

The EEOC Reform Act

SEC 1. SHORT TITLE

The EEOC Reform Act

SEC 2. CONDITIONS PRECEDENT FOR IMPLEMENTATION OF EEOC'S PROPOSED EXPANSION OF EMPLOYER INFORMATION REPORT

Section 2 of the EEOC Reform Act requires that before EEOC can implement its new data collection proposal, it must first collect the same employment data information from the executive branch departments and agencies and verify, compile, ensure the confidentiality of, and protect the data. EEOC must calculate the amount of time it takes to collect that data and how many staff and staff hours were transferred from working to reduce the backlog of more than 76,000 unresolved complaints of discrimination currently before EEOC. EEOC must then annually submit a report to Congress on this information. EEOC must also have software in place and develop a comprehensive plan for how it will use the data, as well as how it will collect, verify, protect, and ensure the confidentiality of the new information. This comprehensive plan must be made publicly available.

Upon completion, EEOC must submit these reports and comprehensive plan to the Office of Management and Budget for its approval and public notice and comment. Finally, EEOC cannot implement its proposal to expand data collection requirements on private employers until it successfully reduces its pending backlog of complaints of discrimination to fewer than 3,660 complaints.

SEC. 3. EEOC APPROVAL FOR COMMENCEMENT OF OR INTERVENTION IN CERTAIN LITIGATION

Section 3 of the EEOC Reform Act would require EEOC to vote before proceeding to litigation involving multiple plaintiffs or an allegation of systemic discrimination. It would also provide individual commissioners the power to require the commission to approve or disapprove any case before proceeding to litigation. Finally, it would require EEOC to post this information to its website.

SEC 4. EEOC TRANSPARENCY AND ACCOUNTABILITY.

Section 4 of the EEOC Reform Act would promote transparency by requiring EEOC to post to its website and in its annual report each case brought to court by EEOC, including any case in which EEOC is required to pay court fees, costs, or is sanctioned, whether cases were authorized by the commission, and whether the cases were initiated by a complaining party or the EEOC itself. The legislation would require EEOC to conduct conciliation in good faith and allow courts review of EEOC's conciliation efforts. Finally, it would require the commissioners, general counsel, and Inspector General of EEOC to notify Congress when EEOC is required to pay court costs, fees, or is sanctioned and requires an investigation an explanation as to why EEOC was subject to the court's rebuke.