



Leadership Conference on Civil Rights

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Wade J. Henderson

May 13, 2005

Cari M. Dominguez

Chair

Equal Employment Opportunity Commission

1801 L Street, N.W.

Washington, D.C. 20507

Re: Proposed Reorganization and Restructuring of Equal Employment Opportunity Commission Offices

Dear Chairwoman Dominguez,

On behalf of the Leadership Conference on Civil Rights (LCCR) and LCCR's employment task force, we are writing with regard to the recent announcement of your proposal to reorganize and restructure Equal Employment Opportunity Commission (EEOC or the Commission) offices. According to the news release issued by the Commission this week, the full Commission is scheduled to vote on this proposal on Monday, May 16, 2005. We have serious concerns about the Commission undertaking such a vote before the public has had an opportunity to review, digest, understand, and comment on the specific details of the proposal. We urge you to delay any vote until after there has been an opportunity to study the proposal so that the views of all affected parties can be considered and addressed.

Background

LCCR is one of the nation's oldest and most diverse civil rights coalitions, comprised of more than 180 national organizations and representing a broad constituency, including persons of color, women, children, labor unions, individuals with disabilities, older Americans, major religious groups, and gays and lesbians. Throughout our history, LCCR has had a longstanding and unwavering commitment to advancing equal opportunity in employment and ensuring that all Americans are treated fairly in the workplace. We believe strongly in the EEOC's mission to eliminate unlawful employment practices and to uphold fundamental principles of equality and justice. Thus, LCCR takes special interest in any efforts to alter how the agency is structured, and in the potential impact of such efforts on clients seeking help from the agency to address discrimination problems. As you know, LCCR had the privilege of testifying before the Commission in September 2003 to discuss the potential EEOC reorganization efforts. Although no specific proposal was under consideration at that time, we stressed the importance of the Commission taking

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several steps prior to implementing any significant changes to the EEOC's structure or organization. In particular, we urged the Commission to articulate the criteria that would be used to determine changes to the structure or composition of EEOC offices, undertake a cost-benefit analysis of any proposal, develop a plan for properly communicating proposed changes to local communities, and provide for public input on any proposal.¹ We believe such threshold steps are crucial, both to provide clarity on how the changes to different offices will be decided, and to identify and address any potential problems the changes could pose for the affected parties, particularly claimants. The failure to take these steps and provide complete information about the proposal on the front end only exacerbates concerns that the proposal may limit, albeit unintentionally, the ability of individuals to vindicate their rights through the EEOC process.

Comments on Proposal

Although we do not have the full details of your proposal, we are familiar with the general framework of the proposed changes summarized in the Commission's press release, as well as other public reports. Based on our review of these materials, we believe the proposal raises several questions that should be resolved before any changes are adopted. In particular, we have serious concerns about how the proposal will impact the Commission's overall litigation efforts. The proposal, if adopted, would reduce the number of District offices from 23 to 15, resulting in the elimination of 8 regional attorney positions. At the same time, the proposal would expand the number of offices where no attorney presence is required. These changes, coupled with expansions in the geographical jurisdiction for each District offices, raise serious questions about the potential impact on the Commission's overall litigation work. As we noted in our September 2003 testimony, "reducing the capacity of individual offices, even if a nominal presence is maintained, ultimately could have the same effect on a particular community as shutting down an office in its entirety."

We also have questions about whether the proposal takes into consideration the need to increase certain types of litigation in different regions. For example, there are growing concerns about the low numbers of race discrimination cases being litigated in the Deep South, even though these same jurisdictions reportedly have some of the highest rates of discrimination charge filings in the country. We believe that these numbers merit close scrutiny to ensure that Commission's litigation efforts are responsive to the needs of local communities.

Finally, the proposal raises several logistical questions. In particular, we note that the proposal envisions splitting several states into different jurisdictions. While the information

¹ See Testimony of the Leadership Conference on Civil Rights, Statement of Wade Henderson, September 8, 2003 at 4 (stating, "We urge you to articulate the criteria you will use to determine changes to the structure of EEOC offices, undertake a cost-benefit analysis that considers the financial and human consequences of potential changes, and develop a concrete plan to ensure that any changes are well-communicated to members of local communities. We also believe that public input on proposed changes is a crucial part of ensuring meaningful access to EEOC services.")

about the proposal that we have reviewed does not explain the rationale for these divisions, on their face, they raise concerns about potential confusion for claimants seeking EEOC

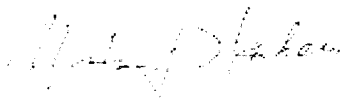
assistance. Further, it is unclear whether such an arrangement will complicate litigation efforts, for example, involving employers with multiple sites across a state. The fact that a state is divided between two different regions could make it harder to identify particular discrimination trends occurring within a company or among a group of employers in a state.

Conclusion

We strongly believe that any proposal to change the Commission's overall structure and organization must be given thoughtful and thorough consideration. We encourage you to use the Commission meeting on May 16th to present only details about the proposal, without taking a final vote. In addition, we suggest announcing a period for public comment on the proposal so that the views of communities most affected by the proposal can be taken into consideration by all the Commissioners.

If you have any questions about this letter, please feel free to contact Jocelyn C. Frye at the National Partnership for Women & Families and co-chair of LCCR's employment task force. She can be reached at (202) 986-2600. As always, we appreciate your willingness to consider our comments. We look forward to working with you on this and other issues.

Sincerely,



Wade Henderson
Executive Director,
Leadership Conference on Civil Rights

cc: Vice Chair Naomi Churchill Earp
EEOC Commissioner Leslie Silverman
EEOC Commissioner Stuart Ishimaru