wellness programs and the application of the ADA and GINA
- Directed Investigations or Commissioner’s Charges – investigations in the absence of an individual charge filing(s)
- Funding for state and local fair employment practices partners
- Praise for successful litigation, such as *Henry’s Turkeys*.

D. Implications of changes in new Congress

Senate: Depending on the outcome of the pending races EEOC may see an increase in oversight inquiries from the Senate. The most influential departure after the 116th Congress is Senator Lamar Alexander (R-TN) is retiring. As the Chairman of the HELP committee he has had an interest in our Wellness program.

Furthermore, his departure creates an opening in the Senate HELP Committee. Senator Michael Enzi is retiring in 2020 and Senator Richard Burr is in line by seniority to become the Chairman if Republicans maintain a majority in the Senate. Senator Patty Murray is currently the Ranking Member and would be in line to be Chair if the Democrats gain control of the chamber.

House: With the change in the majority flipping to the Democrats for the 116th Congress, we saw more oversight of the agency. The number of oversight inquiries will most likely be dependent on who wins the presidency.