

Administration History Project -- OEDCA

Executive Summary

The Office of Employment Discrimination Complaint Adjudication (OEDCA) is an independent unit, whose mission is to issue the Department's final agency decision on complaints of employment discrimination filed by VA employees and other eligible claimants. OEDCA's creation was an end result of widely publicized allegations of sexual harassment and abusive behavior by VA senior managers that first surfaced in 1993 at the VA Medical Center in Atlanta, and again in 1997 at the Fayetteville Medical Center.

Congressional hearings into those allegations raised numerous concerns about the need to reform VA's internal Equal Employment Opportunity (EEO) complaint process. One of those concerns, voiced repeatedly during the 1997 hearings relating to the Fayetteville allegations, was the widespread perception among VA's employees that the role of the Office of the General Counsel (OGC) in adjudicating employment discrimination complaints was incompatible with its primary role as management's legal advisor.

In response to those concerns, both the Congress and the Department undertook initiatives with a view to reforming what many employees perceived as an ineffective and unfair complaint system. Those initiatives, which included legislation -- Public Law 105-114 --, resulted in the reorganization of the entire EEO complaint processing function within the Department. One significant aspect of that reorganization was the transfer of EEO adjudication authority from the OGC to a newly created, independent adjudication unit within the Department -- OEDCA.

The new unit, located in the Office of the Secretary and headed by a Director reporting directly to the Secretary, assumed adjudication authority from OGC and commenced operations on February 19, 1998. The Director assumed authority to take final action on the merits of all discrimination complaints, regardless of the grade or position of the VA official(s) alleged to have committed the unlawful discrimination.

OEDCA's mission is to ensure **fairness, integrity, and trust** in the adjudication process by issuing timely decisions on complaints that are fair and objective; without *ex parte* communication; based solely on the relevant, reliable, and credible evidence in the record; and consistent with applicable law and regulations. Thanks to its dedicated and highly diverse staff of attorneys and support personnel, OEDCA is accomplishing its mission.

To safeguard its independence, neither the Director nor the Associate Director is required to explain or defend any final action taken by OEDCA. Moreover, neither the Director nor the Associate Director renders opinions on, or otherwise discusses the merits of, any pending or potential complaint with any official in the Department. The

Director's decisions and orders are final and not subject to further review or appeal within the Department. Contact with OGC is generally limited to situations in which OEDCA must provide copies of its files to OGC for appeals and litigation.

Since commencement of operations, OEDCA has reduced the backlog from 446 cases to 190 cases. Moreover, it has reduced the average case processing time from over 270 days to only 55 days. Its objectivity and independence is clearly demonstrated in its overall finding rate -- approximately 4% of OEDCA's final actions have resulted in a finding of discrimination, as compared to the Department's historic finding rate of 1.25%.

In addition to adjudicating cases, OEDCA has taken steps to ensure that lessons learned from these cases are made available throughout the Department. To this end, the Director issues the *OEDCA Digest*, a quarterly publication that summarizes selected decisions covering a variety of issues that typically arise in Federal employment discrimination complaints. In addition to decision summaries, the *OEDCA Digest* contains important information regarding new regulations, directives, and other guidance issued by the Equal Employment Opportunity Commission (EEOC), as well as articles that might be of interest to employees, management, and the Department's EEO professionals.

A frequent criticism of the VA's prior complaint process was the lack of appropriate corrective action against officials who engage in unlawful discrimination. Shortly after commencing operation, the Director took steps to develop and implement a formal reporting procedure that notifies the Secretary whenever there is a finding of reprisal or intentional discrimination. As a result, there is now, in every case involving such a finding, timely follow-up action by the Department, including discipline when appropriate.

OEDCA has achieved dramatic success since commencing operation. A report submitted to Congress by the firm of Booz-Allen & Hamilton described its success as follows:

"OEDCA has certainly demonstrated effectiveness in reducing the backlog of final agency decisions and improving timeliness. In addition, limited data regarding final agency decision outcomes suggest that OEDCA has been able to maintain its independence and objectivity from VA as a decision-making authority. Furthermore, most OEDCA personnel express satisfaction with the staffing situation and how OEDCA is managed. Taken together, these findings point to OEDCA's overall effectiveness in issuing final agency decisions -- despite initial challenges as a new organization with a backlog of its own. VA has appropriately positioned OEDCA as manager of the final agency decision process." (*Assessment of VA's EEO Complaint Resolution System -- Report to Congress, April 30, 1999, page 94*)

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INTRODUCTION

The Office of Employment Discrimination Complaint Adjudication (OEDCA) is an independent unit, whose mission is to issue the Department's final agency decision on complaints of employment discrimination filed by VA employees and other eligible claimants. OEDCA's creation was an end result of widely publicized allegations of sexual harassment and abusive behavior by VA senior managers that first surfaced in 1993 at the VA Medical Center in Atlanta, and again in 1997 at the Fayetteville Medical Center.

Congressional hearings into those allegations raised numerous concerns about the need to reform VA's internal Equal Employment Opportunity (EEO) complaint process. One of those concerns, voiced repeatedly during the 1997 hearings relating to the Fayetteville allegations, was the widespread perception among VA's employees that the role of the Office of the General Counsel (OGC) in adjudicating employment discrimination complaints was incompatible with its primary role as management's legal advisor. Critics frequently cited, as evidence of this perceived conflict, OGC's historically low acceptance rate (only 20%) of recommended findings of discrimination issued by administrative judges at the Equal Employment Opportunity Commission.

In response to those concerns, both the Congress and the Department undertook initiatives in May 1997 with a view to reforming what many employees perceived as an ineffective and unfair complaint system. In the following year, those initiatives resulted in the reorganization of the entire EEO complaint processing function within the Department. One significant aspect of that reorganization was the transfer of EEO adjudication authority from the OGC to a newly created, independent adjudication unit within the Department – OEDCA.

The new unit, located in the Office of the Secretary and headed by a Director reporting directly to the Secretary, assumed adjudication authority and commenced operations on February 19, 1998.

ADMINISTRATIVE AND LEGISLATIVE BACKGROUND

In 1993, former Secretary Brown established a policy of "Zero Tolerance" for sexual harassment and discrimination following highly publicized allegations of sexual harassment at the VA Medical Center in Atlanta. During Congressional hearings into those allegations, criticism regarding both the structure and objectivity of the VA's equal employment opportunity (EEO) complaint process also surfaced.

In response to the criticism, the House Veterans Affairs Committee introduced a bill on February 23, 1993, (H.R. 1032, *The Department of Veterans Affairs Employment Discrimination Act*). Its purpose was to restructure the VA's entire complaint process, including final decision making, which historically had been the functional responsibility of OGC. The bill provided, *inter alia*, for the creation of an independent corps of administrative law judges employed by the VA to hear and decide EEO complaints. Then Secretary Brown objected to the legislation, primarily because it would have created an EEO complaint system unique to the VA. Because of the VA's opposition, the Congress did not pass H.R. 1032.

Despite the Department's commitment to eradicating sexual harassment, similar allegations surfaced early in 1997, involving the former Director of the VA Medical Center in Fayetteville. Both the House and Senate Veterans' Affairs Committees held hearings to investigate the allegations in Fayetteville and address continuing concerns about the overall effectiveness and objectivity of the Department's internal EEO complaint process. In response to concerns about that process, Deputy Secretary Gober appointed a Task Force in May 1997 to study the process, compare it to systems used in other agencies, and recommend system changes.

Around the same time, both the House and Senate Veterans' Affairs Committees introduced companion bills (H.R. 1703 on May 22, 1997, and S. 801, on May 23, 1997) to reform the VA's EEO process. These bills, like the earlier one in 1993, included a provision requiring the establishment of a corps of administrative law judges (ALJ) in the VA to hear and adjudicate cases. The perceived need for an ALJ corps in the VA stemmed from concerns voiced repeatedly during the Fayetteville hearings about the role of the Office of the General Counsel (OGC) in adjudicating EEO complaints. There was a widespread perception among VA's employees that OGC's adjudication role was incompatible with its primary role as management's legal advisor. Critics frequently cited, as evidence of an inherent conflict and the need for reform, OGC's historically low acceptance rate (only 20%) of recommended findings of discrimination issued by administrative judges at the Equal Employment Opportunity Commission.

The final report of the Task Force made numerous recommendations to Deputy Secretary Gober for reforming the VA's EEO complaint system, including the establishment of a new, independent Office of Resolution Management (ORM), to be headed by a Deputy Assistant Secretary (DAS). The DAS would be responsible for the counseling, complaint intake, and investigation stages of the EEO complaint process. The report recommended that these functions be performed by full-time EEO professionals stationed at several regional EEO centers, each of which would be headed by an EEO Officer reporting directly to the DAS/ORM. This recommendation addressed a major criticism of the existing system – namely, that facility directors were in a position to influence or interfere with personnel having EEO complaint processing responsibilities. During its deliberations, the Task Force also addressed the concern regarding the perceived conflict of interest with respect to OGC's role as decision-

maker. In its final report, however, the Task Force failed to recommend any changes regarding that role.

Deputy Secretary Gober accepted most of the recommendations contained in the report, and immediately appointed an implementation team in August 1997 to design the new ORM structure, reengineer the EEO process, develop funding strategies, and specify training and transition strategies. Moreover, mindful of the negative perceptions regarding OGC's role as adjudicator, he concluded that any reform of the process, to be viewed as credible by employees and stakeholders, would have to address such perceptions. Accordingly, he issued a directive establishing a new and independent adjudication unit, the head of which would report directly to the Secretary or Deputy Secretary. He subsequently notified administration heads, assistant secretaries, and other key officials of his decision on September 25, 1997, and directed that the new unit assume adjudication responsibilities from OGC no later than April 1, 1998.

Shortly after Deputy Secretary Gober issued his directives for reform, Chairman Everett offered an "Amendment in the Nature of a Substitute to H.R. 1703" which provided for improved processing and expedited procedures for complaint resolution in the VA, including a requirement that VA employees with EEO counseling, intake and investigative responsibilities report directly to an Assistant Secretary or Deputy Assistant Secretary for complaint resolution management. The amended bill also replaced the provision requiring administrative law judges in the VA with one requiring the establishment of an independent Office of Employment Discrimination Complaint Adjudication (OEDCA). The Director of OEDCA would be an attorney and career appointee in the Senior Executive Service reporting directly to the Secretary or Deputy Secretary.

The amended bill required the Director of OEDCA to:

- issue final agency decisions on employment discrimination complaints,
- report retaliatory action against employees asserting rights under an equal employment opportunity law to the Secretary or Deputy Secretary, and
- report to the Secretary and to Congress by April 1, 1998, on the implementation and operation of OEDCA, with subsequent reports due on January 1, 1999, and January 1, 2000.

The amended bill required the Secretary to ensure that:

- the Director of OEDCA is furnished sufficient personnel and other resources necessary to carry out the functions of the Office, and

- any performance appraisal of the Director, or of any employee of the Office, does not take into consideration the record of the Director or employee in deciding cases for or against the Department.

IMPLEMENTATION

BACKGROUND

Deputy Secretary Gober's September 25, 1997, memorandum ordering the establishment of OEDCA directed OGC to assume responsibility for developing a business plan addressing resource requirements, reassignment of personnel, space, and other matters vital to the success of the new office. In response, OGC appointed an implementation team, which consisted of two attorneys with numerous years of EEO experience and an administrative assistant to provide support in technical areas such as position descriptions, personnel recruitment, budget, procurement, supply, library resources, and office automation.

Because of the short implementation deadline imposed by Deputy Secretary Gober's directive and the subsequent enactment Public Law 105-114, the team had to act quickly to determine an appropriate organizational structure for and define the operations of the new unit. In particular, it had to determine an appropriate allocation of attorney resources between OGC and OEDCA, and delineated the new EEO-related responsibilities of each organization. In addition, it had to determine OEDCA's funding strategies, budget, space, staffing, research, equipment, and other needs; and obtained budget approval for FY 98 and FY 99. It worked with the ORM implementation team to design those portions of ORM's case tracking system pertaining to OEDCA's and OGC's role in the EEO complaint process.

After completing its analysis, the team presented a business plan addressing all of the above areas and provided a time line for implementation. The Chief of Staff approved that plan on December 2, 1997.

RECRUITMENT AND SELECTION OF PROFESSIONAL STAFF

Recruitment for the position of Director was announced government-wide on November 19, 1997. A panel of three senior VA officials interviewed applicants and later recommended the appointment of Mr. Charles R. Delobe. Secretary West subsequently approved Mr. Delobe's appointment on January 30, 1998, effective February 1, 1998. Mr. Delobe had been serving as a Deputy Assistant General Counsel in OGC's PSG IV. Prior to that, he had worked as a staff attorney in that group for over fifteen years, specializing in civil rights law.

Recruitment for the position of Associate Director was announced VA-wide on November 25, 1997. Officials in Human Resources Management (HRM) conducted an initial review to determine basic eligibility and subsequently submitted the names of qualified candidates to the Director for consideration. The Director eventually nominated, and Secretary West approved, Ms. Karen Clegg for appointment to the position. Ms. Clegg also had many years of decision-writing experience in OGC's PSG IV.

To supplement the five EEO attorneys who would be reassigned from OGC, the Department recruited government-wide for seven additional staff attorneys. The Director subsequently selected seven applicants who had the most decision-writing or other EEO-related experience. These selections, along with the attorneys reassigned from OGC, produced a diverse staff of twelve highly trained and competent decision-writers with a wealth of expertise in employment discrimination law.

FUNDING

The Department acted quickly to ensure that OEDCA would be sufficiently funded to carry out its mission. The OGC implementation team developed a proposed budget for Fiscal Years 1998 and 1999. The proposed budget was included in the business plan submitted to the Chief of Staff, who approved it on December 2, 1997. On that same date, Deputy Secretary Gober directed the heads of the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration to enter into an agreement to fund OEDCA's operation by means of an annual amount to be transferred as a reimbursement for OEDCA's services to those organizations. That agreement was signed and executed by the appropriate officials on December 8, 1997.

COMMENCEMENT OF OPERATION

In accordance with the time limits imposed by Deputy Secretary Gober's directive and Section 102(c) of the *Veterans' Benefits Act*, OEDCA assumed adjudication authority from OGC and became fully operational on February 19, 1998.

OPERATION

MISSION

As indicated in the business plan developed during the implementation phase, OEDCA's mission is to ensure **fairness, integrity, and trust** in the adjudication process by issuing timely decisions on complaints that are fair and objective; without *ex parte* communication; based solely on the relevant, reliable, and credible evidence in the record; and consistent with applicable law and regulations.

BUDGET, EQUIPMENT, RESEARCH, AND DATA TRACKING

The Department provided OEDCA with sufficient funds to accomplish its mission. For the seven months remaining in FY 1998, total transfers of \$1.466 million funded OEDCA's budget. For FY 1999 and 2000, the total transfers were \$1.909 million and \$1.984 million respectively.

OEDCA commenced operation with state-of-the-art data processing and other office equipment to enable it to operate efficiently. It also acquired excellent legal research capabilities, with each attorney having desktop access to *Westlaw*[®] and other electronic research tools, and a library of hardcover volumes that included all of the necessary EEO reporter services and treatises.

OEDCA also developed its own internal case tracking and database system to document critical information regarding case intake and dispositions within the office. This system, which also tracks other incoming and outgoing correspondence, provides OEDCA with efficient case and data management, enabling it to respond promptly and accurately to requests from the Congress, the Secretary, ORM, OGC, and EEOC for complaint information and case processing data.

AUTHORITY AND INDEPENDENCE

The Director assumed authority to take final action on the substantive merits of all complaints, regardless of the grade or position of the VA official(s) alleged to have committed the unlawful discrimination.¹ As organized, OEDCA does not function as a board. Instead, staff attorneys, after reviewing the administrative record pertaining to an assigned case, prepare a proposed final action (*i.e.*, final decision or final order) in draft. The Associate Director ensures that the case is properly before OEDCA for final action, and that the proposed action contains an accurate statement of facts and law and an appropriate analysis and conclusion. The proposed action is then finalized and presented to the Director for review and signature. Only the Director or Associate Director has authority to take final action on a complaint.

To safeguard its independence, neither the Director nor the Associate Director is required to explain or defend any final action taken by OEDCA. Moreover, neither the

¹ The only exceptions are where the Director would have a conflict of interest, such as where the complaint is against OEDCA, the Secretary, or the Deputy Secretary. If a complaint alleges that the Secretary or the Deputy Secretary personally made a decision directly related to the matter in dispute, or were otherwise personally involved in such matters, will be referred for final binding action to another Federal agency pursuant to a cost-reimbursable agreement. Such referral will not be made when the action complained of relates merely to routine, ministerial approval of recommendations submitted to the Secretary by under secretaries, assistant secretaries, or staff office heads. If the complaint is against the Director, the Secretary will designate another official in the Department to issue the decision, or refer the case to another Federal agency for a binding decision.

Director nor the Associate Director renders opinions on, or otherwise discusses the merits of, any pending or potential complaint with any official in the Department, including responding to requests from Department officials or complainants for OEDCA's views regarding "hypothetical" cases.

The Director's decisions and orders are final and not subject to further review or appeal within the Department. However, in unusual circumstances, the Director may, *sua sponte*, require modification or rescission of any decision, if he determines that law, regulation, or fundamental fairness requires such action. Such action, however, is not taken merely because a party to the complaint asserts dissatisfaction with OEDCA's decision.

To avoid the appearance of any conflict of interest, contact with the Office of the General Counsel is limited to only those situations where the contact is necessary to enable that office to perform its EEO appellate and litigation functions² or to enable OEDCA to obtain any procedural information it may need to process or adjudicate a complaint.

SIGNIFICANT INITIATIVES

Shortly after commencing operations, the Director pursued several initiatives to improve both quality and timeliness in the Department's complaint resolution process. He developed a manual establishing OEDCA's policies and procedures, ensuring that all OEDCA employees were familiar with OEDCA's operation and their responsibilities. He also developed a comprehensive manual for the investigation of Federal sector EEO complaints to assist the DAS/ORM in carrying out her investigative responsibilities. The manual provided ORM's investigators with in-depth summaries of EEO law and legal analyses, as well as a practical and detailed step-by-step approach to fact gathering that is keyed to the relevant legal analyses, thus ensuring that investigators obtain sufficient facts for adjudication.

OEDCA also completed a major research project involving the valuation of compensatory damages. This project produced a comprehensive, electronic database of EEOC final decisions that have awarded compensatory damages, and in particular non-pecuniary damages. The database enables OEDCA's attorneys to quickly access the most relevant cases to determine an appropriate award. It increased efficiency and processing times by eliminating numerous hours of painstaking research in cases requiring a damages valuation and ensures that OEDCA's damages evaluations will fairly compensate victims of unlawful discrimination.

² Under the reorganization, OGC retained EEO appellate responsibilities inasmuch as defending OEDCA's final actions before the EEOC is an advocacy function that would be viewed as incompatible with OEDCA's role as a neutral and detached decision-maker. OGC also retained its EEO litigation function.

The Director recognized early on that many of OEDCA's decisions could serve as valuable instructional tools for employees and management alike, provided the lessons learned from these decisions were made available throughout the Department, rather than just to the parties involved in a particular complaint. To assist the Department in disseminating this information, the Director began issuing a quarterly digest. The *OEDCA Digest* summarizes selected decisions that cover a variety of issues that typically arise in Federal employment discrimination complaints. Each summary describes the material facts and legal rationale for OEDCA's decision and notes the lesson to be learned. In addition to decision summaries, the *OEDCA Digest* contains important information regarding new regulations, directives, and other guidance issued by the Equal Employment Opportunity Commission (EEOC), as well as other items that might be of interest to employees, management, and the Department's EEO professionals.

OEDCA also has contributed to the education of attorneys and EEO specialists throughout the Federal government by providing instructors in the area of compensatory damages at training seminars and conferences conducted by organizations such as the *Government Training Institute* and the *Society of Federal Labor Relations Professionals*. Some of OEDCA's attorneys have a national reputation for their expertise in the area of damages and are frequently asked to serve as instructors.

CASE PROCESSING AND ADJUDICATION

A total of 446 cases awaiting decision in OGC were transferred to OEDCA on February 19, 1998. Some of these cases had been pending a decision in OGC for as long as fifteen months. Within its first two years of operation, OEDCA achieved a remarkable 88% reduction in its inventory. In addition, it reduced the average processing time during the adjudication phase from a high of over 270 days to only 55 days.

In addition to increased efficiency, OEDCA also demonstrated its independence and objectivity in decision-making. OEDCA's overall finding rate in its first two years of operation -- approximately 4% -- has been significantly higher than the Department's historical finding rate of approximately 1.25% and comparable to the current finding rate for VA cases decided by EEOC's administrative judges (approximately 4.4%). Moreover, OEDCA accepted, with or without modification, a far greater percentage of findings by EEOC AJs -- approximately 69% -- as compared with the Department's historical acceptance rate of only 20%. In fact, during this time frame OEDCA issued three decisions finding discrimination where there had been a finding of no discrimination by an EEOC administrative judge -- proof that OEDCA was operating in a detached and neutral manner, and not simply rubber-stamping findings of no discrimination by administrative judges. Booz-Allen & Hamilton's April 30, 1999, Report to Congress (*Assessment of the EEO Complaint Resolution System in the Department of Veterans Affairs*), confirmed this conclusion, finding that OEDCA's overall

performance demonstrated that it was functioning independently and neutrally as contemplated by Public Law 105-114.

Not only has OEDCA demonstrated fairness, objectivity, and increased efficiency in its operation, it has also produced quality decisions that have withstood careful scrutiny by the EEOC on appeal. In its first two years of operation, EEOC reversed or modified only 4% of OEDCA's decisions and orders.

POST-DECISION CORRECTIVE ACTION

A frequent criticism of the VA's prior complaint process was that appropriate corrective action was rarely taken against officials who engaged in unlawful discrimination. Shortly after commencing operation, the Director took steps, in accordance with Section 102(a)(1) of the *The Veterans' Benefits Act of 1997*, to develop and implement a formal reporting procedure that notifies the Secretary whenever there is a finding of reprisal or intentional discrimination issued by OEDCA, EEOC, or a Federal court. As a result, there is now, in every case involving such a finding, timely follow-up action, including discipline when appropriate.

OEDCA is not involved in the actual discipline process. Instead, OEDCA's role is simply to initiate the follow-up procedure by reporting the finding to the Secretary and the action officer responsible for ensuring that appropriate corrective action is taken. The relevant Under Secretary is responsible for discipline in most cases, but the Assistant Secretary for Human Resources and Administration and the General Counsel are also responsible where senior officials are involved and in cases involving egregious facts. In its first two years of operation, OEDCA reported 55 findings of retaliation and intentional discrimination to the Secretary and the responsible action officer.

CONGRESSIONAL FOLLOWUP

On September 30, 1999, the Subcommittee on Oversight and Investigations of the House Committee on Veterans' Affairs held a follow-up hearing to assess the steps taken by the VA to restructure its EEO complaint processing operation and review the progress made by ORM and OEDCA since commencement of operations. Section 103 of Public Law 105-114 had directed the Secretary to contract with a private entity to conduct an assessment of the VA's administration of the restructured complaint processing system and the extent to which it was meeting the objectives of the Public Law. At the hearing, representatives from Booz-Allen & Hamilton, the consulting firm hired to conduct that assessment, summarized for the Subcommittee the findings and conclusions contained in the firm's April 30, 1999, Report to Congress. Those findings and conclusions confirmed that VA had made notable progress in implementing its new complaint resolution system.

As for OEDCA, the Booz-Allen report reached the following conclusion:

"OEDCA has certainly demonstrated effectiveness in reducing the backlog of final agency decisions and improving timeliness. In addition, limited data regarding final agency decision outcomes suggest that OEDCA has been able to maintain its independence and objectivity from VA as a decision-making authority. Furthermore, most OEDCA personnel express satisfaction with the staffing situation and how OEDCA is managed. Taken together, these findings point to OEDCA's overall effectiveness in issuing final agency decisions -- despite initial challenges as a new organization with a backlog of its own. VA has appropriately positioned OEDCA as manager of the final agency decision process." (p. 94)

Upon conclusion of the hearing, Chairman Everett noted that he was encouraged and pleased with the Department's efforts in reforming its complaint resolution system.

SUMMARY

Widespread criticism of the Department's internal EEO complaint processing and adjudication procedures prompted the Department to conduct a thorough examination of those procedures and develop strategies to restore credibility to a system that had been perceived by many employees as ineffective and partial to management. The culmination of that review produced a major reorganization of EEO functions within the Department. Complaint processing and adjudication authority is no longer in the hands of management or management's legal advisors, but rather in two independent organizations staffed with a full-time corps of dedicated and highly trained EEO specialists and attorneys committed to ensuring fairness, integrity, and trust in the Department's discrimination complaint processing and adjudication system. Since commencing operation, OEDCA has achieved phenomenal success in reducing the backlog of cases pending adjudication and the average processing time for the adjudication phase, while at the same time producing high quality decisions that have withstood EEOC's strict scrutiny at the appellate stage. These and other achievements and initiatives have produced an adjudicative body within the VA that operates in the impartial, objective, and independent manner envisioned by Deputy Secretary Gober and Section 102 of the *Veterans' Benefits Act of 1997*.