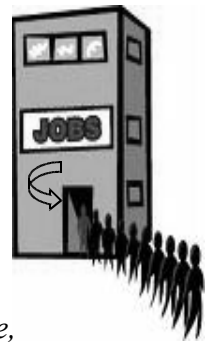


**INTERNATIONAL COUNCIL OF EEOC LOCALS, NO. 216
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL/CIO**

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SUPPORT JOBS - SUPPORT THE FY11 EEOC BUDGET REQUEST

Discrimination costs jobs and disrupts families' livelihoods. EEOC's mission is to eradicate workplace discrimination based on race, color, religion, sex, pregnancy, national origin, age, disability and genetic information. However, a resource starved EEOC cannot fulfill its mission.

Adopt the FY11 EEOC Budget Request to Help Americans Get Jobs and Keep Jobs:

EEOC's slashed workforce (down 25% since FY01) is so overloaded, with record high incoming discrimination charges (93,277) and backlogged charges (85,768), that it takes a dismal 294 days to resolve a case. A tough economy and new ADAAA and GINA laws will increase charges and delays.

EEOC Must Restore Frontline Staff to Offer Timely Assistance and Tackle a Giant Backlog:

In FY10, EEOC's rising backlog (104,450 est.) will overtake record high charge receipts (101,653 est.). An arbitrator ruled that EEOC cannot compensate for short-staffing with illegal overtime. More EEOC frontline employees are needed to save today's jobs and help workers trapped in the backlog.

Establish Full-Service Intake Units to Provide Real Help to the Public and Reduce the Backlog:

Council 216's plan creates an intake unit in each office to handle pre-charge counseling through charge filing and address the flood of intake questionnaires and unreturned e-mails. Investigators will be freed-up to investigate cases and reduce the backlog. The plan satisfies Congress' interest to "provide more substantive assistance to callers and resolve a greater number of calls at the first point of contact." (H.R. 110-919). The plan is now languishing with administrators in EEOC's Headquarters.

Federal Employees Must Have Rights to Discovery and Full and Fair Hearings before AJs:

Full and fair hearings and discovery for Federal employees before independent Administrative Judges (AJs) are threatened by the "Fast Track System." Pilot programs allowing agencies variances from the EEO regulation must provide for complete, timely, impartial investigations, and opt-out rights. Federal sector reorganization should add AJs (down 13% since FY05) not bureaucratic layers.

What Congress Can Do to Revitalize EEOC and Help Constituents in a Tough Job Market:

- Support the FY11 Budget Request to increase EEOC's budget from \$367M to \$385M.
- For FY11, raise EEOC's staff ceiling to 3,000 FTE's, i.e., the same as FY94 when charge receipts were close to current record high levels. *The increase is in keeping with Appropriators' call for EEOC "to develop and implement a multiyear plan to increase EEOC staffing to the levels necessary to achieve backlog reduction in a timely manner." (Conf. Rept., H.R. 3288).*
- For FY11, maintain bill language requiring Appropriations Committees' oversight of any EEOC reorganization, including its Headquarters and Office of Federal Operations.
- For FY10, make EEOC stop sitting on unfilled slots and hire frontline staff up to the approved ceiling of 2,556 (EEOC ended FY09 with 2,192 FTE's, despite approval for 2,556 FTE's).
- Direct EEOC to implement the Full-Service Intake Plan to provide real help to the public.
- Make EEOC keep its promise that the 2006 field restructuring would reduce supervisor to employee ratio to 1:10. Redeployed supervisors can help the frontline without added cost.
- Require EEOC to comply with Appropriations Committees' oversight (Conf. Rept., H.R. 3288) and the regulatory process before implementing changes to the Federal Sector EEO process. Any Federal sector reorganization should be vetted through an EEOC vote and Congress.

Congress Says . . .



“The Committee remains very concerned about EEOC's increasing charge backlog, which is on pace to reach 102,944 charges by the end of fiscal year 2010. This is nearly double the size of the backlog as it existed less than three years ago.”

(H.R. 111-149)

EEOC's Acting Chairman Says . . .

EEOC investigators now tend to have 100 or more cases in their inventories, which is “way too many” and “roughly double” the amount investigators handled “just a number of years ago,” [EEOC Acting Chairman Ishimaru] said.

EEOC Seeks to Rebuild Internally While Awaiting New Agency Leadership,
Daily Labor Report, 1/19/10

Newspapers Say . . .

Administration Seeks Budget Increases For Enforcement by EEOC, DOJ Civil Rights,
Daily Labor Report, 2/2/10

Discrimination Complaints Taking Longer To Investigate, *Virginia Pilot, 7/13/09*

Discrimination Cases Pile Up, *Washington Post, 4/13/09*

No Laughing Matter at the Office, *New York Times, 4/3/09*

EEOC Willfully Violated Pay Law, Arbitrator Rules, *Washington Post, 3/31/09*

Arbitrator: EEOC Owes Employees Overtime, *Federal Times, 3/30/09*

EEOC Employee Morale Declines As Workload Grows, *Govexec.com, 3/25/09*

EEOC Confronts Growing Workload, Diminished Staff, *Washington Post, 2/3/09*



EEOC's Office of Inspector General Says . . .

EEOC continues to face a major challenge in adequately addressing the backlog of private-sector discrimination cases. This backlog, known as “charge inventory,” is quite large. . . . The primary negative effect of increased inventory is the delay in case resolution for thousands of EEOC customers, the people who believe they have been discriminated against.

Office of Inspector General, Semiannual Report to Congress, April-September, 2009

Survey of EEOC Employees Says . . .

EEOC Ranks 25 out of 30

Best Places to Work in Federal Government 2009

