

Midyear Council Meeting



Council members lend a hand in collating Talking points to be discussed with Representatives and Senators

In keeping with long-standing practice, the National Council of EEOC Locals, No. 216, (the Council), AFGE, AFL-CIO scheduled this meeting to coincide with the annual American Federation of Government Employees (AFGE) Legislative Conference in Washington, D.C. The Council met amidst unseasonably warm weather in the nation's Capitol making Council delegates wish that there were not so much Council work to be done. The warm breezes were interpreted by Council members as a sign of positive political change in the air. Despite the lure of 50+ and 60+ degree weather, dedicated Council members hunkered down and conducted business.

Council President Gabrielle Martin convened the meeting on Saturday, February 7, 2009. Among the litany of issues that the Council reported on, discussed and took action on included EEOC budget issues, Mediator, Attorney and AJ promotions languishing in Headquarters, status of contract negotiations, the state of Charge Receipt process, the operation of

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Stuart Ishimaru EEOC Acting Chair (right) and Acting EEOC Vice Chair Christine Griffin addressed the Council during the February 8, 2009 mid-year meeting

EEOC Gets Spotlight at AFGE Legislative Conference

Under the heading "Yes We Can Eliminate Discrimination: Revitalizing the EEOC," EEOC was the focus of a three hour workshop which took place at the AFGE Legislative Conference on Monday, February 9, 2009. The workshop, attended by over 160 people, was cosponsored by the National Council of EEOC Locals, No. 216 (the Council) and AFGE's Women's and Fair Practices Department. The workshop was a tremendous opportunity to educate fellow-AFGE members from other agencies on EEOC's plight and how they can help.

National Council President Gabrielle Martin was the lead speaker for the first panel of presenters, which focused on pri-



Council President Gabrielle Martin was the lead speaker at a workshop sponsored by the Council and the AFGE Women's and Fair Practices Department. Martin spoke on private sector issues.

vate sector issues. Martin gave an insider's perspective on how a budget-starved EEOC is faltering in its ability to carry out its civil rights mission. Sharyn Tejani, National Partnership for Women, Donna Lenhoff, National Employment Lawyer's Association, Dr. Gabriela Lemus, Labor Council for Latin American Advancement, and Rosalyn Pelles of the AFL-CIO, also presented information on how the state of the EEOC impacts their constituencies.

EEOC Acting Vice Chair Christine Griffin was the lead speaker for the second panel on the Federal Sector. Griffin shared statistics on EEO processing and updated participants on the Leadership for the Employment of Americans with Disabilities (LEAD) initiative. EEO attorney Gary Gilbert, Patricia Randle, Supervisory Attorney for AFGE Women's and Fair Practices Department, and Julius Rigg, Blacks in Government (BIG) also spoke. A lively question and answer session followed each panel.

Wrapping up the afternoon workshop,

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PRESIDENT'S VIEWPOINT:

We are the Agents of Change



Gabrielle Martin,
Council President

I returned from our annual legislative conference energized by the bountiful opportunities we, as workers who join together, have to make change happen. Banding together has allowed us to stand strong and speak with a strong voice. The most recent

example is how we have been able to change the leadership and direction of this country. We now also have the opportunity to work with new leadership at the EEOC to change the many things that have not worked well at this agency. The lack of staff and rising caseloads have demoralized many, some to the point of leaving. The resulting frustration expressed by the charging parties that we should be helping, only makes matters worse, as they wait for hearings or investigations to be completed, mediations to be scheduled and litigation decisions to be made. Together, we sent a message that it is time for things to change, to stem the tide of worsening outlooks.

Change sounds like a nice word, sounds full of promise. Change is a concept we use and think about when, tired of the same old worsening conditions, we want something different. But how does change happen? How does the inertia and force moving in one direction get changed? What has to happen? We have to continue to stick together, to be a force that can move mountains. We are the agents of the change we want. We must continue to work at it diligently and relentlessly.

Change is something both sought and dreaded – especially dreaded when the time for action is upon us. Change represents hope, but can be painful as well. Changing EEOC means we must work together to deal with a monstrous organization that has lots of arms and tentacles relentlessly clinging to inefficient ways and outdated technologies, refusing to change course. Changing EEOC means,

once again, dealing with the uncertainty of new leadership and the question of when there will be permanent leadership. Not only do we as employees have to stick together to loosen those steadfast arms and tentacles, but we have to move the entire organization to a new and very different place.

To make change happen, EEOC's resources must be used in different ways. The supervisor-to-employee ratio must



Acting Chair Stuart Ishimaru, Acting Vice Chair Christine Griffin, National Council President Gabrielle Martin and National Council Chief Negotiator Levi Morrow

change, so that the front-line employees who serve the public are more important than a management structure. Things that must change are the mushrooming backlogs, the constant lack of resources, the constantly increasing processing times, consistent lack of front-line staff, and the consistent implementation of inefficient systems that add insult to injury. Change must mean making decisions that no longer demoralize the front line employees and force them to leave the agency. Day-to-day, it is the front-line employees who make a difference for the public in

taking their calls, meeting with them, listening to the witnesses, reviewing the documents, coaching the charging parties through the litigation process, issuing discovery orders and hearing decisions, and helping charging parties find ways to resolve their complaints and charges using the alternative dispute resolution component. It is the front line employees who make EEOC a great civil rights agency, rather than the paper mill some would have us continue to be.

Change must mean that arms and tentacles that hold steadfast to the ways that have put us in dire straights have to be loosened and severed. Change must mean that better technologies are implemented, investment in training occurs, and that appropriate staff is hired in adequate numbers, trained and promoted. Change must mean that the talented resource consisting of dedicated front-line staff is no longer overlooked and taken for granted. Change must mean that employees no longer will be forced to do more work with fewer resources and driven to work unpaid overtime to address the workload crises which drives morale even lower. One vital change that must occur is to treat the employees of the EEOC with respect that is long overdue and even more well deserved. For, it is this pool of dedicated employees who, like the small rudder on an ocean bound cruise ship, can change the course of the cruise ship by affecting the larger rudder and steering mechanisms. In the end, both the public and the EEOC's employees deserve the change in course that restores public trust in the agency, provides efficient and effective service to the public and values its most precious resource – its front-line employees.

If we continue to stick together, to write our Congressmen, have them visit our offices, to write letters to the EEOC letting them know of the concerns we face, of the loss of confidence in our agency that the public we work with expresses, we will be the instruments that effectuate change. The power to change course is in our hands. Let's use this opportunity and change the course of the errant EEOC ship.

RACHEL'S REPORT:

Raising Heck on the Hill



Rachel Shonfield, Local 3599

At the close of this year's AFGE Legislative Conference, Council members clicked together our glasses of water, etc., as we toasted to: **"The Best Legislative Conference Ever!"** What made

Rachel Shonfield, Leg. Coordinator

it The Best? In short: not only was it an unmatched year in terms of getting out our message that EEOC needs resources, i.e., budget dollars and staff, but the reaction we got from both Democrats and Republicans was overwhelmingly positive.

The "little Council that could" mobilized to the hilt for the 2009 AFGE Legislative Conference, held from February 8-11, 2009, in Washington, D.C. All eight of the Council's affiliate Locals participated this year, with most Locals sending two or more members. Participants started the conference off at the Capitol Hill Hyatt, where we heard from several members of Congress, including the Council's long-time ally Sen. Barbara Mikulski, D-MD, Chair of EEOC's appropriations subcommittee, among others.

Next stop was Capitol Hill, where the Council visited over 140 House and Senate offices this year. That's a record! Because the Council's position is that ensuring equal opportunity in the workplace is a bipartisan issue, we always visit offices on both sides of the aisle.

So what do we talk about at these visits? The Council is pushing for an increase of EEOC's FY10 budget to \$378 million, the amount that the Senate originally approved for FY08. The EEOC needs this money now more than ever as we begin to enforce the Genetics Information Nondiscrimination Act (GINA) and the Americans with Disabilities Act Amendments Act (ADAAA) (thank the EEOC's lack of training

funds if you hadn't heard you were enforcing two new laws).

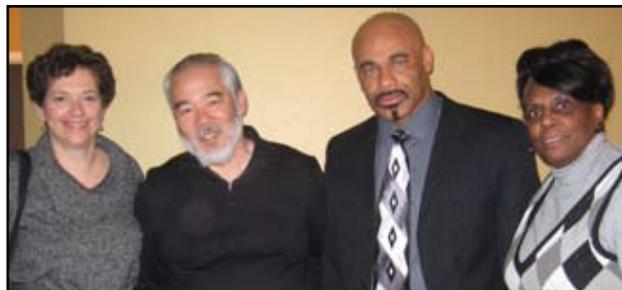
The Council also wants the staff ceiling restored to 3,000 employees, i.e., the same level as FY94, the last time charge receipts were at all close to FY08's record high (about 95,000). EEOC ended FY08 with only 2,174 employees. Additionally, while former Chair Earp wanted the in-house call center to be "a complete mirror" of the failed contract call center, the Council wants to improve it by having higher credentialed staff, who could provide more substantive assistance, including processing EAS's. Visit www.council216.org to read all the Council's "Talking Points."

Thanks to the Council's work at these past legislative conferences and throughout the year, it appears that for FY09 Congress will raise EEOC's budget to \$344 million, which represents a \$15 million boost. If the agency uses the increase to hire frontline staff, this should finally

provide needed relief to our shorthanded and overworked field offices.

Consider the FY09 increase a down-payment towards fixing the damage caused by five years of frozen budgets, including the loss of 25% of our workforce and skyrocketing backlogs (75,000). Many Congressional offices were optimistic that President Obama, a civil rights lawyer, knows and understands EEOC's plight. Even so, EEOC is a small agency that can easily get forgotten or pushed down the priority list. Now is not the time to be complacent. Rather, now is the time for the Union, with help from all of you, to drive home the message that EEOC needs more resources to carry out our important mission. As the FY10 budget process gets underway, please step up when asked to send an email to Congress from the Council's website or for other help.

(L to R) Council Legislative Coordinator Rachel Shonfield, Acting EEOC Chair Stuart Ishimaru, Clinton Smith and Local 3599 President Sharon Baker.



Senator Barbara Mikulski (D-MD), a long-time friend of AFGE and the National Council fires up the crowd at the AFGE Legislative Conference.



Newly elected Rep Donna Edwards, Maryland, speaks to AFGE members at AFGE's Legislative Conference.



Senator Dennis Akaka, Hawaii, addresses AFGE members at AFGE's Legislative Conference.

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Council meeting

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National Council members at the AFGE Civil Rights Luncheon

the year old in-house call center operations, the status of IIR's being allowed to participate in compress and/or alternate work schedules, hiring and staffing at the EEOC, the new statutes over which EEOC will have jurisdiction (the Genetic Information Non-Discrimination Act (GINA) and the American with Disabilities Act Amendment Act (ADAAA)), Training, hiring, staffing, federal sector, the status of the Overtime Arbitration, Transition issues, the Lilly Leadbetter Act and recent legislation.



Council business was briefly suspended on Saturday in order for the Council to make a presentation to the company that works on laying out the Council newsletter. After the ceremony, Council business was resumed.

Council business was again suspended on Sunday, February 8, 2009. Acting EEOC Chair Stuart Ishimaru and Acting EEOC Vice Chair Christine Griffin were guests of the Council. Council members

made comments on various topics, asked questions and informed the Acting officials of areas of concern to the Council and EEOC employees. Both Ishimaru and Griffin were proactive in the discussion and asked questions of their own. Both expressed concern over the state of EEOC and a desire to work collectively for the betterment of the agency.

After the Acting Chair and Vice Chair's visit, the Council resumed business. The Council adjourned late Sunday afternoon on February 8, 2009. Council members then were briefed on the Legislative Conference and on the two days of visiting the offices of Representatives and Senators. Council members then dispersed and went to register for the AFGE Legislative Conference satisfied that they had had a productive Council meeting.



J. David Reeves, President of Blacks in Government speaks at AFGE's Civil Rights Luncheon.

MIKE'S VIEW



*Michael Davidson,
1st VP*

It's an optimistic time! A new president with a progressive agenda; a quickly appointed acting chair and vice chair (two days after the inauguration) of the EEOC; a Congressional majority

that will, presumably, be more socially conscience engenders that hope. So, despite the economy, it is an optimistic time. But, that optimism must be tempered with caution, vigilance and greater activism. All the battles still have to be fought. It is a time to acknowledge the winds of change; bask in that breeze; be fortified by them and renew and redouble efforts. We believe that now our causes will no longer fall on deaf ears; that the playing field is a little more level. But we cannot assume the fights are over. We cannot presume that change will come without us. We are and always have been the impetuous behind change. That "we" is all of us individually. It is that "we" who elected Obama and the Democratic majority in Congress; it is that "we" who marched for civil rights and thereby insured the passage of the civil rights laws; it is that "we" who accomplished so much. But that "we" is inextricably linked to "us", to the vast numbers of individuals acting in concert.

Clichés tell us that "In unity there is strength". The credo of the Three Musketeers was "One for all; all for one". While time worn, these do express the reality: it takes lots of "we s", lots of villages, towns, cities of "we" galvanized

into"us". We can see that process in the microcosm of the world called EEOC.

Over time, change has come to EEOC. Maybe not as rapidly or of the magnitude we would have liked, but changes nonetheless. The "Us" we call the National Council of EEOC Locals, No. 216 and its member Locals have spearheaded the drive towards positive change. The results have been improved benefits, higher raises, saved jobs, progressive legislation, the abolishment of the notoriously poor outsourced call center, fairer treatment. Of course we have not been



Council 1st Vice President Michael Davidson greets Senator Barbara Mikulski (D-MD) at the Congressional Reception.

100% successful. Of course there are always more bad situations than we have the capacity to address. But, studies have shown that Unions do make a difference not just for union members but for the non-union sector as well. Actual situations in various EEOC offices demonstrate that. Chronicled in articles in this issue are stories of offices in bad straits. It is inevitable that those bad situations will improve. Why? It will improve because there are Union reps and employees in

those offices who will do the necessary things to foster change. It's a long, difficult road. It's uncomfortable. But, it beats the alternative and prospect of living with a bad situation in perpetuity.

"The longest journey begins with the first step". Change is inevitable only because we fight for it. We lose some battles. The apprehension of things is often worse than the reality. Intolerable situations give rise to action. Look at Lilly Ledbetter; look at Rosa Parks; Gandhi, Norma Rae, Frederick Douglas, Caesar Chavez – the examples are innumerable. They all reached a point where they said, "I'm mad as hell and I'm not going to take it anymore." They –the "we s" – inspired others which then became an "us".

In our microcosmic world at EEOC it has been a David and Goliath story. We, in the past several years in particular, have bloodied the EEOC in the press; we have gotten the attention of Congress; we have built a reputation as a good and reliable source of information; we have achieved some milestones; we have done what much larger Councils have not done despite our miniscule numbers.

I assume we can agree that changes at EEOC are necessary. I assume we can even agree on the nature of changes we would like to see. What next? Well, be ready to do something. The alternative of doing nothing absolutely assures that status the quo will continue. Doing something takes many forms. You can be an "agent of change" in many ways. Write a letter; file a grievance; support your union rep; run for union office; recruit your friends and colleagues to become union members. Look at what we've accomplished to date. Think of how exponentially the union's power becomes if we had 100% membership, that membership demonstrated that they supported their union and then demonstrated that support in the appropriate way at the time.



Acting Vice Chair Christine Griffin and Council 1st Vice President Michael Davidson

Acting Vice Chair Christine Griffin and Council 1st Vice President Michael Davidson



MARCH IS WOMEN'S HISTORY MONTH

The Ledbetter Genesis

By David Skillman, Local 3230 (San Francisco)

How would you feel if just prior to your retirement from your employer of twenty years you learned that since you were hired you had received less pay than your male co-workers for doing the same work? Would the feeling change, if, as soon as you learned you were being paid less you filed a charge of discrimination?

The answer in both instances is essentially tough luck, and you should of filed that charge nineteen years ago according to the U.S Supreme Court in Lilly Ledbetter v. Goodyear Tire and Rubber Company 550 U.S. 618 (2007)!

This decision delivered a stunning blow to those who enforce discrimination laws by stripping a core law of its bite, and the wound having far reaching implications throughout the body of Civil Rights. In my estimation, the majority opinion, tossed longstanding Court precedent and EEOC interpretation to reach this iniquitous conclusion. Supreme Court Justice Clarence Thomas, a former EEOC Chair, should be ashamed.

It had been 46 years since President John F. Kennedy signed the Equal Pay Act (EPA) into law, affording federal protections against wage discrimination to women, minorities, and the disabled. Since the enactment of the EPA, EEOC considered each paycheck a potential new violation of the EPA. The Ledbetter decision unreasonably turned EEOC's interpretation on its head by determining that a paid discrimination claim may only be filed within a 180/300 day period.

However, lawmakers, to reestablish EEOC's interpretation of the EPA, needed to enact legislation in response to the Supreme Court's Ledbetter decision. On January 29, 2009, President Barack Obama signed the Lilly Ledbetter Fair Pay Act into law, the first the first bill of his administration. The Act bares the name of the woman who, during the entirety of her twenty years of employment with Goodyear Tire and Rubber Company, received less pay than her male coworkers while doing the same work as they.

Ms. Ledbetter was nearing retirement when she learned of the discrepancy with her pay. After learning of the pay disparity she filed formal charges with EEOC, and thereafter sued claiming illegal discrimination in pay under Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. Her employer's defense in District Court was that pay-raises were based on merit and that its evaluations of Ms. Ledbetter were non-discriminatory. The jury found for Ms. Ledbetter and awarded back pay and damages. Goodyear appealed now arguing that claims of damages outside 180 days after the

alleged unlawful practice were void due to being outside the statute of limitations.

On appeal the Eleventh Circuit agreed with Goodyear, and reversed the District Court's holding stating, in part, that Ms. Ledbetter could only sue regarding pay decisions that occurred within 180 days of her filing with EEOC. Ms. Ledbetter then sought certiorari to the Supreme Court which it granted and heard the appeal.

In its 5 to 4 decision against Ms. Ledbetter, the Supreme Court's majority held that under Title VII discriminatory intent must occur during the 180 day charging period and it was not established in the subsequent checks she received nor in the employer's denying her a raise in 1998. Moreover, Ms. Ledbetter's argument that discriminatory behavior occurred long before but still affected her during the 180-day period was not sufficient in view of prior case law, according to the majority. Thus, the Supreme Court decision told employees that if they are illegally discriminated against and don't find out about it until after the 180 days has lapsed for filing a charge of discrimination, then it will not be actionable. This would, of course, give employers greater incentive to keep pay discrimination secret.

The dissenting opinion asserted that Goodyear had been "Knowingly carrying past pay discrimination forward" during the 180 day period, and that often pay of fellow workers is typically confidential and unavailable for comparison so notice may not be readily available to victims of discrimination in pay. Many adverse actions, such as terminations, are obvious. But a pay discrepancy is often difficult to recognize or learn about until more than 180 days after the pay change. Furthermore, the dissent urged Congress to overturn the decision.

Democratic members of Congress in 2007 introduced the Lilly Ledbetter Fair Pay Act and it subsequently was passed by both houses of Congress and signed into law by President Obama. The Act made moot the Supreme Court decision and revised the law to state that the 180-day statute of limitations in pay discrimination cases resets with each new discriminatory paycheck.

In other words, the law, under Ledbetter, returns us to the way it had been prior to the Supreme Court decision: i.e. every pay period triggers a new and timely period to raise the issue of pay discrimination. So now if workers file their charges within 180 days of a discriminatory paycheck, their charges would be considered timely. The Lilly Ledbetter Fair Pay Act applies to workers who file claims of discrimination on the basis of race, sex, color, national origin, religion, age, or disability.

LEVI'S OUTLOOK



**Levi Morrow,
Chief Negotiator**

By Levi Morrow

Will "Change" Come To The Country? Will it trickle down to EEOC? We would like to think so. In keeping with that hope and in an attempt to begin a new era in labor /management relations at EEOC, the National Council invited EEOC's

Acting Chair, Sturart Ishimaru and Acting Vice Chair, Christine Griffin to our recent Council meeting. Both accepted the invitation.

This provided the Acting Chair and Vice Chair with the opportunity to meet with Council delegates for a wide-ranging

discussion of issues that are very important to the union and its membership.

Topics touched upon included the FLSA arbitration (re: Classification and Overtime), the work environment of EEOC offices, micromanagement, contract negotiations, promotions, federal sector, the in-house call center and intake.

Prior to the Council meeting, the Council's Executive Board did have a conference call with the Acting Chair and Vice Chair. It is a hopeful sign that, within several weeks of their selection, they reached out to the Council. This is in sharp contrast to the fact that Chair Earp had not deemed to meet with the Union for about two years.

The Council will be looking for signs of change under this administration. In the near future, we will again be meeting with the acting chair and vice chair to discuss the status of the issues we have presented to them. We are hopeful that we can settle all issues without having to continue to litigate.

How the agency deals with some of these issues will go a long way in determining whether there has been or will be change in the agency's attitude with respect to dealing with the union and its employees. Stay tuned!

While the above continues to unfold, we continue to deal with outstanding issues:

- Contract negotiations have been put on hold. The Council understands that a new management negotiating team will be named and new management contract proposals will be presented to the Union. I expect that negotiations will start in late spring.
- The Council is negotiating a Memorandum of Understanding (MOU) regarding working conditions of IIRs. The issue hanging up agreement is whether IIRs may participate in compressed and alternate work schedules. The Council believes that they should be entitled to do so as bargaining unit members. The Council is also exploring ways of expanding the duties of IIRs.
- We are still awaiting the Arbitrator's decision on the overtime issue (the Arbitrator had previously decided that the reclassification of Investigators and Mediators should be reversed).
- Promotions for attorneys, AJs and Mediators still languish in Headquarters after being signed off on every other subordinate level. The Acting EEOC Administration was advised of this fact.
- Federal Sector still awaits the dropping of the other shoe. Nothing concrete is on the horizon. But the Council continues to monitor this situation as well.

So, there is still plenty to be done. Even if a better tone is set, we still have a lot to do. An old labor adage says, "We don't have permanent friends; we have permanent issues."



Texas Rep. Sheila Jackson-Lee flanked by Council Chief Negotiator Levi Morrow and Council President Gabrielle Martin.



Local President Kevin Berry (New York) and Lillian Marti (Puerto Rico) with Acting EEOC Vice Chair Christine Griffin.



AFGE President John Gage greets Lillian Marti.



Acting Vice Chair Christine Griffin with Local 2667 President Patricia Floyd.

POINTS TO PONDER

- Why does HQ think that hiring one or two employees in a handful of offices will solve the understaffing problem?
- Don't managers realize that creating an unpleasant atmosphere in an office makes the office less productive and even makes their own jobs harder?
- When EEOC selects managers, is the ability to alienate employees a qualification?
- Will EEOC actually get a funding increase this year after 6 years of level funding? (Remember in FY08 EEOC was to get an increase. But, a year long Continuing Resolution gave another year of level finding).
- Why does EEOC so rarely hire for the ISA position?
- Does promotion from an OAA to an ISA ever happen?
- How many years can EEOC use the excuse that promotions of attorneys, AJs and Mediators are "unbudgetted"? Shouldn't EEOC actually budget for well-earned promotions in these titles?
- Wouldn't it make sense to have the Washington Field Office located on the first floor of One NoMa Station (the new HQ building) to allow for better public access and avoid the problem of finding personnel to escort every CP to the second floor?
- What is GINA? What is ADAAA? Do you know? (hint: EEOC will be enforcing these) (HQ: Hello! We need some training out here.)

Houston Director Decried As Bully

By Levi Morrow, President, Local 3637

Local 3637 President Levi Morrow criticized Houston District Director R.J. Ruff for the extreme lack of respect he has exhibited toward employees of the Houston EEOC office and the Union. Morrow cited Ruff as the cause of the deterioration of labor-management relations in the Houston office. Mr. Morrow states that Mr. Ruff's style of management by intimidation and harassment has changed a once congenial, professional work environment into a climate of low morale among the bargaining unit employees. Since October, 2008, Local 3637 has filed three Unfair Labor Practice (ULP) charges with the Federal Labor Relations Authority against the Agency for the Houston Director's retaliatory and coercive union busting actions. One of the three ULPs was directed at Acting Deputy Director Rosa deLaCruz. Ms. deLaCruz also flaunts her authority and fails to notify the Union of changes that impact bargaining unit employees.

Morrow stated, "This type of negative management mentality is all too common in EEOC offices around the country. This Local and the National Council will stand behind its employees and Union officials. The Union will respond to each and every affront that top management in Houston engages in."



Houston Local 3637 Steward Pamela Edwards (Lft) described the situation at EEOC and at the Houston office to Texas Rep. Sheila Jackson-Lee (middle). National Council President Gabrielle Martin (Rt) listens.

Rep. Jackson-Lee Visits Houston Office

By Pamela Edwards, Local 3637 Steward

Members of Local 3637 Houston office were honored by a visit from Congresswoman Sheila Jackson-Lee in October 2008.

After the Union meeting, Congresswoman Lee met with National Council President Gabrielle Martin, and Levi Morrow, President, Local 3637.

Congresswoman Lee expressed her concern about the changes that had been made to the Agency during the past eight years of the previous administration. According to Congresswoman Jackson-Lee, Republicans have been systematically disabling and dismantling the EEOC and she has been disheartened at the deterioration of the Agency. Council President Martin expressed her concern that over the past eight years there has been a hiring freeze and a considerable loss of staff due to attrition; thus creating an insurmountable backlog of cases that continues to increase every year. Many of these cases are filed through initial contact on the internet, a method chosen by the agency to allow the public to contact EEOC, but for which there is little control or oversight. The outsourced call center, which has now been dismantled, was so overwhelmed that it could not function properly and did not decrease the workload of the Agency. The outsourced call center generated more work for fewer staff members. Martin said that the additional funding and a shifting of priorities to the front line staff is necessary. Congresswoman Jackson-Lee expressed, however, that she believes the Houston office is working hard at "getting the job done" and she is passionate about helping the Agency move in a positive direction. Congresswoman Jackson-Lee assured us that we could count on her support.

Miami: Change Has Come—But Not For The Better

On December 4, 2009, one month after the Presidential election which would require her to step down as EEOC Chair, Naomi Earp announced by e-mail the selection of Jacqueline McNair as Miami District Director. Despite the agency's lack of resources, Earp then flew to Miami on January 5, 2009, to personally install the new director.

In the short span of about three months, McNair has converted the Miami office into a place where employees dread coming to work. It took three weeks after McNair took the reins before she had an all-staff meeting. However, during that time she instituted numerous changes, without first consulting the Union. That has worsened morale for an office suffering under caseloads ranging from 100 to a high of 200 cases.

While investigators already didn't have enough time in the day to do their work, now they must attend two to four hour meetings with the director, deputy, supervisor, and sometimes legal staff. Even though this is often the first time the director is meeting the employee, she presumes the worst as she grills them and assigns batches of unmanageable case deadlines. She then sends follow up e-mails wanting to know the status of the assignments. Ironically, the e-mails further delay processing, because investigators must drop everything in order to respond to the laundry list of requests. The director is also pushing on-site investigations,

including for many low priority cases, in spite of the agency's resource constraints. Also adding to the work, the director has ordered lengthier formats for LOD's, conciliation invitation/agreements, IM's and charges.

McNair's assignments fail to take into account that Miami investigators have two week intake rotations, with another week of mail, year round EAS assignments, substantial weight reviews, filing, copying, mailing, and no clerical help. She also does not factor in that Miami's staff, like the rest of the country, is down 25% since 2001. Furthermore, she refuses to consider that it is impossible to keep up with the workload during the regular tour of duty, but overtime and therefore comp time are unavailable. As a result, Miami staff is cracking under the stress caused by the director's demands. Employees have been seen crying at meetings or when they get e-mails from the director checking on the status of her assigned deadlines.

Despite an arbitrator overturning an illegal reporting procedure for telecommut-

ing that McNair instituted in Cleveland that "removed all 'trust,'" she likewise treats employees in Miami as anything but professionals. Incredibly, after this arbitration ruling, she is still trying to undercut telecommuting in the Miami District.

Under the worst working conditions and lowest level of employee morale McNair adds further insult – micromanaging use of leave and monitoring sign-in sheets. McNair is now planning on observing senior investigators conduct intake interviews and draft charges.

This is not the kind of change Miami EEOC employees had in mind. Micromanagement is the biggest obstacle preventing staff from helping the public. Instead of the director, deputy, and supervisors henpecking employees about deadlines, management could process backlogged cases themselves. The public would be better served having more people working on more cases than having a tripartite of supervisors micromanaging investigators on each case.



Rachel Shonfield, National Council Legislative Coordinator w/ Congresswomen Heana Ros-Lehtinen (R) FL



Panel members at the EEOC workshop at the AFGE Legislative Conference



Local 3504 President and Vice President Michael Davidson and Stephanie Perkins with Acting EEOC Chair Stuart Ishimaru

Impressions of Newbies



AFGE President John Gage, Lillian Marti and Local 3555 president Kevin Berry

Kevin Berry

Local 3555

Hi, my name is Kevin Berry. I am the president of local 3555 which covers the New York District Office, Boston Area Office, Newark Area Office, Buffalo Local Office and the San Juan Local Office. The February Council meeting was the first National Council Meeting that I attended since I became the local president in June, 2008. I have been an EEOC employee since July 2, 1979 and have held many positions in the field including investigator and enforcement manager to my present position as an Administrative Judge. As a local union representative you have one perspective of labor management relations based on your own interactions within your district. The bigger picture on the national level adds a whole new perspective on management and labor relations. But instead of totally boring you with my recollections of the national council meeting let me make it easier to digest. Thus here is:

My Top Ten Impressions of the National Council Meeting.

1. The tone and tenor of the meeting was both respectful and civilized.
2. The national leadership starting with Gabriel Martin and Levi Morrow understand the real issues facing EEOC employees and propose real solutions to real problems.

3. Through the hard work and thoughtfulness of the council's leadership not only is our input sought by the Agency but that input has become part of our culture.
4. Every EEOC employee, regardless of position, grade level or length of service, is considered valuable and equal in the eyes of the union.
5. Both union and management have much more in common than their perceived differences.
6. Even though we sit on opposite sides of the bargaining table the ultimate goal of both the union and management is to make the EEOC the best it can be.
7. The employees of the EEOC are extremely fortunate to have such hard working, dedicated and good hearted individuals as their union leaders.
8. Like all organizations some offices are more progressive when it comes to management-labor relations than others.
9. If it wasn't for the mostly unseen work of the union, EEOC would be a less employee friendly place to work.
10. The most important thing is that the work we do does make a difference!!!

Well there you go! A newbie's impression of the inner workings of the national council. The one thing I came away

with is why isn't everyone a member of the union? Okay I'm not talking about management, but everyone else. Do you realize that without the hard work of the union, employees would not get the cost of living increases they receive every year, the health benefits that protect us and our families, the tele-work schedule that many of us enjoy, or the fight against contracting out our jobs. The AFGE creates a better work environment for every employee of the government. It's incredibly important that we support the union since it lifts everyone up. So if you are not already a member, join up. If you are a member, convince a co-worker into joining. Thanks for your time and attention. And as my kids say, Peace Out.

Teresa Wilke

Local 3629, Kansas City, Kansas

I was lucky to be asked to attend the AFGE Legislative Conference in DC this year and it was exciting, informative and hard work. Thanks to the efforts of the National Council, EEOC employees had a well researched "Ask" for the legislators: more budget monie so we can hire more staff!

The most important issue I noted at the AFGE Conference is the issue of contracting out federal work rather than having the work done by federal employees. That EEOC has brought the call center function "in house" is due to the efforts of our Union to provide fair and represented employment for all who do work for EEOC and to improve how EEOC functions. Hopefully, the tide is turning for EEOC and the National Council has earned a large share of the credit.

"There is a tide in the affairs of men (sic), which, taken at the flood, leads on to fortune; omitted, all the voyage of their life is bound in shallows and in miseries; on such a full sea we are now afloat; and we must take the current when it serves, or lose our ventures." —William Shakespeare

Headquarter's New Location—A Work in Progress

By Stephanie Aiken Murphy, Bargaining Rep,
Local 2667

One NoMa Station is the new address for EEOC's HQ building and the Washington Field Office (WFO). During November and December of 2008 EEOC moved into the building in a neighborhood in the midst of redevelopment and revitalization. The headquarters building is an old retail warehouse that has been flipped and renovated. Currently, ATF is occupying one of the 6 floors. EEOC occupies 2 ½ floors.

The staffs of OCFO and OIT did a great job of efficiently organizing the packing, unpacking and placement of work items, personal affects and computers and telephones. Mishaps were minimal but quickly handled. I was glad to see familiar faces amongst our security force at our new location. But, plenty of new guards have been added. Safety is not an issue but public access to the WFO is problematic. WFO is on the second floor and members of the public must be escorted upto the WFO office by an EEOC employee. This process is cumbersome, time consuming and may be perceived as intimidating. It would seem to make more sense to place WFO on the first floor where public access would be easier and more efficient.

There is clearly not enough space. We are not quite packed in like sardines but we are tight. The décor is rather attractive but artwork is still not on the walls. Early on, EEOC had the option of leasing more space but did not. As a result, space is at a premium. There is one reasonably sized break room and two smaller closet-like ones. But, there is inadequate space to accommodate Headquarters employees. Moreover, the purchase of refrigerators and microwaves was not well thought out.

This area is being redeveloped. Although a number of shops, including restaurants, are planned for the area, as of now there is a lack of amenities in this neighborhood. Let's hope that within the next year those amenities appear. It would make life at One NoMa more pleasant and resolve the issue.

Prior to the move, Chair Earp created a number of committees which came up with suggestions. What happened to those suggestions? Who made the decisions?



There appears to have been a lack of foresight in executing this move.

On the brighter side, the new building does now have a sundries shop loaded with great goodies and a deli has opened inside the building. Ah! A major plus is the fitness center. This is especially helpful to exercise off that extra weight picked up from eating lunch at nearby greasy burger joints.

The electrical system appears to be inadequate. The building was once a warehouse and perhaps guess didn't require a large of amount of current. There are

constant problems with computers, fax machines, telephones, and heating. The windows also are not well insulated (if they are insulated at all) so if you sit near one, keep your coat on. But employees can't use fans or heaters because of lack of something electrical.

It is understandable that, as with any move, there will be bugs to be worked out. But, EEOC has not thought out the logistics of this move and the builders seemed to do a less than functional job. But, we are here and we will work to make everything in the building work.

Survey Says:

Work Up and Morale Down

We asked and you answered. From January 14-26, 2009, the Council posted a survey on our website. Two hundred employees participated, which was a great response rate. The survey focused on issues regarding working conditions, such as morale, staffing, and EAS processing. Some significant survey results were:

- 92% of those responding believe that the number of frontline employees in the offices is either inadequate or so low it is a crisis.
- 59% rated the morale either at the lowest end of a five point scale, i.e., a 1 or a 2.
- 16% responded that the ratio was one supervisor to every 10 employees (the agency's alleged goal pursuant to the 2006 field restructuring).
- 54% responded that the EAS questionnaires have greatly increased

intake work.

- Employees responded in overwhelming numbers that they would have more time to focus on their substantive job responsibilities if properly trained staff of the new in-house call center could assist with some intake related work

These results are of course no surprise. However, distilling employee concerns into written form is priceless. At the recent AFGE Legislative Conference, the Council shared an executive summary of the survey with over 140 Congressional offices. The Council will also be sharing the survey with the Commission and others. Your opinions do matter so thank you for sharing them. To see the executive summary and the full survey results including all the great comments submitted, please visit www.council216.org.

EEOC Spotlight

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National Council Legislative Coordinator Rachel Shonfield, provided handouts and briefed participants on how to get the message out to Congress that EEOC needs more resources. Our AFGE brothers and sisters answered the call to help. The following day it was very exciting when Council members walked into one Congressional office and were met by Social Security employees who said, "Don't worry EEOC, we already told this office you need more money." More exciting was having people come up to our president and say they had run out of hand-outs we gave them. In some instances AFGE members gave Martin cards for Congressional staffers who wanted our materials.

The Council will keep beating the drum and enlisting others to do the same to accomplish the goal of revitalizing the EEOC.



Local 3599 President Sharon Baker with Acting EEOC Vice Chair Christine Griffin.



Clinton Smith, Local 3599 (Atlanta) with Congressman John Lewis, (D-GA). Rep. Lewis marched with MLK for civil rights. He has also been helping EEOC budget efforts through his position on the civil rights committee of the Congressional Black Caucus.



House Speaker Nancy Pelosi speaks to AFGE members at AFGE's Congressional Reception



Above: AFGE Legislative Conference attendees. Speakers at the three day conference included AFGE International officers and department heads, AFGE executive council members and members of Congress.

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