

EEOC Confronts Growing Backlog, Dwindling Staff

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The U.S. Equal Employment Opportunity Commission, charged with enforcing the nation's job discrimination laws, is facing its largest caseload in at least a quarter-century with sharply diminished staffing and resources, according to commission and union officials.

The 44-year-old commission has been dogged by budgetary and staffing problems before, but union officials say the Obama administration faces a tough challenge in addressing morale problems and an overwhelmed workforce.

Some allegations of discrimination based on race, religion, sex, age or disability are languishing for months because of inadequate staffing.

More than 95,400 charges of job bias in the private sector were filed in fiscal 2008, up 15.2 percent from the previous year and up 26 percent from 2006. But the EEOC staff, which is responsible for investigating the complaints, has steadily decreased in size and now numbers 2,192, down from approximately 2,850 in 2000.

As a result, the commission's backlog of unresolved cases climbed to 73,951, up 35 percent from the previous year's total of 54,970. Fewer than half of private-sector discrimination charges filed in the past year were resolved within 180 days, a goal that is now so difficult to reach that the commission recently changed its target compliance rate from 72 percent to 48 percent because of the agency's higher workload and decreasing resources.

"The backlog keeps building, building and building," said Regina Andrew, an EEOC trial attorney in the Baltimore field office and president of the union local representing field office employees in the Washington area.

"If you have a staff cut of that magnitude, it does have a negative impact, there's no getting around it," said Stuart J. Ishimaru, an EEOC commissioner since 2003 who was recently appointed by President Obama as acting chairman of the body.

Even as the number of discrimination charges soared, the EEOC filed only 290 lawsuits against private-sector employers last year, down from 371 in 2006.

The lower number reflects the decrease in the number of EEOC attorneys and other staff, said Nicholas M. Inzeo, director of the EEOC's office of field programs. "If we had more investigators to investigate and more trial attorneys to litigate, we would do more," he said.

Trial attorneys have more cases than they can handle, according to Andrew. "As a result of that, cases get put on the shelf," she said. "Evidence does get stale, and witnesses move away. I would say not all cases get hurt by delay, but a lot of them do."

Lengthy delays can also leave complainants vulnerable to retaliation at their jobs. "It can make them lose hope that anything will ever happen, and it has a huge chilling effect on other employees," said Gabrielle Martin, president of the National Council of EEOC Locals.

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