

Council Meets: Keeps Plugging

The National Council of EEOC Locals, No. 216, AFGE, AFL-CIO (the Council) held its biannual meeting in Washington, D.C. on March 4 and 5, 2006. Presided over by Council President, Gabrielle Martin, the 14 member Council conducted business which included approval of the minutes of the previous August, 2005 meeting, updates on current issues and the financial report by Council Treasurer Levi Morrow. Morrow noted that the numbers of EEOC employees was declining and, as a result,

union membership was declining. He explained that the drop in membership was due mainly to promotions, resignations and retirements and was exacerbated by the Chair's hiring freeze which did not replenish bargaining unit employees from which to recruit. Morrow stated that these circumstances coupled with the prospect of an AFGE membership increase would necessitate a dues increase for the Council. He noted that the last increase was in 1983.

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Fred Mason, President, Maryland State and DC AFL-CIO addresses the AFGE's Women's and Fair Practices Department Annual Civil Rights Luncheon at the Legislative Conference.

The Little Council That Could

By Rachel H. Shonfield, Local 3599

For each of the previous three years that the National Council's has participated in the American Federation of Government Employees (AFGE) Legislative Conference in Washington, D.C. the degree of involvement has grown. This year's AFGE conference, held from March 5-8, 2006, was no exception. For the previous two years, National Council members have participated in panels and issues particular to EEOC have been among those issues highlighted. National Council President Gabri-

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Pictured Above: AFGE activists at the 2006 AFGE Legislative Conference.

Inset: Congressman Chris Van Hollen (D-MD) addresses Conference attendees.



AFGE Wins Decisive Ruling Against DoD Personnel Rules

Federal Judge Stops Labor Relations and Employee Appeal Provisions of Personnel System

The American Federation of Government Employees won a decisive ruling in U.S. District Court against the Department of Defense's proposed personnel rules, the National Security Personnel System. Judge Emmet G. Sullivan's ruling guts NSPS provisions pertaining to labor relations, collective bargaining, independent third party review, adverse actions, and DoD's proposed internal labor relations panel, the National Security Labor Relations Board. The ruling on *AFGE v. Rumsfeld—05-2183* (D.D.C. February 27, 2006)—effectively declares illegal major portions of NSPS.

AFGE jointly filed the lawsuit with a coalition of unions representing civilian defense workers, the United DoD Workers Coalition, in February 2005. AFGE Assistant General Counsel Joe Goldberg argued before Judge Sullivan on January 24, along with two attorneys representing other member unions of the UDWC.

Judge Sullivan wrote that “the new rule fails to ensure that employees can bargain collectively... the NSLRB does not meet Congress' requirement for ‘independent third party review’ of labor relations decisions and...the process for appealing adverse actions fails to provide employees with ‘fair treatment,’ as required by Congress.”

PRESIDENT'S VIEWPOINT



*Gabrielle Martin,
Council President*

Be Proud of the Work You Have Done

Dear Brothers and Sisters,

Legislative conference time has rolled around again. Now that EEOC has implemented its haphazard reorganization plan, it is clear just how haphazard it actually is. As employees ask questions such as “what happens now,” managers continue to reply, that they do not know; that they are waiting to hear from Headquarters or that you will be told when we know.

In many offices, we are seeing the increased layers of bureaucracy. For many of us, this means another office and/or another manager in the process it takes to get our work completed. And it is costing more to get the same work done as the new managers spend lots of time traveling with their entourages to review things in the downgraded offices.

What does this mean for us, besides that we have to muddle through the muck? It means that you can be proud of the work you have done through your Union. During the past year, as a result of the hard work of Council members and the follow-up work we all do with our legislators, we were able to have a banner year!

We were able to get significant press and mobilize members of the Senate to force EEOC to postpone the ill fated vote on reorganization, to hold a public session on its reorganization plan; we were able to mobilize members of the House to favor an amendment limiting EEOC's ability to use money on its reorganization, force greater scrutiny of EEOC's activities such that EEOC went on record promising not to close any offices or put any employees out of jobs. With your help we have been able to mobilize key appropriators to order GAO to review EEOC's reorganization plan and determine that EEOC was being shortsighted in its approach. We were also able to mobilize to report on the poor service we all must deal with resulting from the Calamity (Call) Center, and we have been able to expose all of the inconsistencies and short sightedness in almost every initiative EEOC has put forth.

So, you should commend yourselves on the hard work and gear up for the next round –Accountability. Now that EEOC implemented its short sighted reorganization plan, we must ensure that the public suffers no more than they already have. We look forward to your continued efforts to make the work places of America free from illegal discrimination.

EEOC's Campaign to Make the National Calamity Center (NCC) Permanent

By Rachel H. Shonfield, Legislative Coordinator

EEOC's \$4.9 million dollar two-year contract with Pearson Government Solutions runs out in September 2006. However, the EEOC is on a desperate campaign to make the "National Calamity Center" pilot a permanent multimillion dollar expenditure.

From the beginning, the agency's love affair with the call center has had little to do with facts. While EEOC claimed it needed a call center to answer an estimated "one million or more unsolicited inquiries received by the Commission each year," Pearson reports that actual call volume is only one third of that amount. This stunning disparity is not surprising, when you consider where the million call figure came from. If you remember, EEOC first decided it wanted a privatized call center, and so threw together a month long survey of field offices to try to come up with a number of calls to provide to contractors bidding for the job.

Recently, EEOC tried to influence another survey. EEOC's deal with congress to pilot the call center included agreement that an independent survey would be conducted to evaluate whether the call center should be made permanent. EEOC's Inspector General (IG) charged with responsibility for conducting the survey quietly let out the task to a consulting company. So, EEOC is paying one contractor an undisclosed amount to grade another contractor.

The survey the call center evaluators came up with reads like an infomercial *for* the call center. Literally within hours of the release of the call center survey, all employees received *the first ever* call center "newsletter," chock full of propaganda on how the "NCC staff has enhanced the customer service that EEOC provides our stakeholders," as well as information on the call center's database and its monthly statistics.

Finally, EEOC sent its call center campaign on the road. Elizabeth Thornton, EEOC's former Director of Field Programs, who now heads Pearson's EEOC call center pilot, and Ed Elkins, from EEOC

Headquarters, have visited Miami, Atlanta, and Baltimore, to trumpet the wonders of the call center and encourage staff to fill out the contractor survey.

EEOC might not care about the facts on the ground, but the Union will keep focusing a spotlight on the wasteful call center contract. If something is not done, then next year the agency will be bragging about how the call center answered EEOC's calls when the agency's employees were all furloughed because of budget cuts.

The Council's survey is ongoing. Please keep responding, by visiting www.council216.org.

National Council Call Center Survey: The Real Deal

Instead of throwing together a quickie survey, the National Council has had a survey posted on its website for the full year that the call center has been in operation. Employees responded from 33 different EEOC field offices. The Council's survey found that:

- ✓ 79% of employees rated the call center unsatisfactory (either a 1 or 2).
- ✓ 85% of employees responded that the number of calls they need to return has either stayed the same or increased, since the implementation of the call center.
- ✓ 91% of employees report that calls take the same amount of time *or* more time when they go through call center, than it would have taken if the caller had not initially contacted the call center.

This survey is ongoing. Employees should continue to report their call center experiences. Access the survey at the Councils website at www.council216.org.



2006

COUNCIL MEETING & LEGISLATIVE CONFERENCE



Scenes from the 2006 Council Meeting and Legislative Conference.

*Pictured Right: Newly appointed
Commissioner Christine Griffin*



Commissioner Griffin:

‘Is the Organization Improving the Quality of Life for the People it Serves?’

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The Council also heard reports on and discussed the Employee Performance Evaluation System (EPES) (the new performance evaluation instrument), Office of Field Programs Director Nick Inzeo’s “Gold Medal Performance” recognition effort the status of collective bargaining agreement negotiations, and the ongoing issues of the Call Center, reorganization, federal sector, full staffing for the

Agency and the use of “term” and “temp” appointments when bargaining unit positions are filled.

About mid-morning on Saturday, March 4, the regular business of the Council was suspended to allow for the newest Commissioner, Christine Griffin, to address the Council members and participate in discussion. Commissioner Griffin started by summarizing her employment experience and stating that her guiding principle was asking herself, “Is the organization improving the quality of life for the people it serves?” The ensuing discussion covered topics such as the fight to obtain agency resources to conduct investigations, litigation, etc.; the length of time it takes to process some cases; hiring staff as “term” employees; various aspects of the EEOC reorganization; the wisdom of transferring of enforcement and federal sector cases from one office to another; federal sector issues; offices where the right to file a charge is not being allowed; how outreach

is done; the problems with the Call Center. Commissioner Griffin concluded by stating that, upon her departure as a Commissioner she hoped to be able to say that she did something that really helped Charging Parties.

On Sunday, March 5, 2006 the Council concluded the business portion of its meeting. Immediately upon voting to adjourn the Council meeting, Rachel Shonfield, Council 2nd Vice President and Legislative Coordinator, conducted a briefing related to the AFGE Legislative Conference. Shonfield went over with Legislative Conference attendees “talking points” and related materials for discussion with Congressional representatives on visits to their offices on Tuesday and Wednesday.

The Legislative Conference convened that afternoon and was followed on Monday morning by a general session on issues of concern for government employees.

National Council of EEOC Locals No. 216 Officers

Gabrielle Martin,
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1st Vice-President
Rachel H. Shonfield,
2nd Vice-President

Levi Morrow,
Treasurer

Danny Lawson,
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Levi Morrow
Local 3637

Joseph Wilson
Local 3629

NEW LOOK FOR COUNCIL WEBSITE CHECK IT OUT!

Changes are in progress to make the website more useful to Council members. Go to www.council216.org and see the changes for yourself.

Let us know what you like or don't like. Send your comments to Michael Davidson at med3529@aol.com.

Legislative Conference Allows Council Members to Visit Almost One-Hundred Representatives & Senators; Discuss Toll of Staffing Crisis

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elle Martin was a panelist in the “Privatization” workshop and told the story of the Council’s fight against EEOC. While our Council is small compared to other national councils, AFGE knows when we are in the house. John Threlkeld from AFGE’s Legislative Department addressing the 800 members at the general session referred to us as “the little Council that could.” This is because our legislative efforts have resulted in a House vote on an EEOC amendment, Congressional sign-on letters supporting the Union’s positions, stopping EEOC from its rush to vote on restructuring without getting public feedback, and significant press attention.

This, however, was the first year that the National Council’s efforts were reflected in AFGE’s 2005 Voting Record handbook. Last June’s

Tubbs Jones/ Capps EEOC amendment, which only narrowly lost 201-222, would have prevented EEOC from closing any offices or further reducing staff in offices. Imagine if a dozen votes had gone the other way! AFGE included the vote on “EEOC Offices” as one of thirteen votes it used to show where House “lawmakers stood on the issues that were most important to Federal and D.C. Workers.”

This is also the first year that representatives from all eight of our Locals attended the conference and made visits to Capitol Hill. Council members visited close to one-hundred Representatives and Senators. On our visits, your Union representatives shared with Congress the toll that our staffing crisis is taking on EEOC employees and the public. We also expressed concern that next year’s proposed cut to EEOC’s

2007 budget could result in furloughs or layoffs, i.e., reduction in force (RIF). Finally, we let Congress know that with the budget so tight EEOC can no longer afford to waste money on the “National Calamity Center (NCC),” a/k/a the national call center. While EEOC wants to make the NCC a permanent expenditure, these funds could be best used to hire real, permanent EEOC employees to replace our steadily retiring staff.

Already, we have seen results from our visits to Congress. One of our talking points was that EEOC has broken its promise to stop relying on short term staff after it implemented restructuring. Since our visits to “the Hill,” the agency has been canceling vacancy announcements for some short term positions and reissuing them as permanent jobs.

Let’s keep the successes coming! Get involved in legislative action. Significant numbers of our members have been involved by contacting their Congressional Representatives. Certainly whatever success we have enjoyed is due to that because only you, our members and voters have the power to get the attention of your Congressperson focused on issues that affect EEOC employees. If you have not participated, become involved and volunteer to become a legislative captain by speaking with your Local President or contacting me at legco216@aol.com. If you have participated, keep it up. You are our secret weapon!

House Letter Passes Last Years Mark

The week of March 13, 2006 Rep. Stephanie Tubbs-Jones (D), OH sponsored another sign on letter as she did last session. This year’s letter was also sponsored by Rep. Thaddeus McCotter (R) MI. The last letter was signed by 102 House Representatives. This year, the number increased to 113. The sign-on letter addressed EEOC’s 2007 budget request which was \$4 million dollars lower than what it received in 2006; briefly referenced the worst aspect of the Chair’s reorganization; requested that EEOC appropriators retain oversight language which the Administration wanted to eliminate; and, requested that EEOC not be allowed to make the National Call Center permanent. The letter suggested that the money for the Call Center be diverted to hiring permanent full-time EEOC employees to fill the depleted ranks of front line staff. The letter will be sent to the Commerce, Justice, State House Sub Committee which appropriates money to EEOC.

View the letter at www.council216.org if your representative signed on, a letter of thanks is suggested. If your representative did not sign, a letter asking for their support is suggested.

EEOC to Reclassify Investigators, Mediators

The National Council of EEOC Locals, No. 216 (the Council) was notified recently that the EEOC intends to reclassify GS 9, 11 and 12 Investigators, GS 12 and 13 Mediators and GS 9 and 11 paralegals from “non-Exempt” to “Exempt” under the Fair Labor Standards Act (FLSA). Under the FLSA, employees classified as “non-Exempt” are eligible to work and get compensated for working overtime. “Exempt” employees under FLSA are not. Now, if an employee works overtime without prior approval and the supervisor is aware of that but makes no effort to stop the employee from working that overtime, EEOC is liable for the overtime. This is called “suffered and permitted” overtime. See Article 31.09. This liability would not exist under the reclassification of Investigators

and Mediators.

It is common knowledge that many EEOC employees work beyond their tour of duty hours out of dedication to the mission and because of the tremendous pressure to produce. Most of the time those extra hours worked are not compensated. Overtime has been a contentious issue between the Council and EEOC for many years. National Council President Gabrielle Martin, in response stated, “The Agency can do this but we will challenge it and we believe they will lose. If EEOC does implement this change and they lose, they will be liable for overtime employees are required to work. This is simply a means for EEOC to get more work out of their employees, not have to pay for it and to get around the overtime issue.”

EEOC advised the National Council that it intended to execute this reclassification as of April 1, 2006. Assuming such a change is made, and, during the pendency of the Council’s challenge, affected Investigators and Mediators should log all work they do beyond their normal tour of duty noting the date, the length of time and a brief description of the work done. That will provide the Council the needed ammunition to ultimately have that work compensated. Those Investigators and Mediators who cannot provide this documentation will likely not receive any compensation. A tracking form has been provided on the Council’s website at www.council216.org.

More detailed information will be provided in the near future.

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