



NAACP FEDERAL SECTOR TASK FORCE

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May 22, 2004

The Honorable Frank Wolf, Chair
Commerce, Justice, State, and Judiciary Appropriations Subcommittee
H-309 Capitol
Washington, DC 20515

The Honorable Jose Serrano
Ranking Minority Member
Commerce, Justice, State, and Judiciary Appropriations Subcommittee
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Wolf and Ranking Member Serrano:

I am writing to you concerning Equal Employment Opportunity Commission (EEOC) Chair Dominguez's disrespect for civil rights laws, thereby, imperiling the civil rights of many federal employees. This is most disturbing considering that, on July 2, 2004, America will celebrate the fortieth (40th) anniversary of the Civil Rights Act of 1964 and the creation of the EEOC.

The NAACP Federal Sector Task Force has received numerous complaints and allegations from our members, supporters, and others regarding the March 25, 2004 memo from the Acting Director of the Washington Field Office delineating the pre-assessment program for processing hearing requests. Concerns include allegations that EEOC's pre-assessment program will be used as a vehicle to deny many federal employees an impartial hearing. These complaints include complainants being denied an opportunity to supplement the reports of investigations through the discovery process simply because their hearing request fell into the 'red' and/or 'yellow' categories during the pre-assessment process.

Many employees and groups have also contacted the Task Force regarding the issuance of the Management Directive 715 guidance. In particular, these employees and groups are concerned with the following drastic changes that EEOC made via MD-715:

- A. Introduced nine occupational categories that are incompatible with the PATCO categories that the Office of Personnel Management uses.
- B. MD-715 introduced seven race/national origin categories that are different from the ones sanctioned and used by the U.S. Census Bureau and the Office of Management and Budget (OMB).

Of equally grave concern is that MD-715 requires agencies to track job applicants, however, EEOC has not issued a standardized form that Federal agencies can use to track their applicant flow data. The lack of a standardized form has reportedly generated confusion among federal agencies, which has impeded the timely coordination of their affirmative action programs. It is a fact that well managed affirmative action programs prevent future discrimination complaints.

The Task Force and other concerned groups have been told that EEOC has adopted the triage EEO complaint system in the Washington Field Office which included introducing the nine occupational categories to emulate the practices in use in the private sector.

The Task Force believes that, whether you are talking about affirmative action or complaints processing, the mission of the Federal government is different from that of the private sector. To improve Federal sector programs, you need federal sector solutions.

Finally, the Task Force and other stakeholders were particularly shocked to learn that Chair Dominguez had asked contractors to submit plans for developing a national customer service center before securing designated funding from Congress. *Does Chair Dominguez have the authority to implement a **Call Center** without congressional approval, or at a minimum discussion should have been held with the appropriate Congressional committees?*

In light of the above allegations and issues, the Task Force and other stakeholders are extremely worried and concerned that EEOC will receive funding to implement the questionable MD-715 guidelines and pre-assessment program for processing EEO complaints; particularly since once funded, EEOC will probably refuse to use the formal rulemaking process of publishing the program and guidelines in the Federal Register, thereby, equating them to 'laws' or standards that must be followed by all.

The Task Force, therefore, respectfully asks all members of the House Commerce, Justice, State and Judiciary Appropriations Subcommittee to withhold the FY-2005 EEOC budget request until these very serious matters have been resolved.

Sincerely,

Leroy W. Warren, Jr.
Leroy W. Warren, Jr., Chairman
NAACP Federal Sector Task Force