

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

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Maintaining a tradition of educating both sides of the aisle about EEOC concerns impacting workers and employers.

RESTORING EEOC'S BUDGET MAKES SENSE WHEN THE NATIONAL PRIORITY IS JOBS
EEOC ensures equal opportunity by upholding laws against discrimination at work based on race, color, religion, sex, pregnancy, national origin, age, disability and genetics. In today's economy we cannot afford for discrimination to stop workers from getting and keeping jobs.

Unprecedented FY12 \$7M Cut Threatens EEOC-Wide Furloughs and Diminishes Civil Rights:
House appropriators had recommended continuing level funding from FY10 and FY11 at \$367M. But in conference, EEOC did not escape a 2% across the board cut of \$7M for FY12 to \$360M. EEOC cannot absorb this "haircut" without frontline cuts, such as furloughs, that will reverse recent progress on tackling EEOC's enormous 78,136 case backlog, which was reduced for the first time since FY02.

EEOC's Workload is Up with Expanded Enforcement and Record High Charge Filings:
Cutting EEOC's budget by \$7M fails to account for EEOC's enforcement of recently enacted laws, including ADA and GINA, signed into law by President Bush. EEOC also received 999,947 discrimination charges in FY11, making it the fourth consecutive year of record high charge filings.

EEOC Should Shift Resources to the Frontline to Prevent Job-Destroying Discrimination:
The FY12 Conference Report directs "hiring or backfilling positions of frontline mission critical staff" to address the backlog (H.R. 2112). Instead, EEOC's total hiring freeze prohibits frontline backfills. Any backfills should go to the frontline to reduce dismal 9-month case processing delays.

EEOC Should Implement These Efficiencies To Save Money and Improve Service to the Public:

- **Council 216's Cost Efficient Full Service Intake Plan** creates dedicated intake units in each office to free-up investigators to reduce the backlog. EEOC has been sitting on the plan for 2 years.
- **Flatten supervisor to employee ratio to 1:10**, a budget neutral way to redeploy staff to the frontline.
- **Save on space/rental costs by using voluntary telework**, per Telework Enhancement Act of 2010.

Federal Employees Must Have Rights to Discovery and Full and Fair Hearings:
Full and fair hearings, including discovery, for Federal employees before independent Administrative Judges (AJs) are threatened by the lack of subpoena authority and the resurrection of the "Fast Track" proposal in EEOC's Draft Strategic Plan. Proposals for pilots that allow variances to agencies from EEO regulations must also allow opt-out rights. When AJs resign for ALJ positions, delays worsen.

Discrimination Costs Jobs; Delays at EEOC Harm Workers & Employers; Congress Can Help:

- For FY13 restore \$7M cut and return EEOC's budget to at least \$367M, i.e., FY10 level.
- For FY13, maintain bill language requiring oversight of any EEOC reorganization. (H.R. 2112).
- Ensure EEOC compliance with Appropriations Committees' oversight (H.R. 3288) and agency and regulatory requirements before implementing changes to the Federal Sector EEO process.
- Direct EEOC to focus available hiring, up to the staff ceiling, on frontline staff to uphold laws.
- Direct EEOC to quickly implement Council 216's Cost-Efficient Intake Plan to help the public.
- Make EEOC keep 2006 field restructuring promise to reduce supervisor to employee ratio to 1:10.
- Require EEOC to finally pay for willful overtime violations, per March 2009 Arbitrator decision.
- Stop one-size-fits-all cuts to the Federal budget that will harm service to public, e.g., workers and employers EEOC serves. The focus should be on job creation - not attacking Federal employees.



Pres. Kennedy signing EPA



Pres. Johnson signing Title VII



Pres. G.H.W. Bush signing ADA

CIVIL RIGHTS IS A BIPARTISAN ISSUE: RESTORE \$7M CUT TO EEOC'S BUDGET

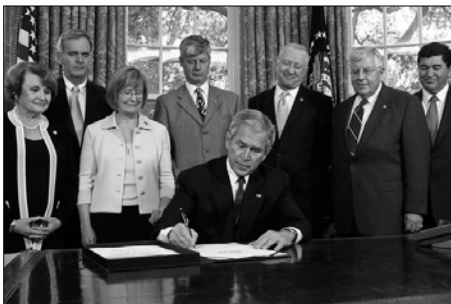
- EEOC fulfills a vital role of government by upholding laws that ensure equal opportunity.
- FY12 was first budget cut in EEOC's history, regardless of administration or control of Congress.
- Now is not the time to cut EEOC, the agency that prevents job-destroying discrimination.
- Discrimination costs jobs, e.g., racial harassment/ nooses displayed at the workplace, "young and energetic" want-ads, failure to accommodate a diabetic needing insulin breaks (disability charges up 17% over FY09), and refusal to hire an applicant who has the breast cancer gene.
- Significantly, in 2008, after 6 years of level funding, President Bush requested an increase to EEOC's budget and staffing for FY09 to support enforcement of new laws and backlog reduction.
- Under Chair Dominguez (R), "EEOC Makes Fight Against Systemic Discrimination A Top Priority." (EEOC Press Release, 4/4/06)
- Workers and employers suffer when they are trapped in EEOC's backlog. Thanks to limited frontline hiring in FY10, EEOC was able to make a modest 10% reduction to the backlog in FY11
- Delays at EEOC cause your constituents to come to your offices for assistance.
- \$7M budget cut threatens EEOC-wide furloughs that will further slow down case processing.
- Cuts to EEOC funding allow discrimination to destroy jobs.

The Bush administration has requested \$341.9 million for EEOC in fiscal 2009, a \$12.6 million increase . . .
-DLR 4/11/08

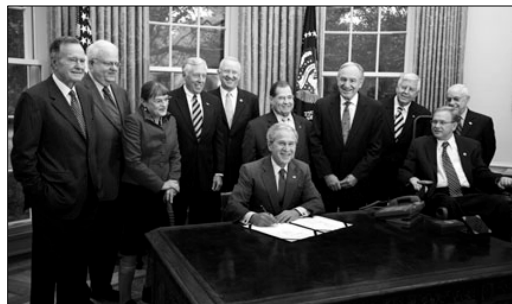
With More Work for EEOC & Cuts, What Will Next Year Look Like?

2008		2011
6	Number of laws EEOC enforces	9
5.8%	U.S. Unemployment Rate	8.5% (12/11)
95,402	Discrimination Charge Filings	99,947
229 days	Average Processing Delay	293 days
73,941	EEOC Backlog	78,136
+34.5%	Backlog compared to previous year	-10%
2,174	Full Time Employees	2,454
646	Investigators (high of 917 in FY00)	750 est.
FY09 +\$14M	Following Year Enacted Budget	FY12 -\$7M

The fiscal 2012 appropriation for EEOC represents about a \$6.6 million cut from its approximately \$367 million funding level for fiscal 2011. -DLR 11/17/11



Pres. G.W. Bush signing GINA



Pres. G.W. Bush signing ADAAA



Pres. Obama signing Ledbetter Act