Customer Service Portals Evaluation

Final Evaluation Report

Prepared for the EEOC Office of the Inspector General

OIG Report Number 2022-001-EOIG

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SUBMITTED BY:

KAI PARTNERS

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SECTION 1: EXECUTIVE SUMMARY

In September 2022, the U.S. Equal Employment Opportunity Commission (EEOC) Office of Inspector General (OIG) contracted with KAI Partners, Inc. (KAIP) to perform an evaluation of EEOC's outward-facing customer portals. OIG instructed KAIP to evaluate how well the portals meet EEOC's strategic needs, as well as assess key performance aspects of the portals from the perspectives of how well they assist stakeholders and how well they function as web applications. KAIP's scope of work included four critical questions:

1. How well do the portals ensure high performance and perform according to their Service Level Agreements (SLAs)?[1]

2. How do the portals perform on key performance elements not included in each SLA?

3. Are there any industry best practices that could be incorporated into the EEOC process of providing relevant information to its stakeholders through improved use of its portals?

4. What improvements should be made to the management and operation of the portals to better meet customer needs?

These questions are currently relevant for two main reasons. First, these questions are directly relevant to the Agency's response to Executive Order (EO) 14058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*.[2] Second, these questions are timely considering the Agency's commitment in its FY 2024 Congressional Budget Justification (CBJ, p. 84) to modernize its public-facing portals to improve customer service and take advantage of features offered by its new Agency Records Center (ARC).

To address these questions, KAIP conducted research on industry and academic frameworks for portal evaluation and adapted research findings to develop an evaluation framework based on four performance domains: Content, Design, Personalization, and Community. Based on the critical questions and performance domains, KAIP designed appropriate interview instruments and conducted 22 interviews of EEOC personnel on executive, management, and staff levels. Then, using common navigation user stories, a KAIP team member conducted walkthroughs of each of the portals for the purpose of scoring them on defined criteria for each domain in the framework.

Based on its interviews and walkthroughs, KAIP developed a draft report with 19 findings, 11 conclusions, and 7 recommendations highlighting specific opportunities for the Agency to improve its portals and related business processes. OIG provided KAIP's draft report to the Agency to solicit comments.

The Agency concurred with all 7 recommendations without additional comment. The Agency also provided clarifications on certain aspects of the report related to EEOC business processes and

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[1] A Service Level Agreement (SLA) sets the expectations between the service provider and the customer for the products or services to be delivered. It details the metrics by which the service or product will be measured, evaluated, and approved. It may also contain performance incentives or penalties.

[2] The White House, "Executive Order 14058: Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government." December 16, 2021.

suggested other minor changes to improve clarity. In response, KAIP made revisions to the report, none of which affected the recommendations.

KAIP recommends that EEOC takes the following actions:

1. Institute a governance framework for managing the Agency's portals.

2. Include requirements to use the U.S. Web Design System in the Agency's Project Plan for designing, developing, and implementing the next generation of portals.

3. Implement mechanisms to ensure that the design and management of the portals are responsive to customer needs.

4. Simplify portal content and customer instructional materials and embed instructional materials within the relevant pages of each portal.

5. Ensure that the design and function of all portals accurately reflect EEOC's business rules and applicable laws.

6. Make targeted improvements to address accessibility issues on the existing portals.

7. Take specific actions to improve users' ability to collaborate and communicate through the portals.

SECTION 2: EVALUATION OBJECTIVES

The U.S. Employment Opportunity Commission (EEOC) Office of Inspector General (OIG) requested an independent evaluation of EEOC's three outward-facing customer portals. OIG instructed KAIP to evaluate how well the portals meet EEOC's strategic needs, as well as to assess key performance aspects of the portals from the perspectives of how well they assist stakeholders and how well they function as web applications. OIG instructed KAIP to address four critical questions:

1. How well do the portals ensure high performance and perform according to their Service Level Agreements (SLAs)?

2. How do the portals perform on key performance elements not included in each SLA?

3. Are there any industry best practices that could be incorporated into the EEOC process of providing relevant information to its stakeholders through improved use of its portals?

4. What improvements should be made to the management and operation of the portals to better meet customer needs?

These questions are currently relevant for two main reasons. First, these questions are directly relevant to the Agency's response to Executive Order (EO) 14058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*. EO 14058 directed that each Agency and department address how it will further streamline service delivery and improve the customer experience. Executive Order 14058 also encouraged the application of human-centered design methodologies, empirical customer research, behavioral science, user testing for digital services, and other customer engagement mechanisms. Agencies are directed to adopt plans for rigorous testing that use empirical methods to test various approaches to determine which ones work best for the customer. In response to EO 14058, EEOC's FY 2024 Congressional Budget Justification (CBJ, p. 83) commits the Agency to:

- ***Transform the way EEOC services the public*** by making its charge complaint and appeal processes transparent and providing information to its constituents online and on demand.
- ***Streamline processes to improve service for stakeholders***, including individuals, state and local partners, Federal agencies, and other organizations.
- ***Improve productivity*** by providing the Agency employees with secure access to the tools, data, and documents they require.

Second, these questions are timely considering the Agency's commitment in its FY 2024 Congressional Budget Justification (CBJ, p. 84) to "modernize its Public Portals with expanded language offerings, more granular data, new services, and improved interview scheduling made possible by the ARC implementation" beginning in FY2023.

The evaluation team developed actionable findings, conclusions, and recommendations in response to the critical questions posed by OIG, the requirements of EO 14058, and the Agency's commitments in its FY 2024 CBJ.

SECTION 3: EVALUATION METHODOLOGY & FRAMEWORK

Methodology

The data collection methodology consisted of the following methods designed to support the structured development of evaluation findings:

- **Document Reviews.** KAIP reviewed over 75 documents related to EEOC's portals, ranging from high-level Agency strategy documents to tactical-level portal user documentation. These included the Agency's Draft Strategic Plan (2022 – 2026), the Agency's Congressional Budget Justification (2024), contractual documents for portal support, and a variety of portal user documentation. KAIP also solicited key facts from EEOC personnel in the Office of Information Technology (OIT) to address identified knowledge gaps throughout the evaluation process.
- **Interviews of EEOC Leadership, Management, and Staff.** KAIP conducted 22 1-hour interviews with EEOC personnel selected in coordination with OIG. Interviewees represented the Office of the Chair (OCH), the Office of Federal Operations (OFO), the Office of Field Programs (OFP), the Office of Communications and Legislative Affairs (OCLA), and the Office of Information Technology (OIT). KAIP also interviewed select contractor personnel. In each interview, the interviewee responded to a set of 20 to 25 questions developed by KAIP and tailored to that individual's role in the organization. KAIP asked questions about the portals' business cases, histories, designs, specifications, and user experience data. Interviewees were also given an opportunity to provide any further information they thought was relevant.
- **Objective Verification.** An evaluation team member who had not previously interacted with EEOC as a customer evaluated each portal against a framework. This team member, known as the Objective Verifier, adopted the role of an external end user and executed a set of predetermined use cases, scoring each portal using the criteria established in the framework.

Based on the data collected, KAIP developed a draft report with 19 findings, 11 conclusions, and 7 recommendations highlighting specific opportunities for the Agency to improve its portals and related business processes. OIG provided KAIP's draft report to the Agency to solicit comments.

The Agency concurred with all 7 recommendations without additional comment. The Agency also provided clarifications on certain aspects of the report related to EEOC business processes and suggested other minor changes to improve clarity. In response, KAIP made revisions to the report, none of which affected the recommendations.

Evaluation Framework

To evaluate the portals in a rigorous and consistent manner, KAIP adapted a portal evaluation framework from an industry research source consistent with Executive Order 14058: *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government* and the 21st Century Integrated Digital Experience Act (21st Century IDEA). KAIP produced an initial framework at the outset of the evaluation and then tailored the framework to EEOC's specific circumstances based on findings from data collection activities. The framework is divided into four domains and 13 subdomains, which are consistent with customer expectations for modern websites, as described in the table below.

Table 1. Evaluation Framework Domains and Subdomains

Domain	Subdomain
Content. Evaluates the content made available to the end user.	**Organization.** Examines whether information is well organized to enable efficient search and retrieval. Includes evaluation of embedded search engines.
	Credibility. Examines the apparent reliability of information provided. Evaluates whether content is accurate, clear, trustworthy, and current. Evaluates whether content protects the organization's reputation.
	Usefulness. Examines whether appropriate language, focus, and usefulness of information provided meets the needs of the customer.
	Integration. Examines integration of external content and sources, including links to other websites or embedded information.
Design. Evaluates the application of basic web design standards.	**Information Architecture.** Examines whether information is structured, grouped, and labeled in a logical manner that is easily understandable to the customer.
	Usability. Examines whether user interaction and navigation are logical, intuitive, and understandable.
	Graphic Design. Evaluates the overall design and whether it is periodically revisited and updated to reflect current industry best practices (with minimal service disruption).
	Technical Integrity. Examines performance in terms of availability, download times, stability, browser compatibility, security, and operational links.
Personalization. Evaluates the customizability of the end user's experience.	**Navigation.** Examines whether site navigation is logical and can be configured or adjusted according to user preferences.
	Content & Information. Examines whether presentation of content is tailored based on customer-specific needs.
	Interface. Examines adaptability of user-portal interactions based on the user's needs and equipment.
Community. Evaluates how tools and services facilitate productive interactions and stakeholder support.	**Communication.** Examines whether end users can communicate with Agency staff assigned to their cases to get their needs met and their questions answered.
	Collaboration. Examines whether there are opportunities for end users to collaborate with Agency staff or relevant third parties.

The evaluation team assessed each subdomain, according to a set number of individual criteria, on a 0 to 2 scale. Appendix A details raw scores. Domain and subdomain summary scores should be interpreted as follows:

Table 2. Interpretation of Evaluation Scores

Criterion Score	Score Interpretation
0 – 0.5	Does not meet the expectations of current-day users for a modern portal/web application.
0.5 – 1	Meets few expectations of current-day users for a modern portal/web application.
1 – 1.5	Meets some-to-most expectations of current-day users for a modern portal/web application.
1.5 – 2	Meets the expectations of current-day users for a modern portal/web application.

SECTION 4: BACKGROUND

This section briefly provides selected events in the history of the Agency's portal development and describes the business case for each of the portals.

History and Functionality of the Portals

The Office of Information Technology (OIT) did not provide exact dates for the initial rollout of each portal but estimated that they came online in 2015 or 2016. While the portals do feature limited workflows, this functionality is lightweight. They were initially designed principally to facilitate document exchange between external customers and the Agency's legacy Integrated Management System (IMS) application; they store no data on their own.

Notably, KAIP's scope of work with OIG called for the evaluation of four portals. These included the Public Portal, the Respondent Portal, and the Federal Sector Equal Employment Opportunity Portal (FedSEP), as well as a now-defunct application known as the "Online Charge Status Portal." During the evaluation team's entrance meeting with EEOC, the Agency clarified that there are currently three portals; the Online Charge Status Portal and the Public Portal were merged. According to one senior executive, EEOC made this change to streamline the investigator experience by reducing customer inquiries about case status. This change did not require major redevelopments, as both portals drew their information from the same source.

Currently, the Agency's portals are in the maintenance and operations stage of the Software Development Lifecycle (SDLC). While they continue to facilitate interaction between EEOC and external customers, they are reaching the end of their useful life, as EEOC can now do little to further expand or adapt them. The agency will need to redevelop its portals to take full advantage of the functionality made possible by the new Agency Records Center (ARC).

Business Cases for the Portals

EEOC is the federal agency charged with administering and enforcing specific civil rights laws against employment discrimination in both the private sector and federal government. In general, the Public and Respondent Portals allow the agency to manage claims made by Potential Charging Parties (PCPs) and Charging Parties (CPs), and the Federal Sector Equal Employment Opportunity Portal (FedSEP) enables the Agency to manage data collection and appeals related to federal agencies.

Public and Respondent Portals

The Public and Respondent Portals are best described together, as they are part of the same business process, through which EEOC performs intake, investigation, and resolution of charges of employment discrimination.

When members of the public believe they may have been a victim of employment discrimination, they may turn to EEOC for information and relief. Increasingly, this involves seeking out more information via the Agency website at www.eeoc.gov, which contains links to the EEOC Public Portal. Alternatively, they may call a toll-free phone line operated by OFP's Intake Information Group (IIG). An October 2022 EEOC OIG report noted that, while Potential Charging Parties (PCPs) can email the Agency or visit a field office, IIG's "gold standard for calls is to direct the customer to the Public Portal."

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While the Public Portal serves multiple functions, its initial function in interacting with a PCP is to determine whether EEOC can potentially address the PCP's issue under its existing legal authorities. The Public Portal presents the PCP with a series of prompts. Based upon the PCP's responses, the Portal will provide the PCP with an initial assessment of whether the PCP's issues may be addressed under the laws EEOC enforces. PCPs whose cases do not fall under EEOC's jurisdiction are informed that EEOC may not be able to help them, but they are offered the opportunity to continue the process via phone, email, or in-person meeting at an EEOC office. Their interactions with the Public Portal end.

If the PCP's answers to the prompts indicate that EEOC has jurisdiction over the matter in question, the PCP is presented with a calendar of available appointment times for a meeting with an EEOC Investigator. During the meeting, which is known as an "intake interview," the Investigator asks pertinent questions to learn more about the case and assists the PCP in understanding his or her options. At the conclusion of the intake interview, the EEOC counsels the PCP about the merits of the case and the PCP's rights and responsibilities, and the PCP is given the option to either proceed with filing a charge or end the confidential process. If the PCP decides to proceed with filing a charge of discrimination, EEOC is required by law to accept the charge. If the PCP decides to file a charge, this may be done through the Public Portal. Upon filing, the PCP becomes a Charging Party (CP).

If a charge is filed, the next step in the process is facilitated by the Investigator. EEOC notifies the charged employer, also known as the "respondent," by sending the employer a Notice of a Charge of Discrimination. EEOC will provide login information for the Respondent Portal, through which the respondent can find information about the charge, communicate with an EEOC representative, and upload files and evidence pertaining to the charge. This may happen in multiple rounds. The system provides both the respondent and the Investigator with email notifications when additional actions are requested or when information is provided.

Depending on the particulars of the case, each portal may offer an opportunity for its respective party to opt for alternative dispute resolution (i.e., mediation). Following the conclusion of a case, the case remains accessible to the CP through the Public Portal for 90 days and to the respondent through the Respondent Portal for 30 days. EEOC retains case information and documents in a separate repository, the Agency Records Center (ARC), which currently holds all case data since 2016.

According to an FY 2020 estimate by EEOC cited in its FY 2024 CBJ (p. 84), the Agency "conservatively estimate[s] that the use of private sector online services saved over 41,000 hours of investigator time (almost two weeks per investigator)."

Federal Sector Equal Employment Opportunity Portal (FedSEP)

FedSEP is a government-to-government portal that facilitates two business processes. The first business process is the collection of data from federal agencies pursuant to EEOC regulations at 29 CFR §§1614.601(g) and 1614.602(a). Title 29 CFR §1614.601(g) requires federal agencies to report to EEOC summary statistics on the race, national origin, sex, and disability status of their employees. The agencies do this by submitting Form MD-715. Title 29 CFR §1614.602(a) requires federal agencies to report to EEOC information concerning pre-complaint counseling and the status, processing, and disposition of complaints. The agencies do this by submitting Form 462. Designated federal agency personnel with EEO-related responsibilities fulfill both data collection requirements on an annual basis.

The second business process is the management of federal employee hearings and appeals. Each federal agency has an EEO office tasked with receiving and processing complaints of employment discrimination from that agency's employees or applicants for employment. When an employee or applicant submits a complaint, the relevant agency's EEO office will offer an opportunity to participate in EEO counseling or alternative dispute resolution. If this does not result in a settlement, the employee or applicant may file a formal complaint.

In response to a formal complaint, the agency in question may conduct an investigation. At the conclusion of its investigation, the agency issues a decision. If the complainant disagrees with the decision, he or she may appeal it to EEOC, where an Administrative Judge hears the case.[3]

It is important to note that the complainant does not have access to FedSEP, but rather uses the Public Portal outlined above. Employees of EEOC and other federal agencies who are assigned to hearings and appeals (and who have appropriate user permissions) have access to FedSEP.

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[3] For a complete overview of the Federal Sector EEO Complaints Process, see Overview Of Federal Sector EEO Complaint Process | U.S. Equal Employment Opportunity Commission. Accessed August 8, 2023.

Business Case Summary

The table below summarizes the information provided above.

Table 3. Summary of Business Cases for the Portals

	Public	Respondent	FedSEP
External Customers	Potential Charging Parties (PCPs)	Respondent Employers	Federal Agencies
External Customer Purpose	To submit an inquiry to EEOC. This is an initial step in the process of potentially filing a charge and can lead to interviewing with an EEOC investigator. If the PCP decides to file a charge, he or she may file the charge through the portal. After the charge is formalized, the portal allows the CP to transfer/receive documents and check on the status of the charge. The Public Portal also allows federal employees and applicants to file an appeal or request for reconsideration.	To respond to a charge of discrimination. When charged with employment discrimination, the employer receives login information for the Respondent Portal in an automated email from EEOC. Once logged in, the respondent can upload documents to the portal as prompted by EEOC.	To submit required data pursuant to EEOC regulations at 29 CFR §§1614.601(g) and 1614.602(a). This portal also offers online case management of hearings and appeals for employees of and applicants to federal agencies.
Internal Customer(s)	Office of Field Programs (for complaints brought by PCPs/CPs); Office of Federal Operations (for federal appeals process)	Office of Field Programs	Office of Federal Operations (to manage appeals process); Office of Field Programs (to manage federal hearings process)

	Public	Respondent	FedSEP
Internal Customer Purpose	Ask initial questions of PCPs to determine whether EEOC may potentially be able to assist them; facilitates communication with and solicitation of documentation from members of the public alleging discrimination; allows customers to schedule interviews with EEOC investigators using current schedule availability data.	Facilitates communication with and solicitation of documentation from respondents.	Facilitates organized collection of data required by 29 CFR §§1614.601(g) and 1614.602(a). Provides case management for federal EEO hearings and appeals.

SECTION 5: FINDINGS AND CONCLUSIONS

In this section, the evaluation team describes its findings in response to the first two of the four critical questions provided by OIG (i.e., "How well do the portals ensure high performance and perform according to the Service Level Agreement (SLA)?" and, "How do the portals perform on key performance elements not included in the SLA?") For the second of these questions, the evaluation team will explain its findings in terms of the domains outlined in its evaluation framework, as applicable. OIG's third and fourth critical questions call for recommendations; these will be addressed in Section 6: Recommendations.

Before discussing its findings, the evaluation team wishes to identify three ways in which the portals as currently built and managed are providing value to the Agency, its customers, and the taxpayer:

1. **The portals enhance the public's access to Agency services.** Prior to the portals, it was necessary for Potential Charging Parties (PCPs) to visit an EEOC office, call EEOC during business hours, or send correspondence by mail, facsimile, or email. To a significant extent, the portals have alleviated those burdens.

2. **The portals create major efficiencies in Agency business processes.** The portals eliminate a large amount of previously required administrative work. The labor previously dedicated to performing activities that require little or no discretionary judgment was substantial. The evaluation team considers the Agency's claim that the portals save two weeks per investigator per year to be plausible.

3. **The portals ensure continuity of Agency operations during emergencies.** Several interviewees noted that the portals served an essential role in enabling EEOC personnel to continue to provide service to the public during the recent pandemic, and others noted that this capability also applies to extreme weather events and other natural disasters.

Critical Question 1: How well do the portals ensure high performance and perform according to the Service Level Agreements (SLAs)?

This section details the findings and conclusions pertaining to Critical Question 1.

SLA-Related Findings

Finding 1: EEOC is not tracking portal performance using SLAs nor does it require contractors to meet performance-based requirements.

A Service Level Agreement (SLA) sets the expectations between the service provider and the customer for the products or services to be delivered. It details the metrics by which the customer will measure, evaluate, and approve the product or service. It may also contain performance incentives or penalties.

The evaluation team requested SLA information as part of its initial evaluation planning activities and its subsequent interviews with Agency personnel. At no point did the Agency provide evidence that it was tracking portal SLAs. In multiple instances, EEOC personnel expressed doubts that the Agency was doing so.

To ensure that it was being comprehensive, the evaluation team requested that EEOC's Contracts Office provide portal contract documents, including original solicitations, amendments, statements of work, purchase orders, and contractor status reports. Of the 64 documents supplied, none provided evidence of portal performance requirements or SLAs for portal performance.

This is notable, because the agency refers to its contracts for support of the Public Portal as "software-as-a-service" and "portal-as-a-service" contracts. Typically, an "as-a-service" contract is based on the attainment of agreed-upon service levels related to items such as system performance, availability, break/fix time, helpdesk ticket closure, and customer satisfaction. Instead of these or similar criteria, the Agency requires contractors that support the Public Portal to provide a monthly status report, broken down by assigned resource, that lists all work completed, in progress, and planned. This is characteristic of a staff-augmentation contracting model. Such a model does not specify incentives to achieve goals, nor does it specify penalties for poor performance, unplanned outages, etc.

Finding 2: EEOC's customer-service SLA under the AMPSS BPA is vague, and EEOC lacks a sufficient mechanism for collecting user feedback pertaining to the portals.

In response to the evaluation team's initial inquiry regarding SLAs, OIT provided operational performance requirements from its Applications Management and Platform Support Services (AMPSS) Contract. The AMPSS is a Blanket Purchase Agreement (BPA), i.e., an umbrella contract under which EEOC orders specific services from prequalified vendors by issuing individual work orders. OIT informed the evaluation team that it uses the AMPSS BPA to acquire services in support of the Respondent and FedSEP portals. Section 5.1 of the AMPSS "includes a set of required service levels designed to measure contractor performance ***where applicable*** throughout the performance of the BPA Call" (emphasis added). While, as stated above, EEOC did not provide evidence that it is using service level agreements to manage portal contractor performance, it could, in theory, make use of some or all the SLAs provided in the AMPSS BPA.

The AMPSS BPA includes five SLAs. Three of these SLAs are designed to ensure that applications operate according to specifications, with metrics for uptime, issue resolution, and data integrity. One SLA requires accurate and timely statistical reporting on application usage. One SLA refers to ensuring customer satisfaction.

Table 4. Description of AMPSS BPA Service Level Agreements

Desired Outcomes	Required Service	Target
Managed applications are available to EEOC, its customers, and stakeholders on demand	The contractor shall provide managed services that meet EEOC's technical requirements and ensure a high rate of availability on a 24.7.365 basis.	Application availability Target = 99.5%

Desired Outcomes	Required Service	Target
Site monitoring for immediate detection and timely resolution of any problems	The contractor shall provide the necessary system monitoring capability and skilled staff to quickly identify and resolve problems.	Problems should be resolved within 4 hours of identification. Target = 99.5%
High data Integrity and sound configuration management practices	The contractor shall supply skilled personnel who provide responsive and expert hosting support ensuring that no data will be lost.	No loss of data or application software. Installation and maintenance of appropriate software versions in operational environment. Target = 100%
Accurate and timely statistical reporting	Where applicable, the contractor shall provide accurate website usage reports.	On-time, complete reports Target = 100%
Satisfied customers and stakeholders	The contractor shall provide a level of service commensurate with the expectations of the user community.	Satisfactory results in EEOC survey(s) of users.

For the final SLA, related to customer and stakeholder satisfaction, the Agency's standard lacks sufficient specificity to be useful in the management of contractor or portal performance. Moreover, multiple interviewees specifically stated that EEOC does not conduct surveys as referenced in the SLA. One Agency employee stated that customer-feedback surveys for the portals had been discussed internally, but that regulation prevents EEOC from implementing them. Another employee commented that "there is no easy way to measure customer feedback and satisfaction." The current architecture and technical configuration of the portals also limits the ability to collect customer feedback.

Because the Agency lacks a Customer Service Plan, there are no basic targets or metrics that the helpdesk could use to measure customer satisfaction. While ServiceNow is used for helpdesk tickets, the helpdesk ticketing system collects portal bugs and defects versus capturing user feedback that could potentially contribute to further enhancements. With respect to the portals, there was no evidence that EEOC uses the ServiceNow ticketing system for anything but reporting bugs and defects.

SLA-Related Conclusions

Conclusion 1: EEOC is not using SLAs to monitor and manage portal performance.

SLAs with appropriate metrics are a critical element of successful operational performance. They enable the Agency to explicitly define its goals and measure specific key performance indicators (KPIs) to determine whether (and to what degree) it is meeting them. Good KPIs are SMART – that is, **S**pecific,

Measurable, **A**chievable, **R**ealistic, and **T**ime-bound. Without reference to such indicators, the Agency will have difficulty planning and implementing performance corrections or improvements on a strategic level. Instead, it will be limited to reacting to specific glitches or short-term initiatives based on whims or the perceived needs of the moment. The Agency will also have difficulty holding its contractors and vendors accountable. These difficulties impact the Agency's ability to ensure the portals are responsive to the public's needs.

Conclusion 2: EEOC has not prioritized collecting the data necessary to make focused improvements to the customer experience.

To improve the experience of EEOC's customers with its portals, the Agency must have enough useful information to understand what that experience is. Agency employees interviewed by the evaluation team either reported the absence of metrics for understanding the customer experience or stated that they were not aware of any such metrics. While it is true that the Paperwork Reduction Act creates regulatory obstacles to implementing surveys, overcoming these obstacles is within the Agency's capabilities.

Critical Question 2: How do the portals perform on key performance elements not included in the SLAs?

This section details the findings and conclusions pertaining to Critical Question 2. The first section will address findings related to management of the portals. Subsequent sections will address findings related to domains within the evaluation team's portal evaluation framework (to include Content, Design, Personalization, and Community).

Management Findings

Finding 3: EEOC does not have a master road map for portal improvements.

The Agency did not supply the evaluation team with any evidence of a master roadmap for portal improvements. When asked whether the Agency has updated its portals, interviewees painted a picture of incremental, organic growth to meet the changing needs of the moment. Notably, one interviewee, who was a portals subject matter expert, stated, "There has never been downtime to map our plan for improving current technology."

Finding 4: EEOC designed and developed the portals based on internal user requirements and not the perspective of the external customer.

As discussed above, each of the portals has delivered significant savings to the Agency in terms of employee labor. However, these benefits appeared to be the Agency's primary focus in designing and maintaining the portals, rather than customer experience. As one senior executive told the evaluation team, "The focus has been on the needs of EEOC, not the customer's journey."

The way that several EEOC employees responded to one of the evaluation team's questions supports this finding. The interviewer asked, "What metrics do you use to measure the success of each portal in supporting EEOC's mission?" Multiple employees responded to this question in terms of time saved, data integrity, load balancing, or response times. While it is true that the portals can only serve the

mission while they are working within established technical parameters, these answers evince a focus on EEOC operations, rather than on meeting customer needs. Efficiency in doing work is a benefit to the public, but that benefit is an indirect one. Measurements of the parameters cited offer no helpful indications of whether or how the Agency should improve user experience for any given portal.

Moreover, the portal development teams generally did not seek input from people outside the Agency. For the Public Portal, interviewees described a hybrid-Agile process[4] with multiple teams of product owners, each working on a different aspect of the application. All product owners were Agency employees. Interviewees noted that development of the Respondent Portal involved less stakeholder input than the Public Portal; EEOC business rules were the primary driver behind its development. FedSEP development was a partial exception to this trend; the Agency did solicit input from external stakeholders. However, these external stakeholders were federal employees, whose use of FedSEP was compelled by regulation and whose purposes in doing so were narrowly defined.

This finding aligns with a recommendation issued by OIG in FY 2022, which advocated that the Agency develop a customer service plan, to include establishing goals and objectives, performance metrics, and a cadence for measurement. This recommendation was open at the time the evaluation team was collecting data for this report.

Finding 5: EEOC lacks a clearly defined governance process for portal updates and the pending redevelopment.

EEOC used divergent approaches in developing its three portals. Interviewees stated that the development of the Public Portal involved substantial user testing, whereas the Respondent Portal did not. FedSEP was built following an initial attempt to have the Agency's needs met by an external tool managed by the Office of Management and Budget. Interviewees reported attempts at Agile development processes, some of which were either unworkable (i.e., they involved too many disparate product owners) or were not followed (i.e., more vocal stakeholders prevailed over the larger group). Similarly, some interviewees reported that, although they provided feedback on prototypes, the developers did not always incorporate that feedback into the final product.

The evaluation team also sought to identify the process the Agency uses to control portal updates. Of the 12 EEOC employees asked, no two interviewees articulated the same process. Several either said they were not aware of a process or that one did not exist. Furthermore, there was no formal problem-solving method for resolving portal bugs.

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[4] Agile software development is a collaborative method of software development in which designated product owners prioritize potential features by importance and the developer team builds these features in the designated order in "sprints" that generally last 1 to 4 weeks. Products owners and developers review progress on the application at the conclusion of each sprint. A hybrid Agile process combines Agile development practices with aspects of traditional, more sequential, development methodologies.

Finding 6: EEOC does not systematically use Public Portal data to generate "big picture" insights.

EEOC could potentially use Public Portal data to help it understand "big picture" issues, such as workforce trends, opportunities for outreach and education, Agency resource planning, and even potential approaches to carrying out its mission. However, it does not do so in a systematic way.

Multiple senior Agency executives said they were aware of the potential uses of portal data. One senior executive pointed out that the Agency receives more than 400,000 inquiries per year through the Public Portal, adding "the Agency collects a ton of data." However, that executive admitted, "we don't take advantage as much as we should." Another employee added, "There is so much data the portal captures. The challenge is extracting and pulling the data. It's hard to identify and streamline what to pull."

One interviewee stated that the Public Portal is useful in collecting demographic information on the people who turn to EEOC for help. This data helps the Agency to see patterns and geographic locations where EEOC can focus its outreach and education efforts. While such information may be valuable, this approach is rudimentary compared to other potential uses.

No interviewees provided evidence of systematic approaches in place to use the Public Portal to identify, collect, and track performance metrics. When asked whether the Agency used metrics to track how each portal supports the Agency's mission, one OIT employee said there were none, and that Agency personnel discuss their objectives for the portals internally, and then deploy based on those discussions. The employee added, "We don't have the resources or bandwidth to support gathering metrics."

Management Conclusions

Conclusion 3: Greater emphasis on customer experience is necessary.

The pending redevelopment presents a significant opportunity to invite non-EEOC stakeholders to participate in the creation of user-centered functionalities and interfaces. The sections that follow will contain specific findings about areas for improvement in the current portals, but to address only these specific items would be insufficient to ensure user-centered design. While imperfect, the existing portals are capable applications that execute their intended business processes. To ensure the next evolution in their capabilities is meaningful, the Agency will have to shift its focus outward.

Conclusion 4: EEOC's management of the portals is capable, but *ad hoc*.

EEOC employees collectively told a story that indicates the Agency has prioritized execution at the expense of advance planning, both in terms of high-level strategy and ground-level operations. While the Agency has achieved notable successes with this approach, certain best practices would improve portal management.

Integration of Appropriate Metrics. In general, a key initial component of operations management is defining objectives and developing metrics to enable an understanding of operational status. Not having done this has resulted in two missed opportunities.

The first missed opportunity is that the Agency has no holistic, objective indicators of user experience. The Agency gave no evidence of knowing, for example, whether EEOC customers tend to give up using the portal during any part of the user experience. Such information would be helpful in targeting re-design efforts. While it is true that the Agency has some understanding of problem areas through calls made to the IT helpdesk – which it does not track in a systematized way – these are only the problems that highly motivated end users believe can be solved by asking for help. This can skew the Agency's understanding of customer needs.

The second missed opportunity is that there is no evidence that the Agency uses information from its portals to help it manage its caseload. Indicators referenced by interviewees (e.g., those related to uptime, latency, load balancing, etc.) help the Agency understand how its portals are performing, but do not help the Agency understand how it can improve its *own* performance. The Agency states in the FY2024 CBJ (p.84) that the portals save roughly 41,000 hours per year in investigator time. Put another way, the Agency believes it is saving approximately 20 years of employee time per year. The evaluation team believes this estimate is plausible, but notes that EEOC provides no evidence that it has the tools or systems in place to help it to appropriately reallocate this time for the benefit of the Agency's mission. For example, presumably not all district offices have the same workload. There is no evidence that EEOC uses the portals to help understand the best way to balance the load on its *human* resources.

Given that adding a strategic use-case to an existing tactical tool is not a best practice, a certain resistance to doing so is to be anticipated. The upcoming redevelopment presents a golden opportunity to rectify this, but OIT cannot do it on its own. Choice of metrics is a strategic decision, requiring input from interested program offices and stakeholders, likely under the guidance of the Office of the Chair.

Portal Governance Process. Similarly, without documented processes and clearly defined roles and responsibilities for portal updates, EEOC staff manage changes and bug fixes in an *ad hoc* manner. Lack of a defined process creates the potential for additional work, continual renegotiations of responsibilities, confusion, and interpersonal conflict. Such dynamics are hard on employees, and they may diminish product quality, disincentivize product updates, and increase staff turnover.

Such a dynamic is especially troublesome during initial product development, when key features of the product are being listed and prioritized. Some stakeholders stated that during the initial development of the portals, the loudest voices sometimes drowned out others in the product owner group. They also described fractured product ownership, in which different (but related) features were owned by different groups of stakeholders – a largely unworkable dynamic. Appropriate governance processes will be an essential component of avoiding similar problems during the portal redevelopment.

Future-State Planning. A future-state architecture plan is a document used by an organization to map its future IT requirements and capabilities against its projected business needs, with the goal of continually improving the end-user experience. A recent OIG evaluation recommended that OIT develop a future-state architecture plan to help map the dependencies and sequencing of various infrastructure projects the Agency is considering. The evaluation team found that the same lack of future-state planning that was previously identified also affects the current and future portals.

Summary. In interviewing EEOC personnel who were part of the original development process, the evaluation team concluded that EEOC's portals are a testament to the resourcefulness of the Agency's staff. A picture emerged of team members who used the tools and resources available to solve the problems directly in front of them. But this dynamic has both pros and cons. A skilled team can deliver

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value under such circumstances, but this approach eventually breaks down when team members burn out and turn over. The absence of defined plans, processes and roles for the current portals and the pending redevelopment are likely imposing costs on the Agency in ways that are difficult to observe.

Content Findings

The evaluation team evaluated each portal using an industry framework adapted as described above. The Content domain of the framework evaluates content made available to the end user. As part of its independent assessment, the team performed use case testing, scoring each of the criteria for the Content subdomains, as detailed by portal in Appendix A: Evaluation Framework Raw Score Data. Summary scores for each portal are provided in the figure below. In general, the evaluation team found that all three portals "met some-to-most expectations" in terms of this domain.

CONTENT

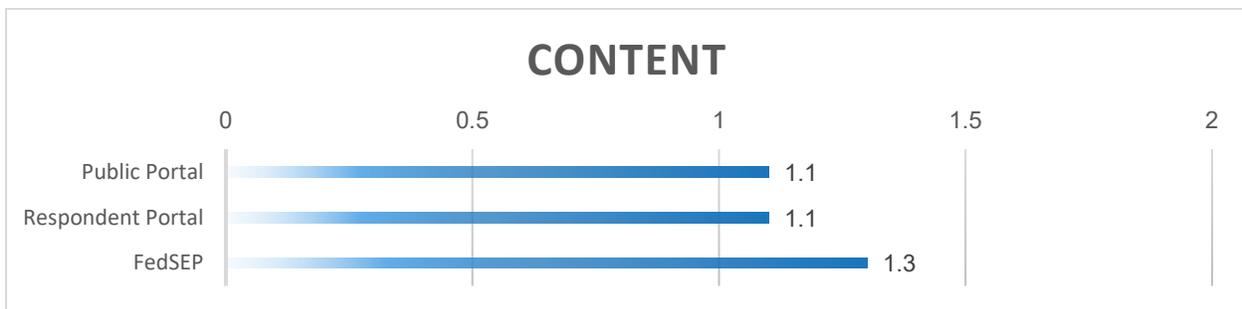|	0	0.5	1	1.5	2
Public Portal			1.1		
Respondent Portal			1.1		
FedSEP			1.3		

Figure 1. Content Domain – Summary Scores

The evaluation team used this independent assessment in combination with its interviews of EEOC personnel to develop the findings that follow.

Finding 7: Instructional materials for the portals are confusing, overly lengthy, and not easily accessible.

In general, the evaluation team found portal instructional materials to be overly lengthy and confusing. They lack easily digestible material that would explain EEOC's business processes, describe how long those processes may take, or set expectations for how often the customer may have to provide more information.

Instructions for the Public Portal are contained in nine separate PDF documents totaling more than 140 pages. There are two PDFs labeled "Volume 8," which cover different topics. As the instructions are provided as PDFs, they are formatted to be read on a surface the size of a printed page; this makes them difficult to read on smaller mobile devices, such as mobile phones. The introductory PDF ("Volume 1 – Getting Started") does not explain the limits of EEOC's jurisdiction under authorizing legislation. Furthermore, it does not explain that if a PCP answers initial screening questions in a way that indicates that EEOC will be unlikely to help them, they will have to use a method other than the Public Portal to continue the charging process.

The evaluation team measured the readability of the 14 various portal user guides in terms of Flesch-Kincade grade levels.[5] According to digital.gov, it is an industry best practice to write at an 8th grade level on public-facing websites. The evaluation team found that most of the user guides were written above this level. On average, the Public Portal user guides were a full grade-level above the target. The team's findings for the Public Portal instructional materials are in the table below.

Table 5. Public Portal User Documentation – Length and Readability

Document	Number of Pages	Flesch-Kincade Grade Level
Public Portal User Guide: Volume 1 – Getting Started	17	7.6
Public Portal User Guide: Volume 2 – Submit and Online Inquiry to the EEOC	12	8.1
Public Portal User Guide: Volume 3 – Post-Inquiry Tasks	15	8.3
Public Portal User Guide: Volume 4 – Post-Charge Tasks	21	9.1
Public Portal User Guide: Volume 5 – Charge Closure	5	11.6
Public Portal User Guide: Volume 6 – Hearings with the EEOC	21	9.6
Public Portal User Guide: Volume 7 – Appealing Federal Agency Decisions to the EEOC	20	8.5
Public Portal User Guide: Volume 8 – Manage Case Information	17	9.0
Public Portal User Guide: Volume 8[6] – Manage Charge Information	14	9.4
Public Portal Overall	**142**	**9.0**

The large volume of material and the grade levels at which it is written likely pose a meaningful challenge for some readers, at odds with the Agency's goal of service to the public.

The evaluation team also found that the Agency's Public Portal includes videos in both English and Spanish that provide an overview of the basics of filing a charge with EEOC. In general, the videos explained the Agency's process well. However, they were located on the third page of the Public Portal, meaning that customers would already have to be engaged in using the portal prior to receiving an explanation of the Agency's process. Moreover, it was possible for the Public Portal to screen out a customer prior to reaching that page. Furthermore, the videos display a person talking, but do not incorporate text-based visual cues to help orient the viewer.

The Respondent Portal contains no instructional materials (or links to instructional materials) on its login page. The available instructions are on EEOC's website, but they are difficult to navigate to from within that website. They are most easily found by querying a search engine for "EEOC Respondent Portal User's Guide." The resulting webpage contains a 10-chapter user guide on a single webpage. If printed, this guide would be approximately 39 pages. A formatted, PDF version can be found by querying a search engine for "EEOC Respondent Portal PDF." Length and readability statistics are provided below.

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[5] Flesch-Kincade grade levels are a measurement of readability originally developed for the U.S. Navy. They indicate how difficult it is for a reader to understand a passage written in English. The calculation is based on the length of words and sentences in a passage. The Editor function in Microsoft Word can be used to make this calculation.
[6] The Public Portal User Guide has nine volumes; however, the last two volumes are both labeled Volume 8.

Table 6. Respondent Portal User Documentation – Length and Readability

Document	Number of Pages	Flesch-Kincade Grade Level
Respondent Portal User Guide	39	10.7

While the volume of material is considerably lower, the material itself is written nearly three grade-levels above target. This could pose an undue burden on respondents.

At the time of data collection, the FedSEP login page contained[7] a link to a separate FedSEP Guidance webpage with more than 170 links to related resources, including laws, regulations, policy guidance, management directives, etc. However, there was no clear, obvious link to an overview of the entire portal, its uses, and main functions. Some of the user guides were in PDF format and others were in video format. The PDF documents originated in both Word and PowerPoint formats, creating a sense of disjointedness. It is easy to understand how a new user could be overwhelmed and confused.

To measure readability, the evaluation team selected four documents that best fit the definition of user documentation from among the more than 170 links provided. These were found in various sections of the webpage. The evaluation team discovered what it considered to be an overall introduction to FedSEP miscategorized under a heading for information on how to meet Agency requirements related to Form 462. Length and readability statistics for the sampled documents are provided in the table below.

Table 7. FedSEP User Documentation – Length and Readability

Document	Number of Pages	Flesch-Kincade Grade Level
FedSEP Appeals User Guide v8.0	34	8.4
FedSEP Hearings User Guide v5.0	44	8.8
FedSEP MD-715 User Guide v6.0	74	9.0
Introduction to FedSEP v3.0[8]	26	9.7
FedSEP Overall	**178**	**9.0**

In general, the evaluation team found that interviewees agreed with these findings. For example, one senior executive said, "We need more upfront education about what the charging party experience will be prior to logging into the portal… We need to do a better job of sharing what the Agency does, the laws we enforce, our jurisdiction, and what we can do, rather than what the portal does." Another senior executive voiced concerns that customers who the portal screens-out because they do not fall

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[7] After the conclusion of the evaluation's data collection period, the Agency moved the Guidance page from its original, publicly visible location to a location accessible only to logged-in, federal-agency users. The evaluation team does not have access to the FedSEP production environment.

[8] This FedSEP overview document was provided as the 24th link under the heading, "Form 462 FEDSEP," near the bottom of the Guidance webpage.

under EEOC's jurisdiction might not understand why they were not invited for an interview or whether pursuing their claims with another Agency could be an option.[9]

Finding 8: Content on the portals is not clear and simple.

In general, the content on the portals is not written at a level appropriate for a public audience. To provide a clear, objective standard, the evaluation team tested the Flesch-Kincade grade level of the content on all possible combinations of the first two screens of the Public Portal. (The Public Portal was likely to have the widest variation in reading ability among users.) It is an industry best practice to write at an 8th grade level on public-facing websites. The grade levels of the possible combinations of the first two screens on the Public Portal are provided in the table below.

Table 8. Readability of First Two Screens in the Public Portal

First Page	1st Page Flesch-Kincade Grade Level	Second Page	2nd Page Flesch-Kincade Grade Level
Introductory Page	12.1	Business/Non-Profit	11.5
		State/Local Government	11.5
		Union	11.5
		Temp Agency	11.5
		Federal Government	11.1
		Other	13.3

These statistics are meaningfully above the target of an 8th grade reading level and may present difficulty for some readers. When the team brought this issue up in interviews, some EEOC employees agreed that more could be done to ensure the clarity of portal content. As the Agency serves customers with a broad range of educational and professional backgrounds, it must take special care to ensure that its public-facing websites are written so they can be clearly understood by the widest possible audience.

Content Conclusions

Conclusion 5: The content of EEOC's portals assumes that end users have more knowledge of EEOC than is likely the case.

Content for the portals – especially instructions for their use – should be addressed to an audience with a minimal understanding of the Agency and its operations. Unless end users are attorneys specializing in employment discrimination, it is highly likely that they have no previous experience with EEOC. Following certain best practices would help the Agency to ensure that its portals consider the customer's point of view. These include:

- **Obvious Location of Relevant Help Resources.** It is an industry convention to place user guidance in a clearly marked and easy to find location. If the resource provides an overview of an entire process, it should be available before the user is engaged in that process. If the resource is relevant to a

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[9] The Agency is required by law to accept any charges filed. However, if a PCP answers initial screening questions in a way that indicates that the Agency is unlikely to be able to help him or her, the PCP must continue the charging process by another means (i.e., phone, email, or office visit).

specific issue or feature, it should be located close to that feature. One EEOC interviewee expressed the hope that in the coming portal redevelopment, links in the portal to user guidance would be to webpages that are specifically relevant to the user's question, rather than more general user guidance or the EEOC website.

- **Explanation of the Wider Context.** For some well-known and widely used portals (for example, Facebook), most of the basic functionality is intuitive to the average user. EEOC's portals have more niche uses and require more thorough explanation. It is important that their content does not merely explain how to perform specific functions, but also which functions are possible and how those functions apply to the needs of the user. This includes an explanation of relevant Agency business processes. While these practices apply to all three Agency portals, they are especially important for the Public Portal, which performs a "screening" function.

- **Emphasis on Accessibility.** Ensuring that written content is at a reading level accessible to a wide audience is an obvious best practice. This can be a challenge in the public sector, as matters of law or jurisdiction can be highly technical. Furthermore, government bureaucracies often require review of written content by Agency attorneys, who are professionals with graduate-level educations and who specialize in working with the written word. It can be difficult for such institutions to adapt to a less literate audience, but doing so is a matter of equal access. The Agency has tried to bridge this gap through the limited use of video overviews within the Public Portal, but further efforts are warranted.

- **Brevity.** There are many people who would find the volume of the portals' written content and guidance overwhelming. For example, a well-designed application for use by the public should not require a nine-volume user guide. Furthermore, the FedSEP guidance page of more than 170 links may contain many worthwhile resources, but it does not contain a simple, obvious overview document or video. In both examples, the user is left to hunt for relevant information among large volumes of inapplicable material. For the FedSEP and Respondent Portals, the user has no choice but to search for the needle in the haystack. For the Public Portal, many users may simply give up before they begin. Either dynamic is a disservice.

Design Findings

The Design domain of the framework evaluates the application of basic web design standards. As part of its independent assessment, the team performed use case testing, scoring each of the criteria for the Design subdomains, as detailed in [Appendix A: Evaluation Framework Raw Score Data](). Summary scores for each portal are provided in the figure below. In general, the evaluation team found that the Public Portal and Respondent Portal "meet few expectations" in terms of design, and FedSEP "met some-to-most expectations."
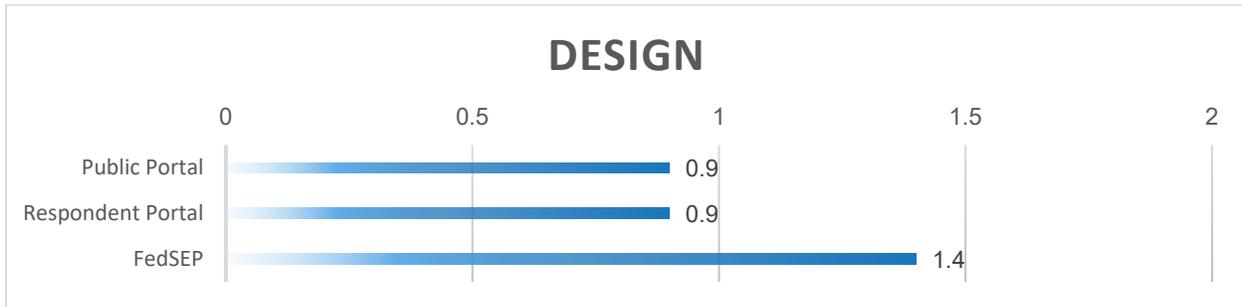
DESIGN

Figure 2. Design Domain – Summary Scores

The evaluation team used this independent assessment in combination with its interviews of EEOC personnel to develop the findings that follow.

Finding 9: EEOC's portals are difficult to find.

The evaluation team's own experience is that the portals are difficult to find through the Agency's website and are best found through querying a search engine. Obviously, this poses a problem for those who do not know the name of each portal or whether the portals exist.

EEOC interviewees confirmed the evaluation team's assessment. One management-level employee stated, "It is difficult to find the portals, including on our website, and once you find them, they are clunky." Another employee compared the Public Portal unfavorably with a separate federal government portal, healthcare.gov, stating, "To sign up for health insurance, there is a button right on the homepage. Alternatively, EEOC's website links to the portal are buried in narrative text and nomenclature that is not user-friendly."

While this finding does not address a deficiency in the portals, it touches on a matter essential to their use and within the Agency's control.

Finding 10: The portals are stylistically out of date.

The portals are stylistically outdated. One senior executive reported that they were not originally designed to comply with government standards for web design.[10] That executive added that updates have complied with these standards, but that EEOC has not used surveys to understand user preferences about portal navigation, as has been done on the Agency website. Another EEOC employee added, "I think they need a refresh and an ongoing, consistent review."

The evaluation team asked whether the Agency used a style guide for portal design. Interviewees provided no evidence of such a guide being used, and some expressed doubts that one had. Visual inspection revealed that, while the styles within the individual portals remain consistent, the styles across the three portals diverge.

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[10] OMB M-17-06 Policies for Federal Agency Public Websites and Digital Services (November 2016)

Finding 11: The Public Portal scheduling tool allows customers to schedule investigator interviews after the statute of limitations has expired.

The Public Portal scheduling tool was a frequently identified pain point in the evaluation team's interviews with EEOC personnel. One senior level executive stated that the scheduling tool does not prohibit claimants from scheduling investigator interviews after the statute of limitations for filing a charge has expired. This is a serious design flaw, which can deprive a claimant of the opportunity to obtain the Agency's help.

Finding 12: The design of the Public Portal scheduling tool is not user-friendly.

Citing staffing shortages, one interviewee noted that the Public Portal frequently is not able to display enough available appointment options to meet public demand. Indeed, another interviewee estimated that close to 50% of portal helpdesk calls were related to a lack of available appointments displayed in the scheduling tool. While this issue is not actually a portal malfunction, the tool's counterintuitive design often leads customers to assume that it is. If appointments are not available, a customer is required to continually return to the portal until slots open. The portal does not notify customers automatically when this happens.

Since each district office controls its own appointment availability within the portal, the ability of a customer to schedule an appointment is variable, based on his or her location. The ability for a user to book an appointment with another Agency field office would help to ensure investigator availability, but this functionality is not part of the portal as currently designed.

Finding 13: Portals may not be compatible with all modern browsers.

EEOC's portals are not compatible with all modern browsers. A visual inspection of the Public Portal home page reveals a notice that states, "For the best user experience and seamless functionality, we recommend accessing this website using either Microsoft Edge or Google Chrome. Please note that using other browsers may result in diminished performance or compatibility issues."

Some interviewees with exposure to user requests for assistance suggested that the portals functioned well with Google Chrome and Microsoft Edge, but not as well with Apple Safari or Mozilla Firefox. As the evaluation team was required to conduct testing in a non-production environment with the assistance of OIT, it was not able to independently reproduce compatibility issues. However, the team believes the agency's characterization of its own helpdesk calls is credible, and that the portals are not fully compatible with all modern browsers.

Finding 14: Portals are not fully ADA compliant.

According to Section 508 of the Americans with Disabilities Act (ADA), all websites that receive federal funds must be ADA compliant.[11] When asked if the current portals are ADA compliant, the interviewees consistently responded that 508 compliance was a work in progress, particularly as it pertains to the Public Portal. The contractor responsible for the front-end of the Public Portal uses a tool to identify 508 non-compliance, and the reports revealed that not all areas of the Public Portal are ADA compliant. One

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[11] Appendix A to Part 1194 – Section 508 of the Rehabilitation Act: Application and Scoping Requirements

OIT interviewee noted that the FedSEP and Respondent portals are believed to be ADA compliant; however, this was refuted by another OIT interviewee who commented, "All portals are not fully ADA compliant."

Under the terms of EEOC's contract for the Public Portal (p. 7), the contractor is required to "adhere to the Revised Section 508 Standards." The contract further states, "The Contractor shall provide remediation for any functionality found not to be accessible and reported to the Contractor by EEOC." The evaluation team notes that there is no required timeframe for the completion of such remediation.

Design Conclusions

Conclusion 6: The portals require aesthetic improvement and a standard design template that applies to all portals.

A customer's assessment of an application's usability is closely related to that application's aesthetic appeal. Users can be discouraged from using applications that appear unappealing or outdated, as they may assume that they are difficult to use, regardless of their actual functionality. Moreover, outdated aesthetics may result in users having less trust in the portal and the functionality that it offers. Furthermore, EEOC did not adhere to a common design and style template in designing the portals, which results in different user interfaces, colors, and widgets; the lack of common design principles means that user interface enhancements must be implemented in an *ad hoc* manner, which impedes consistent consideration of the impact on end-user interaction.

There are widely accepted style conventions used by web developers across the Internet, which enable websites to feel familiar even if users have never visited them before. These include the [U.S. Web Design System (USWDS)](#), a convention maintained by the U.S. Government and required for use by federal agencies per the 21st Century Integrated Digital Experience Act (21st Century IDEA). Adoption of USWDS would further the usability of EEOC's portals.

Conclusion 7: The portals are not intuitive to a broad audience.

To better meet its public service goals, the Agency must consider additional user profiles in the planned portal redevelopment. Effective web design requires considering the needs of the spectrum of end users and making design choices that prioritize intuitive use to the greatest extent practical. This goal can be difficult to achieve in a public service context, as the spectrum of end users can potentially include any person in the country. However, achieving it is an essential part of ensuring equitable access to public services.

The evaluation team's findings related to the volume and readability of portal instructional materials, as well as the readability of the portals themselves, suggest that the Agency designed its portals for a particular user profile. This user is moderately web savvy and has average or better-than-average English literacy skills. The user also has the necessary time, patience, and equipment to review extensive user documentation in a variety of formats. Many Agency customers may not fit this profile.

Conclusion 8: The portals are not fully accessible, and accessibility is not prioritized.

The portals are not fully ADA compliant, and the degree of non-compliance is unclear. Current testing for ADA compliance appears to be limited to the Public Portal only. The vendors supporting the portals

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are contractually required to ensure ADA compliance. During the initial walkthroughs of the portals, OIT staff acknowledged to the evaluation team that this requirement had not been fully met.

The apparent disparity among browsers is another accessibility issue. Modern websites are expected to be "browser agnostic," meaning that the portals can operate on any common browser, including Edge, Chrome, Firefox, and Safari. Many people have only one of these browsers installed and readily available to them. This presents difficulties for users who do not have ready access to Edge and Chrome, which interviewees indicated are the browsers that best support portal function. Because using different browsers can make the portals operate differently or result in errors, this can result in malfunctions, customer frustration, and customer complaints. Further, although switching browsers may resolve certain issues, some users may lack the technical savvy or hardware capability to do so, creating an undue hardship on a customer already experiencing difficult circumstances.

Conclusion 9: EEOC should improve the Public Portal scheduling tool.

Investigator interviews are a critical element of the customer-intake process. The Agency should ensure that scheduling these interviews is as simple and intuitive as possible by improving the interface and features of the Public Portal scheduling tool. Furthermore, it should not be possible, regardless of warning notifications that may be provided by the system, for a PCP to schedule an interview after the statute of limitations for filing a charge has expired.

Personalization Findings

The Personalization domain of the framework evaluates the customizability of the end user's experience. As part of its independent assessment, the team conducted use case testing, scoring each of the criteria for the Personalization subdomains, as detailed by portal in Appendix A: Evaluation Framework Raw Score Data. Summary scores for each portal are provided in the figure below. In general, the evaluation team found that all three portals "met few expectations" in terms of personalization.
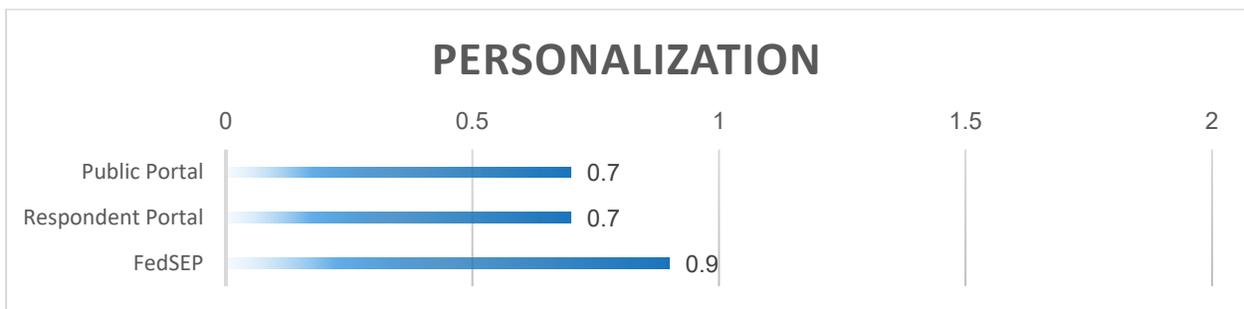
Figure 3. Personalization Domain – Summary Scores

The evaluation team used this independent assessment in combination with its interviews of EEOC personnel to develop the findings that follow.

Finding 15: The portals do not work well on mobile devices or tablets.

Through both testing and interviewee feedback, the evaluation team found that the portals were not designed to operate on a mobile device, such as a phone or tablet. This is particularly problematic when

viewing the user guides; for example, the Public Portal user guides are PDF documents and do not resolve well to a mobile device, making it difficult to read and navigate the information. While a mobile device can be used, the portals do not operate as modern mobile applications that adjust presentation and simplify navigation to accommodate this. Rather the portals operate the same as if a customer was accessing a workstation or laptop device with a larger user interface. This is problematic, as most American adults own a cell phone of some kind, with approximately 85% owning a smart phone.[12] For many Americans, a smart phone or tablet is the only method of connecting with the Internet. In 2023, 51% of website traffic originated from a mobile technology, surpassing website access from a desktop computer.[13] Finally, online Federal services are required to be device agnostic according to the *Policies for Federal Agency Public Websites and Digital Services*[14] published in 2016.

Finding 16: The portals do not support multiple languages.

The portals are only available in English, with what one interviewee called a "workaround for Spanish." This makes it difficult for non-English speaking users to navigate the portals. When the evaluation team asked interviewees about potential improvements to the portals, a common theme was providing improved language access. The main EEOC website offers multi-lingual content; however, the portals do not. The lack of multi-language access also is exacerbated by the user guides that are written only in English and at varying reading levels, which can be challenging for non-native English speakers. Notably, the Federal Government's *Checklist of Requirements for Federal Websites and Digital Services*[15] requires compliance with Executive Order 13166: *Improving Access to Services for Persons with Limited English Proficiency*[16] published in 2000.

Finding 17: Portals are not customizable based on user role.

Current-day web users expect that modern portals will allow them to customize their experience by setting up dashboards and displaying information in a manner consistent with their preferences. Based on the Objective Verifier's evaluation, the three portals do not support role-based personalization or any form of user customization. All external customers follow the same customer journey regardless of type of charge or charge status. When a customer logs into the portals, the customer will see information that they have entered but it will not be formatted, presented, or summarized in a way that optimizes the customer experience. The three portals do not allow for any customization based on customer preferences.

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[12] Zippia, "25+ Incredible US Smartphone Industry Statistics [2023]: How Many Americans Have Smartphones." (Accessed June 26, 2023.)

[13] Zippia, "20 Mobile Vs. Desktop Usage Statistics [2023]: What Percentage Of Internet Traffic Is Mobile?" (Accessed June 26, 2023.)

[14] Executive Office of the President, "Policies for Federal Agency Public Websites and Digital Services." (Accessed June 22, 2023.)

[15] U.S. Federal Government, "Checklist of Requirements for Federal Websites and Digital Services." (Accessed June 22, 2023.)

[16] The White House, "Executive Order 13116 of August 11, 2000: Improving Access to Services for Persons with Limited English Proficiency." (Accessed June 22, 2023.)

Personalization Conclusions

Based on the above findings, the evaluation team draws the conclusion below.

Conclusion 10: The portals were designed for a single user profile.

The external customer profile for each of the three portals is based on a design assumption that each end user is the same and will navigate the portal in the same way. The portals assume each end user has a computer workstation or laptop, is proficient in English, and will have the same experience in interacting with the portals. Because end users have various needs, proficiencies, and access, it is important to consider the multiple profiles and varying preferences of potential end users who are attempting to contact EEOC. Modern websites allow for customization and personalization, presenting an end user with targeted information that is tailored to his or her preferences, including the user's language and device. Currently, if the portal does not work for the end user, the end user is redirected to use a manual paper-based method.

Community Findings

The Community domain of the framework evaluates how tools and services facilitate productive interactions and stakeholder support. As part of its independent assessment, the team conducted use case testing, scoring each of the criteria for the Community subdomains, as detailed by portal in Appendix A: Evaluation Framework Raw Score Data. Summary scores for each portal are provided in the figure below. In general, the evaluation team found that all three portals "did not meet expectations" in terms of community.

COMMUNITY

	0	0.5	1	1.5	2
Public Portal		0.4			
Respondent Portal		0.4			
FedSEP		0.4			

Figure 4. Community Domain – Summary Scores

The evaluation team used this independent assessment in combination with its interviews of EEOC personnel to develop the findings that follow.

Finding 18: PCPs private counsel are not able to easily interact with the EEOC using the Public Portal on behalf of their clients.

The Public Portal serves a vital role in the intake of Potential Charging Parties (PCPs), many of whom represent themselves to the Agency without the assistance of counsel or other third parties. The Portal is designed to triage PCPs to make the best use of limited investigator time. This ensures that the Agency can devote limited resources to assisting the members of the public who are most in need. Some PCPs have access to their own attorneys or other third-party representatives; this can be a win-win

situation for both these individuals and the Agency, in that these PCPs have support of their own counsel, and the Agency's investigator resources are freed up for those who need them more.

Some interviewees told the evaluation team, however, that the Public Portal as currently constructed does not easily facilitate a PCP's collaboration with counsel. For example, an attorney can enter his or her client's name, but not the attorney's own. Moreover, the system requires an email address to file a complaint, which presents a difficulty for attorneys with multiple clients. Using the client's email address means that system notifications go to the client, not the attorney.

Finding 19: EEOC's portals do not take advantage of broad adoption of remote work technologies.

One member of OIT observed that the mass adoption of new communications technologies, in particular voice and video conferencing, opened new opportunities to provide mission support regardless of location and with or without staff in physical field offices. The potential applications of such technologies do not merely offer improvements in portal functionality, but transformative gains in the way the Agency performs some of its core functions. The evaluation team found, however, that as the portals are currently constructed, they do not enable the balancing of workloads among multiple EEOC offices or immediacy of communication between the Agency and its customers.

Community Conclusions

Conclusion 11: A comprehensive analysis would help EEOC ensure that its portals meet the needs of all stakeholders.

PCP attorneys were one of the more important stakeholder groups at the time the portals were initially designed. The fact that their needs were not considered suggests the Agency did not conduct a comprehensive stakeholder analysis prior to designing its current portals. As there may be other stakeholder groups with needs or interests worth considering in the upcoming portal redevelopment process, the Agency would benefit from a comprehensive stakeholder analysis. It is likely that the advent of remote-work technologies would enable any new portals to meet a wider range of needs, for both internal and external customers.

SECTION 6: RECOMMENDATIONS

In response to Critical Questions 3 and 4, the evaluation team developed practical recommendations the Agency can take to improve the way it manages its portals and engages with external stakeholders through them. These recommendations are intended to be implemented during the development of new portals, except for Recommendations 5 and 6, which should be promptly implemented on existing portals.

Recommendation 1: Institute a governance framework for managing the Agency's portals.

EEOC should institute a formal governance framework to assist it in managing its existing portals and enable it to plan future portal development efforts effectively. The governance framework should define the following key elements.

1. **Internal Roles, Responsibilities, and Authorities.** The portals facilitate Agency operations and are a jointly held responsibility. The Agency should create clear lines of cross-functional accountability by defining the roles, responsibilities, and authorities of offices and branches with respect to its portals. The Agency may define and assign responsibilities as it sees fit, but it should be comprehensive in doing so, to prevent ambiguity or an assumption that undefined responsibilities accrue to OIT.

2. **Comprehensive Identification of Stakeholders.** The framework should require the Agency to conduct a comprehensive stakeholder analysis for each of its portals, to periodically revisit these analyses at a defined frequency, and to update them if necessary. Such analyses should be required to consider all potential stakeholders and their interests, thereby allowing the Agency to be intentional about how it will (or will not) address these interests.

3. **Consideration of Metrics to Enhance Agency Performance.** The framework should address how the Agency can use its portals to gain insights into its operating environment and its own operational performance. The framework should institute a feedback loop for using portal data to periodically assess potential operational improvements within the Agency.

4. **Development Methodology.** The Agency should define its preferred development methodology and set terms for agreeing on any deviation. The evaluation team believes the Agency may be best served by an Agile approach and suggests the Agency require that any given portal development project have a single person who acts as the product owner.

5. **Future-State Planning.** The Agency should establish periodic reviews (annually or more often) of planned or potential developments or improvements to its portals. These reviews should involve a realistic assessment of the Agency's bandwidth, a feasible timetable for accomplishing goals, and an identification of any resources that will need to be outsourced to facilitate sound procurement planning.

Recommendation 2: Include requirements to use the U.S. Web Design System in the Agency's Project Plan for designing, developing, and implementing the next generation of portals.

EEOC should include requirements to use the U.S. Web Design System (USWDS) in its Project Plan for designing, developing, and implementing the next generation of the portals. The USWDS was developed by the General Services Administration to assist federal agencies in developing user-centered websites and applications that comply with 21st Century IDEA and Section 508 of the Rehabilitation Act.

The USWDS toolkit includes principles EEOC should adopt, including requirements to:

1. **Start with real user needs.** This includes consulting with actual stakeholders in making design decisions and testing internal assumptions.

2. **Earn trust.** This includes understanding user expectations and reliably meeting them.

3. **Embrace accessibility.** This includes building user-friendliness for the broadest possible audience into every design choice.

4. **Promote continuity.** This includes considering the user's entire journey and designing the user experience to minimize disruption.

5. **Listen.** This includes evaluating and improving the product by soliciting and responding to user feedback.

The USWDS also includes guidance for ensuring that that website and portal components look and behave as users expect, as well as programming code EEOC can use freely to help it follow that guidance. The Agency should follow USWDS guidance, whenever applicable, throughout the redesign process. The Agency may use USWDS's code, which would likely be helpful in following applicable guidance.

Recommendation 3: Implement mechanisms to ensure that the design and management of the portals are responsive to customer needs.

EEOC should use data to drive responsiveness to customer needs and feedback. To accomplish this, the Agency should develop metrics, set targets, and implement systems for routinely collecting, interpreting, and using data in three key areas:

1. **Portal performance.** Portal performance metrics measure the degree to which the portal is operating within specified parameters and may include those already tracked by EEOC, such as uptime and response time.

2. **Portal usage.** Portal usage metrics measure the way in which users interact with the portal. They should include tracking of the number of users using each portal, the browsers they are using, the pages to which they navigate, the length of time they spend on any given page, the number of times a user abandons a session on any given page, and other such metrics that can be used to identify trends in the way users interact with each system.

3. **User satisfaction.** User satisfaction metrics measure the degree to which a portal meets or surpasses its users' expectations. User satisfaction metrics are collected through user feedback

surveys. EEOC should implement surveys that include both multiple choice questions and optional free-form responses. These surveys should be administered in such a way that the Agency can correlate survey responses with portal usage data pertaining to the responding user.

If the Agency continues to outsource development or maintenance of its portals, it should consider reevaluation of its contractual structure, including considering firm-fixed price contracts with performance-based payment structures tied to meeting applicable targets in the categories described above.

Recommendation 4: Simplify portal content and customer instructional materials, and embed instructional materials within the relevant pages of each portal.

EEOC should take concrete steps to ensure the content and instructional materials of each portal are simple, concise, and specific to what the user is doing at the time:

1. **Hire or reassign a technical writer.** EEOC should hire or reassign a technical writer who is unfamiliar with the portals to assist in implementing this requirement.

2. **Institute a framework for portal content development.** At the outset of developing portal content or instructional materials, EEOC should institute a project framework that requires:

   a. Portal content or instructional materials to be written at an 8th grade level, as measured by the Flesch-Kincade scale.

   b. Portal content or instructional materials to explain the Agency's authorities, constraints, and business processes whenever doing so would provide a customer with useful context.

   c. Portal instructional materials to be located at the specific point in the user journey where they would be helpful.

3. **Consider supplementing text with other communication methods, such as video or a chatbot.** This may help the Agency address more complicated issues in more accessible ways.

Recommendation 5: Ensure that the design and function of all portals accurately reflect EEOC's business rules and applicable laws.

EEOC should conduct a comprehensive review of each existing portal to document and remedy any aspect that allows a user to perform an action that does not comply with EEOC business processes or applicable law. EEOC should also conduct such a review for each new portal currently in development prior to it being made accessible to external users. Also, EEOC should modify the existing Public Portal scheduling tool to ensure that it is in no way possible for users to schedule investigator interviews after the statute of limitations has expired.

Recommendation 6: Make targeted improvements to address accessibility issues on the existing portals.

While accessibility issues for the planned portal redevelopments are addressed through use of the USWDS, EEOC should take the following actions:

1. **Direct contractors to take remedial action.** EEOC should require its contractors to take prompt action to correct ADA compliance issues and provide evidence of compliance.

2. **Consider implementing a translation plugin.** EEOC should consider installing a translation plugin[17] for any planned new portals for which the intended customer is a member of the public.

Recommendation 7: Take specific actions to improve users' ability to collaborate and communicate through the portals.

The evaluation team recommends two specific actions the Agency should take to improve collaboration and communication among users of the Agency's Public and Respondent Portals:

1. **Implement attorney-client collaboration.** EEOC should enable collaboration between users of the Public and Respondent Portals and their respective attorneys. The Agency should enable designated attorneys to see the same information and to receive the same system notifications as their clients, as well as to act on their clients' behalf before the Agency. Furthermore, EEOC should implement role-based access that enables an attorney to use the same login credentials to view and provide service to all clients from a single dashboard.

2. **Consider enabling location-independent customer service.** EEOC should *consider* designing the new Public Portal to enable PCPs to meet with investigators regardless of location. New audio/video conferencing technologies make this feasible, and it could be a good use of the 41,000 hours per year that the Agency states it has saved by implementing the portals.

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[17] For an example of the use of a translation plugin, see the website of the California Public Utilities Commission's California Connect program, at www.caconnect.org.

APPENDIX A: EVALUATION FRAMEWORK RAW SCORE DATA

This appendix provides the raw scores for individual criteria related to each subdomain of the evaluation framework, which are the result of the user testing performed on the three portals. Each criterion was scored on a 0 to 2 scale, as described in the table below.

Table 9. Evaluation Criteria Scoring Explanation

Criterion Score	Score Interpretation
0	• The criterion is not met.
1	• The criterion is partially met; or • The portal fulfills the letter of the criterion, but not the spirit; or • The portal fulfills the criterion is a way not in keeping with industry best practice.
2	• The criterion is met.

Content

Table 10. Evaluation Framework - Content Domain Scoring

Content Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
Organization (6 pts. possible)	1. The portal contains a storehouse of documents and information that is easy to search.	1	1	1
	2. The information retrieved is relevant.	2	2	2
	3. In response to search queries, the search engine returned the most relevant information first (i.e., information was returned in order of relevance).	0	0	1
	Total Organization Score	**3/6**	**3/6**	**4/6**
	Organization Average Score	**1**	**1**	**1.3**
	1. The information returned is trustworthy.	2	2	2
	2. The information returned is presented in a clear way.	1	1	1
	3. The information returned is up to date and labeled with current dates.	1	1	2
	4. The information is free from errors.	1	1	2
	5. There is no outdated information on the site.	1	1	1
	Total Credibility Score	**6/10**	**6/10**	**8/10**

Content Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
	Credibility Average Score	**1.2**	**1.2**	**1.6**
Usefulness (10 pts. possible)	1. The purpose of the portal is clear.	1	1	1
	2. There are user guides that are easy to use.	0	0	0
	3. I understand what I will get out of interacting with this portal.	1	1	1
	4. There is a clear and concise statement explaining the purpose of the portal.	1	1	1
	5. The information presented is easy to understand.	1	1	1
	6. The information presented is what I expect to see.	1	1	1
	Total Usefulness Score	**5/12**	**5/12**	**5/12**
	Usefulness Average Score	**0.8**	**0.8**	**0.8**
Integration (4 pts. possible)	1. There are external links to other websites with useful information.	2	2	2
	2. The external links to other websites work (i.e., they are not dead links).	1	1	1
	Total Integration Score	**3/4**	**3/4**	**3/4**
	Integration Average Score	**1.5**	**1.5**	**1.5**
CONTENT TOTAL	**Overall Content Score**	**17/32**	**17/32**	**20/32**
	Content Domain Average Score	**1.1**	**1.1**	**1.3**

Design

Table 11. Evaluation Framework - Design Domain Scoring

Design Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
Information Architecture (6 pts. possible)	1. The information is presented in an organized and logical way.	1	1	2
	2. The information presented is grouped logically.	2	2	2
	3. The information presented is labeled correctly so that I understand what I am seeing.	1	1	2
	Total Information Architecture Score	**4/6**	**4/6**	**6/6**
	Information Architecture Average Score	**1.3**	**1.3**	**2**
Usability	1. The portal is ADA compliant.	1	1	1
	2. The site is easy to use and intuitive.	1	1	2

Design Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
(14 pts. possible)	3. There is help text embedded on the website.	0	0	0
	4. Forms are embedded in the websites themselves (i.e., they are not PDF downloads).	1	1	1
	5. Page changes are easy and understandable (i.e., they make logical sense).	1	1	2
	6. The site is logically navigated.	1	1	2
	Total Usability Score	**5/12**	**5/12**	**6/12**
	Usability Average Score	**0.8**	**0.8**	**1**
Graphical Design (6 pts. possible)	1. The website has a modern look and feel.	0	0	1
	2. The sites have a common look and feel across all pages.	2	2	2
	3. There is appropriate use of spacing, layers, headings, and borders, as well as consistent use of fonts.	1	1	2
	Total Graphical Design Score	**3/6**	**3/6**	**5/6**
	Graphical Design Average Score	**1**	**1**	**1.7**
Technical Integrity (12 pts. possible)	1. The response to a request is quick.	0	0	1
	2. The performance is as expected from a modern website.	0	0	1
	3. There are no error messages.	1	1	2
	4. The download times are as expected from a modern website.	1	2	2
	5. Pages load quickly when navigating through the site.	1	1	2
	6. The site is compatible with Safari, Firefox, Chrome, and Edge browsers.	1	1	1
	Total Technical Integrity Score	**4/12**	**5/12**	**9/12**
	Technical Integrity Average Score	**0.7**	**0.8**	**1.5**
DESIGN TOTAL	**Overall Design Score**	**16/36**	**17/36**	**26/36**
	Design Domain Average Score	**0.9**	**0.9**	**1.4**

Personalization

Table 12. Evaluation Framework - Personalization Domain Scoring

Personalization Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
Navigation (8 pts. possible)	1. It is easy to find what I am seeking.	1	1	2
	2. The navigation through each site makes sense and is logical.	1	1	2
	3. The navigation is unique to my role.	1	1	2
	4. I can customize my experience in the portal so that it meets my needs based on my preferences.	0	0	0
	Total Navigation Score	**3/8**	**3/8**	**6/8**
	Navigation Average Score	**0.8**	**0.8**	**1.5**
Content / Information (8 pts. possible)	1. The content is presented in a personal way.	1	1	1
	2. The content returned to me is specific to me.	2	2	1
	3. I can find my content easily.	1	1	1
	Total Content / Information Score	**4/6**	**4/6**	**3/6**
	Content / Information Average Score	**1.3**	**1.3**	**1**
Interface (6 pts. possible)	1. The site works on all my devices (e.g., laptop, smart phone, PC, Mac, laptop).	0	0	0
	2. The documentation provided is viewable on any device I use.	0	0	0
	3. I can customize the way the site appears based on my user preferences.	0	0	0
	Total Interface Score	**0/6**	**0/6**	**0/6**
	Interface Average Score	**0**	**0**	**0**
CONTENT SUBTOTAL	**Overall Content Score**	**7/20**	**7/20**	**9/20**
	Content Domain Average Score	**0.7**	**0.7**	**0.9**

Community

Table 13. Evaluation Framework - Community Domain Scoring

Community Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
Communication (12 pts. possible)	1. It is clear to me how I can contact EEOC staff.	1	1	1
	2. I can connect with EEOC staff via the website.	1	1	1

Community Subdomain	Criteria	Public Portal	Respondent Portal	FEDSEP Portal
	3. There are FAQs available.	1	1	1
	4. I can add questions to the FAQs.	0	0	0
	5. There is a place where I can add comments.	0	0	0
	6. There is a survey where I can rate my experience.	0	0	0
	Total Communication Score	**3/12**	**3/12**	**3/12**
	Communication Average Score	**0.5**	**0.5**	**0.5**
Collaboration (6 pts. possible)	1. I can collaborate with EEOC staff and relevant third parties.	1	1	1
	2. There is a message board available.	0	0	0
	3. There is a community forum where I can post recommendations and comments.	0	0	0
	Total Collaboration Score	**1/6**	**1/6**	**1/6**
	Collaboration Average Score	**0.3**	**0.3**	**0.3**
COMMUNITY SUBTOTAL	**Overall Community Score**	**4/18**	**4/18**	**4/18**
	Community Domain Average Score	**0.4**	**0.4**	**0.4**

APPENDIX B: RESPONSIBLE PARTIES

The evaluation team sought to identify the responsible parties for various aspects of portal design, development, and operations. An OIT representative provided the information in the table below.

Table 14. Portal Responsible Parties

	Public	Respondent	FedSEP
Application Design	EEOC/OPEXUS[18]	EEOC	EEOC
Front-End Design	OPEXUS	EEOC	EEOC
Front-End Maintenance	OPEXUS	EEOC	EEOC
Back-End Design	EEOC	EEOC	EEOC
Back-End Maintenance	EEOC	EEOC	EEOC
Hosting	OPEXUS	GovCIO[19]	GovCIO

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[18] OPEXUS, formerly known as AINS, is an IT contractor specializing in public sector enterprise software that facilitates processes and workflows. See Cision PR Newswire, "AINS Rebrands as OPEXUS to Reflect Focus on Empowering Government Operational Excellence and Community." (Accessed May 2, 2023.)

[19] EEOC awarded the contract for this work to Salient GRCT, Inc., which was subsequently acquired by GovCIO. See GovCIO website, "GovCIO, a Welsh, Carson, Anderson & Stowe Company, Completes Acquisition of Salient CRGT." (Accessed May 2, 2023).

APPENDIX C: AGENCY COMMENTS ON THE DRAFT REPORT

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of the Chair
Washington, D.C. 20507

September 1, 2023

Memorandum

To: Larkin Jennings
         Senior Evaluator

From: Brett Brenner
         Acting Deputy Chief Operating Officer

Re: Comments on EEOC Customer Service Portals Evaluation (OIG No. 2022-001-EOIG)

The Office of the Inspector General has requested comments on their draft evaluation: EEOC Customer Service Portals Evaluation (OIG No. 2022-001-EOIG). The draft report was circulated to the offices involved in the evaluation and they were asked to provide their comments and weigh in on the seven recommendations. We received substantive comments from OIT, OFP and OGC, and "no comment" from OCLA, OEDA, and OFO. Below are the agency comments on the evaluation.

The comments provided by the program office can be broken down as general and specific. The general comments were from the Office of Field Programs:

- Throughout the report, references are made to OFO being the only unit with an interest in FedSEP. OFP's national hearings program also has an interest in and uses FedSEP for federal hearings cases.
- It is important to note that anyone can file an EEOC charge, regardless of EEOC's determination of the likely merits. In multiple places, the report suggests a charge can only be filed if EEOC determines it is warranted, e.g., "If the investigator determines that a charge of discrimination is warranted, the customer may file the charge through the portal."

The specific comments were provided by OIT and OGC:

- **Page 10, Business Cases for the Portals**, sentence, "*The Office of Federal Operations (OFO) conducts oversight and enforcement activities to ensure equal employment opportunity in federal agencies.*" Comment: The OFO is also responsible for the Federal Appellate processes, which are supported by the Public Portal as well as FedSEP. (OIT)
- **Page 10, Public and Respondent Portal, sentence, "*OFP is the Agency's internal customer for these two portals*".** Comment: The Public Portal also services Federal employees/applicants, allowing them to submit a request for a Hearing or to file an Appeal online, as well as check on the status of their Hearing/Appeal. OFO is the internal customer for the Public Portal "File an Appeal" and "Request reconsideration of EEOC's appellate decision…" functionality. (OIT)
- **Page 11**, the Report says that the meeting between the PCP and an investigator is called "intake." Intake is an entire process. This meeting is called an "intake interview." (OGC)
- **Page 11, FedSEP, sentence, "*OFO manages hearings and appeals caseloads through FedSEP.*"** Comment: OFP is responsible for managing Federal Hearings processes, OFO is responsible for Federal Appeals. (OIT)
- **Page 12, Table 3, Public, External Customer Purposes.** Comment: Private Sector – after the charge is formalized, the portal allows the CP to transfer/receive documents, check on the status of their charge, update demographic/contact information, and note ADR preferences. The public portal also allows federal employees and applicants to request a hearing, file an appeal or a request for reconsideration, check status, and update demographic/contact information. (OIT)
- **Page 12,** the public, external customers contained in the chart should be called "Potential Charging Parties (PCPs)," not "Members of the Public." (OGC)
- **Page 15, Finding 1.** Comment: The referenced contract only covers the Public Portal. FedSEP is hosted in the EEOC Azure environment, so is covered by AMPSS (Finding 2). (OIT)
- **Page 15, Finding 2.** Comment: The referenced contract is termed "Applications Management and Platform Support Services (AMPSS) on Microsoft Azure. Both the Respondent Portal and FedSEP are covered by this contract. (OIT)
- **Page 31**, the Report makes "Finding 18," related to PCP counsel's use of the EEOC public portal. The finding is stated as "PCPs are not able to easily collaborate with counsel using the Public Portal," but this section primarily describes the PCP **counsel's** difficulties in using the portal. OGC recommends rewording the finding to say "PCPs' private counsel are not able to easily interact with the EEOC using the Public Portal on behalf of their clients." (OGC)
- **The last sentence on page 31 is unclear.** The Report claims that "Portal dysfunctionalities can create a disincentive for attorneys to use the Public Portal altogether, which at least one senior EEOC executive worries may create the impression of a two-tiered system in which those who can afford their own counsel are seemingly able to circumvent a lengthy and complicated Portal process." However, that report does

not describe the alternative to the Public Portal for PCP attorneys to get their clients' charges filed. Additionally, while PCP attorney may use an alternative process to submit paper charges by mail or deliver them to EEOC offices, this alternative to the portal process does not provide a quicker way to get their charges processed.

- **Page 32**, the Report makes "Finding 19," stating "EEOC's portals do not facilitate a one-stop shop for communication with EEOC." The heading does not appear to match the text of the paragraph, however, which seems to define the issue as the Portal's inability to enable EEOC to balance workloads among multiple EEOC offices. This heading and/or paragraph should be revised to make the finding clearer. (OGC)

- **Page 32**, the Report makes "Conclusion 11," regarding ensuring that the portals meet the needs of all stakeholders. The first sentence of that paragraph says "Attorneys were one of the more important stakeholder groups at the time the portals were initially designed" and asserts that "their needs were not considered" at the time the portals were initially designed. The report may be referencing counsel for PCPs rather than agency attorneys – this should be clarified.

In addition, OFP provided the attached redline edits to sections of the document, some of which are consistent with comments above.

Finally, the agency concurs with the seven recommendations in the evaluation.

Please let me know if you have any questions or concerns.

cc: Cynthia G. Pierre
        Chief Operating Officer