

**216**

# **WORKS**

Official Publication  
of the National  
Council of  
EEOC Locals  
Number 216  
AFGE/AFL-CIO

Volume 4 Number 2

June 2004

## **Meeting Notice**

### **NOMINATION AND ELECTION OF OFFICERS**

**TO: LOCAL PRESIDENTS, NATIONAL COUNCIL DELEGATES,  
AND UNION MEMBERS AFFILIATED WITH THE  
NATIONAL COUNCIL OF EEOC LOCALS NO. 216**

YOU ARE HEREBY NOTIFIED IN COMPLIANCE WITH THE CONSTITUTION AND BY-LAWS OF THE NATIONAL COUNCIL OF EEOC LOCALS #216 AND THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES THAT THE NEXT MEETING OF THE NATIONAL COUNCIL OF EEOC LOCALS # 216 WILL BE HELD AT:

**THE TROPICANA RESORT AND CASINO  
3801 LAS VEGAS BOULEVARD  
LAS VEGAS, NV 89109  
AUGUST 9, 2004 THROUGH AUGUST 12, 2004**

FOR THE PURPOSE OF CONDUCTING COUNCIL BUSINESS AND ELECTING OFFICERS FOR THREE YEAR TERMS FOR THE OFFICES OF PRESIDENT, FIRST VICE PRESIDENT, SECOND VICE-PRESIDENT, RECORDING SCERETARY AND TREASURER.

NOMINATIONS AND ELECTIONS WILL BEGIN AT 10:00 A.M., MONDAY, AUGUST 9, 2004. VOTING AND DELEGATE REPRESENTATION SHALL BE IN ACCORDANCE WITH ARTICLES VI AND VII OF THE NATIONAL COUNCIL OF EEOC LOCALS # 216 CONSTITUTION AND BY-LAWS.

# Dominquez on Hot Seat

## *EEOC's Oversight Hearing: Our Voices Were Heard!*

By Rachel H. Shonfield,  
Miami District Office, Local 3599

Have you ever seen those commercials for identity theft where someone's mowing his lawn or cleaning her pool, but the voice is someone else's? With a positive spin, this is what it was like to attend EEOC's March 25, 2004, Appropriations Oversight Hearing. The National Council, your Locals, EEOC managers and even Congress have tried to get answers about the course the Chair is taking by pursuing a costly privatized national contact center, planning to reduce offices, developing an E-filing program, and paying private mediators top dollar, but not creating more internal mediator slots. Finally, our concerns were being voiced by the Chair and Ranking Member of the House Commerce, Justice, and State Appropriations Subcommittee!

Subcommittee Chair Frank R. Wolf (R-Va) and Vice-Chair Jose E. Serrano (D-NY), were obviously miffed at the EEOC's brazen move of posting its solicitation for contractors for the National Contact Center on March 9, 2004, before obtaining permission from the Subcommittee. Chair Dominguez had violated what in legislative lingo is known as "the mother-may-I rule." Congressman Wolf even felt compelled to give the Chair a civics lesson, stating: "I know this Constitution is a pain in the neck and the balance of power to Congress." Congressman Serrano scolded Chair Dominguez for "moving ahead without letting the committee know." He also recognized that: "seeking a contractor and to me the site [sic] and the sound of a contractor means major change. It doesn't mean just simple change, it means major change."

Congressman Wolf also wanted answers on the Commission's use of private mediators. The Chair acknowledged that their \$800 flat fee applies "whether it goes a day, whether it goes an hour." The Chair claimed the agency was trying to increase the participation rate of employers because "sometimes they prefer

to work with contract mediators." However, the agency's own studies do not support that point. Moreover, when asked if parties "have a choice of the contract mediator or a career person," the Chair responded, "no," undercutting her own argument.

Congressman Serrano was also worried "that those people most vulnerable to discrimination — the poor, the elderly, disabled, limited English proficient and the illiterate — will not find e-filing to be an adequate substitute for the one-on-one services you currently provide." The Chair stated that e-filing "is not on our radar screen at the moment." However, in

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**"EEOC employees continue to express significant concerns that the NAPA plan will severely impact their ability to carry out the Commission's important mission."**

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a March 1, 2003, radio interview on "The Business of Government Hour," Chair Dominguez stated that, "one of the things we're working on this year is filing complaints online." Also, the EEOC's contact center solicitation describes an E-Assessment and E-Questionnaire (a/k/a Form 283 intake questionnaire) "under development to be deployed, hopefully, the end of this fiscal year."

Before the oversight hearing started the Chair and her entourage appeared very surprised to see a contingent from the Union present. Polite smiles were all they could manage. After the hearing, they hastily departed, leaving Cynthia Pierre, head of the National Contact Center Work Group, to field questions from reporters. Interestingly, any time an agency spokesperson speaks to the press, the estimated price of the privatized contact center decreases, while completely unsubstanti-

ated estimates of performing the work in-house increase, even though EEOC staff is doing that work now. If Congress does increase EEOC's budget, the funds should go to such things as hiring more staff and improving technology, rather than farming out our money and enforcement responsibilities to the private sector.

The oversight hearing was only about an hour, but the questions did not end there. Congressman Serrano submitted extensive inquiries that the agency must answer for the record. For instance: "Is it your goal to cut the current number of offices, and if so, by how many? To what extent have you taken steps to assess the unique needs of local communities before contemplating any restructuring of local offices?" You can read the full set of questions by visiting the Council's website at [www.council216.org](http://www.council216.org).

As we move forward, we must build off the strategies that made the oversight hearing a success. The Appropriations Subcommittee voiced our concerns because we were effective in getting their ear. Union members from across the country sent out our "Oversight Hearing Action Fax" to their representatives. After the hearing we posted thank you letters to send to Congressmen Wolf and Serrano. The National Council worked closely with AFGE's legislative department to lobby Appropriation Subcommittee members on both sides of the aisle. We also benefitted from the press coverage. Not only are these articles read by our membership and other Federal employees, but when we made follow up visits in Congressional offices the next day, staffers had already read about the contentious hearing.

We need to keep the pressure on, because Congress has not yet finalized next year's budget. Let's keep our representatives informed and involved. The way we do this is to get the attention of Congressional offices through face-to-face meetings, action faxes, e-mails, and telephone calls. For instance Senator

*Continued on page 4*

## POINTS TO PONDER



- **Why is** EEOC moving forward with the Call Center despite lack of Congressional authority to do so, lack of money to do so and despite a lack of “buy in” by EEOC employees and managers?
- **What will** be the quality of Investigations once the current Investigators retire and EEOC has only “term” employees who will be around for 4 years max.?
- **When will** the Chair unveil her Federal Sector proposal?
- **If the Chair’s** goal is to make the Commission operate effectively and efficiently, why won’t she hire support staff for field offices?



### *An Important Message From AFGE*

# Are You Next?

TSA

#### Transportation Security Administration (TSA):

The Administration does not allow TSA employees the same rights guaranteed to other federal employees, such as collective bargaining, a fair personnel system, and reasonable work schedules.<sup>1</sup>

DHS

#### Department of Homeland Security (DHS):

The Administration plans to take away the right to decent pay and fair treatment on the job from over 100,000 DHS employees.<sup>2</sup>

DoD

#### Department of Defense (DoD):

The Administration proposed eliminating all seniority and veteran preferences in connection with layoffs. It wants to strip appeal rights from up to 200,000 workers. It recommended the creation of a pay for performance system that would drive down future wage increases.<sup>3</sup>

YOUR AGENCY

#### YOUR AGENCY:

The Administration is targeting 430,000 government jobs for elimination by privatization. New rules make it even easier for corporations like Halliburton to get no-bid, billion-dollar contracts. Even if the Administration hasn’t taken away your rights in the workplace, it’s targeting your job.<sup>4</sup>

1. Memo from DHS Under Secretary Loy on Collective Bargaining, January 8, 2003.

2. Homeland Security Act, Public Law 107-296.

3. National Defense Authorization Act, Public Law 108-136. “NSPS Labor Relations Outline,” February 6, 2004.

4. Office of Management and Budget’s “Competitive Sourcing Report, Addendum,” October 2003.

**Get the facts. Get Motivated. Fight Back.**

American Federation of Government Employees, AFL-CIO • [www.afge.org](http://www.afge.org)

# Collectively Our Voices Will be Heard!

From page 2

Paul Sarbanes (D-Md.) has heard us. On April 2, 2004, he sent a letter to the CJS Appropriations Subcommittee speaking out against the agency's "repositioning" plans, noting that "EEOC employees continue to express significant concerns that the NAPA plan will severely impact their ability to carry out the Commission's important mission."

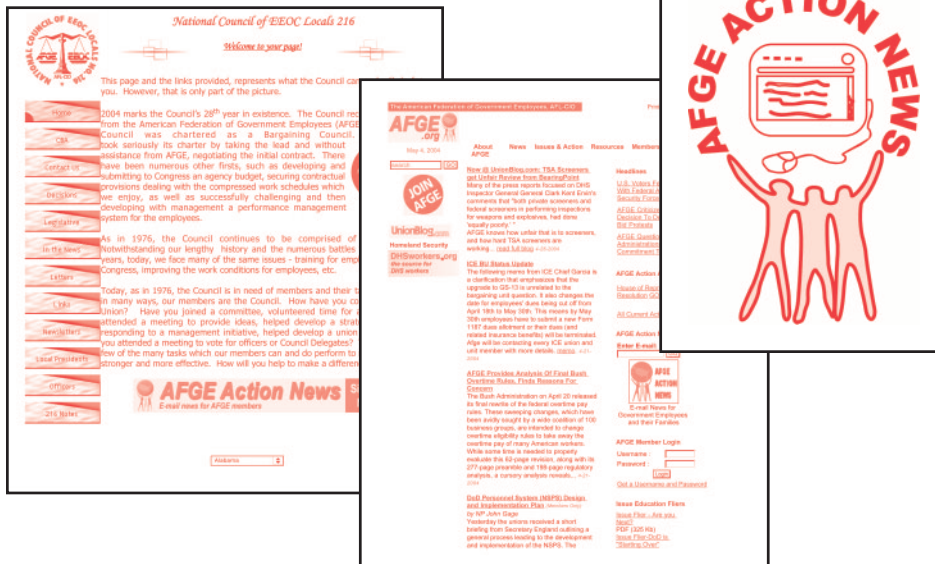
Congressman Chris Van Hollen (D-Md.) has directed two letters this year to Chair Dominguez herself expressing his concerns about the drastic changes she is proposing to the Federal Sector EEO process. The second letter, which he wrote on April 21, 2004, was after he "received recently numerous complaints from my constituents regarding the March 25, 2004 memo, from the Acting Director of the Washington Field Office, on the

assessment program for processing hearing requests."

We are also working with AFGE to involve other Federal employees, unions and interested organizations on this issue. A coalition meeting was held on April 22, 2004, to plan a coordinated response to the Washington Field Office's attempt to bypass the formal rulemaking process by unilaterally imposing a triage system, which will allow non-Administrative Judges to deny complainants Federal employees access to the discovery process and administrative hearings.

## Council 216 & AFGE on the Web

Stay in touch with what's going on in the union. Visit the Council's website at [www.council216.org](http://www.council216.org) and the AFGE national website at [www.afge.org](http://www.afge.org). Be sure to sign up for the AFGE Action News



The next Congressional letters we are hoping to see are "Dear Colleague" letters, where a member in the House and a member in the Senate pens a sign-on letter opposing the privatized contact center and other restructuring initiatives. The letters will be directed to our oversight committees and signed by as many concerned members of Congress as we can muster. This will really require help from our membership across the country who will need to urge their representatives to add their names to the letters. More information on this effort and new action faxes will be posted in the coming months, so please keep visiting the National Council's Legislative Action Center at [www.council216.org](http://www.council216.org). Even better, become a legislative captain for your office. Collectively our voices will be heard!

**National Council of EEOC Locals 216**  
**AFGE/AFL-CIO**  
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