

**NATIONAL COUNCIL OF EEOC LOCALS, NO. 216/AFGE-AFL-CIO
PROPOSED TRANSITION AND FUTURE FOR RECEIPT OF INITIAL
INQUIRIES FROM THE PUBLIC**

I. Introduction

EEOC's contract with Pearson Government Solutions, now Vangent, Inc., to operate the National Contact Center (NCC) expires September 20, 2007. The Commission is scheduled to vote on July 17, 2007 to extend or terminate the contract. In the latter event, EEOC will have two months to transition the call center functions back to the agency. Ultimately, the EEOC can either determine that calls shall be handled by one of two options: (1) to return calls to individual field offices throughout the country or (2) to establish an in-house call center.

EEOC's Senate and House oversight subcommittees have both reviewed EEOC's FY08 budget request and determined that no funds may be used to operate the National Contact Center. This unambiguous language should also apply to bar even a 6 month contract with Pearson, because such a renewal would mean the use of \$1.3 million in funds to operate the NCC, when no funds may be used. Moreover, it is in the best interest of the EEOC to invest resources into a permanent in-house solution, rather than waste money on a short-term contract. Therefore, the EEOC needs to make immediate plans to restore call center operations in-house.

While EEOC should have been making such contingency plans for some time, the agency will have at least a two month period for a transition, beginning with the scheduled call center vote and ending with expiration of the contract. A two month transition is entirely realistic, considering that answering calls from the public is not a new task for the EEOC. For decades, since its inception, EEOC answered all calls from the public. Only in March 2005 did the NCC begin answering some of the public's initial inquiry calls to the EEOC. In its first year, the NCC only answered 269,693 calls, with a timesaving nationwide equivalent only to 6.71 employees. *Inspector General Report, Section III.E.* Absorbing back this level of calls will hardly be noticed. In January 2007, the agency cut the public off from calling local offices with initial inquiries. Based on the Inspector General's projections, any increased call volume "handled" by the NCC has saved the EEOC the time of only 13.43 employees nationwide. *Inspector General Report, Table 35.* This can likewise be absorbed, especially by addressing critical staffing needs.

Eliminating the NCC will save the agency the \$2.5-\$2.7 currently expended on the contract. It will also allow EEOC to reinvest its resources in-house, in terms of staffing and training. Returning calls to the agency will allow for a fully integrated operation, bypassing the current obstacles of cobbling together a Federal agency and a private contractor, which rely on separate staffing, technology, customer service metrics, etc. As described *infra*, a decision to centralize call receipt to an in-house call center will even allow for three hours of expanded operating hours over the current NCC's schedule.

Finally, as discussed *infra*, an orderly transition of the work from the Pearson call center back to the EEOC can be set in place during the two month transition period.

II. First Steps to a Permanent Solution To Be Taken from July 17-Sept. 20, 2007

a. Determine Which Option EEOC Shall Use To Receive Initial Inquiries From The Public

More information is found in the next section regarding EEOC's two options: (1) to return calls to individual field offices throughout the country; or (2) to establish an in-house call center. Selection of one of the two options should reasonably be accomplished during the two month transition period or may even be determined by the Commissioners on the day of the vote, July 17, 2007.

b. Transfer of IVR

EEOC should immediately prepare to transfer the interactive voice response (IVR) system from Pearson to the agency. According to EEOC's monthly NCC activity reports, this move will alleviate approximately 36% of the monthly calls from the field offices. Transferring the IVR system should reasonably be accomplished during the two month transition period.

According to NAPA, the IVR server and software were purchased as a package from *Intervoice Brite*. The *Intervoice Brite* technology is owned by EEOC and is transferable. *NAPA Report, p. 42-43*. These facts support the conclusion that the IVR technology is reasonably transferable to the EEOC.

c. Transfer of Frequently Asked Questions (FAQ)

EEOC should immediately prepare to transfer the database of frequently asked questions, available to the public on EEOC's website, from Pearson to the agency's control. According to EEOC's monthly NCC activity reports, the FAQ database alleviates approximately 11,253 calls a month from the field offices. EEOC created and owns the text for the FAQ. Transferring control of the website should reasonably be accomplished during the two month transition period.

d. Transfer of 1-800-669-4000 Number

Prior to the Pearson call center assuming the 1-800-669-4000 number, callers dialing this number would automatically be connected to the closest EEOC office. EEOC should immediately prepare to transfer the 1-800-669-4000 number back to the EEOC. Transfer of the 1-800 number should reasonably be accomplished during the two month transition period.

In the event that EEOC determines to permanently return calls to individual field offices, then this transfer of the 1-800 will be left as the permanent arrangement. In the event that EEOC determines to establish an in-house call center, EEOC may later make arrangements for the 1-800 number to transfer calls to the in-house call center.

According to NAPA, toll free calls to the 1-800 numbers (including, the call center, TTY and shadow numbers) are transported over three T-1 lines. *NAPA report, p. 42*. "T-1 lines, 800 number usage charges and outbound usage charges are all paid directly by

EEOC to the carriers.” *Id.* These facts support the conclusion that the 1-800 number can reasonably be transferred back to the EEOC.

e. Retain Translation Service

For languages other than Spanish, the NCC has relied upon a third party contractor to provide translation services. EEOC later saw fit to provide access to this service to field offices through a 1-800 number. With the termination of the call center, EEOC should continue to allow field offices access to the translation service. Retaining the translation service can reasonably be accomplished during the two month transition period.

f. Fill Critical Staffing Gaps, Which Directly Relate to Telephone and Charge Intake

EEOC should fill critical staffing gaps, which directly relate to telephone and charge intake, with permanent employees:

EEOC would need to ensure that each field office employs and retains a permanent receptionist.

For every 10 investigators, EEOC should ensure that there are no less than two Investigative Support Assistant (ISA)(GS 5,6,7) and one Office Automation Assistant (OAA). In smaller offices, with less than 10 investigators, there should still be at least one ISA and one OAA. The proper number of ISA’s and OAA’s should be hired where lacking.

The agency should review each field office’s charge intake and average caseload to determine whether the office employs a sufficient number of investigators. The agency should hire a sufficient number of investigators in offices that are lacking. The agency has admitted to losing approximately 575 employees since 2001 to attrition, with the majority being investigators. Therefore, it is anticipated that most offices will need to hire investigators. In restoring investigator staffing levels, the agency should consider current ISA’s for the position, based on the knowledge and experience they have gained while employed in the bridge position.

Investigators should handle calls from the public that have been elevated, due to complexity, by an ISA. Investigators will also handle calls from the public requesting status of ongoing investigations, when an ISA is unable to determine information on the status from IMS. Investigators’ other duties of course include intake, charge processing, and the continuing investigation and resolution of charges.

All of these vacancies should reasonably be filled during the two month transition period.

g. As a Last Resort, Retain Short Term Temporary Employees

During the two month transition period, if it is determined that EEOC will establish an in-house call center, then the agency will need to ensure that individual field offices have necessary staffing to handle calls in the interim. Therefore, as a last resort, Districts may identify to Headquarters short-term clerical staff that would be needed to assist until the

in-house call center is established. These temps could assist in answering the telephones, taking messages, sending out questionnaires, per individual office procedures, and answering simple status of charge questions, where information may be obtained on IMS. The agency should abide by regulations for short-term hiring authority, e.g., the short-term need created by ending the NCC and transitioning to an in-house call center. Retaining temporary staff should reasonably be accomplished during the two month transition period.¹

III. Two Options: Restoring Calls to All Field Offices or Establishing an In-House Call Center

a. Restoring Calls to All Field Offices

Prior to March 2005, all initial inquiries from the public were handled routinely by field offices. The public would reach offices either by dialing the local number, available in the telephone blue pages and EEOC's website, or by dialing 1-800-669-4000. This number would connect callers toll-free to the closest EEOC office.

In order to restore calls to field offices, the agency would need to take the following measures:

1. EEOC would need to restore the 1-800-669-4000 number's function of connecting to the closest field office.
2. EEOC would need to post the local office numbers on the public website.
3. EEOC would need to provide the local office numbers to the telephone blue pages before the next publishing deadline.
4. EEOC would need to ensure that each field office has an automated voice directory of its staff that the public can access. EEOC should also ensure that employees' voice mail box memory is sufficient.
5. EEOC should hire additional ISA's for each office to answer the calls that will be rerouted from the call center.² ISA's should also substantively contribute to the intake process by performing within their actual position description (PD). This means, ISA's should assist with the handling of initial inquiries by the public. ISA's should answer general calls from the public and provide answers regarding the statutes enforced by the agency, charge processing, and status of pending charges. When complex issues are not presented, ISA's should be able to screen callers to determine if they meet statutory requirements for timely charge filing, number of employees, and coverage of basis for filing, i.e., race, religion, color, national origin, sex, age, disability,

¹ The intent of this overall proposal is to address the transition of EEOC's call receipt from a contractor back to an in-house function. The suggestion to hire temporary employees, which is never ideal, is only a band-aid to be used as a last resort and necessitated by the agency's failure to properly plan in advance for the contingency of ending the NCC contract. Furthermore, the suggestion should not be construed as alleviating the need for the agency to address the frontline staffing crisis that exists after over 20% of the agency's workforce has been lost to a multi-year hiring freeze.

² These ISA's would be in addition to those needed to fill critical staffing gaps, as discussed in Section II.f.

retaliation. ISA's can send intake questionnaires to callers where appropriate and in accordance with local office procedure. ISA's can interview walk-ins, determine if EEOC is the right agency to help them, and assist them in filling out questionnaires in the office. ISA's can also assist investigators in the ongoing investigation of charges, including identifying and interviewing witnesses and locating similarly situated individuals for systemic charges.

6. With regard to handling initial inquiries from the public, Headquarters should provide structured new employee training to ISA's and investigators with particular emphasis in screening for coverage, interviewing skills, customer service skills, and IMS capabilities.

Too often new employees receive only on-the-job training, trial by fire training, or they might eventually receive "new employee training" years after hire. Training is also left to the local level, which results in haphazard ad hoc training by overwhelmed staff. Instead, uniform new employee training should be administered by Headquarters, either in person, by videoconferencing, or online if necessary. Uniform and structured training is necessary to provide employees the tools to most effectively serve the public.

Ongoing training of ISA's and investigators should also take place, including at least annual structured training administered by Headquarters. Headquarters should also monitor field offices to ensure that appropriate training takes place at least quarterly.

b. Establishing an EEOC In-House Call Center

The Agency may determine to establish an EEOC In-House Call Center. An in-house call center should be incorporated into existing infrastructure.

1. Cost Savings From Locating Insourced Call Center Within Surplus Space.

In the past, EEOC has inflated the cost of insourcing by requiring that NAPA, in its January 2007 report, price out a "standalone operation."³ Furthermore, EEOC has relied on these inflated figures, despite NAPA's inclusion in its report of a disclaimer that its cost figures were "generic in nature" and "should not be used for final budgeting or funding of an internal NCC operation,"⁴

The more economical and reasoned approach would be for the agency to locate an in-house call center within existing infrastructure, i.e., the surplus space of one or more EEOC offices. If the call center was insourced to existing EEOC offices, a great benefit

³ "EEOC advised the study team that NCC, if in-sourced back to the Agency, would be a **standalone operation** located in a labor market designated as the "Rest of the United States." *NAPA Report, Equal Employment Opportunity Commission's National Contact Center*, January 2007 [emphasis added], p. 41.

⁴ "The estimates are broad-based and **generic in nature**. More precise estimates would require a more formal Request for Proposal (RFP) or similar effort to gather detailed information on specific equipment, technology, etc. For this reason, **this analysis should not be used for final budgeting or funding** of an internal NCC operation. *NAPA*, p. 41 [emphasis added].

would be that its staff could cross over and assist with other EEOC work when they were not answering calls.

Likewise, an insourced call center would not require the expenditures estimated by NAPA for “leaseholds,” “workstations and personal computers for each CSR, offices and furniture for staff, training facilities and equipment, cafeteria space.” The generic NAPA estimates, pursued because of EEOC’s bizarre direction to only consider a stand-alone operation, priced facilities on a one time basis at \$638,500 and on an ongoing basis as \$518,358. NAPA estimated workstations would cost \$335,000 on a one time basis and \$35,000 on an ongoing basis. *NAPA Report, p. 45-47*. These costs would all be eliminated by locating an in-house call center within existing infrastructure.

Moreover, the NAPA report includes in its personnel estimates the cost of hiring certain staff positions, which already exist in EEOC field offices. Duplication of these positions would not be necessary if the in-house call center was located in existing infrastructure. Such positions include a GS-13 facilities/HR manager, 3 GS-13 Supervisors, a GS-15 Site Manager, a GS 13/14 trainer, a GS/14/15 Senior Technical Manager, five Tier-2 GS-12 customer service representatives, and a GS 12/13 PC/Network specialist. *NAPA report, p. 50*. Eliminating these positions would save another \$1,528,168 from NAPA’s generic estimate. Finally, additional research should be performed to determine if there is justification for the full-time employment of a GS-13/14 RightNow Programmer and a GS 13/14 Telephony/IVR/CTI specialist. *Id.* Perhaps these two positions could be combined or requisitioned on as-need basis with the RightNow and IVR providers.

2. Potential Sites For In-House Call Center

An in-house call center should be located in offices possessing blocks of surplus space and in leaseholds not scheduled to move in the short-term. For instance EEOC’s Baltimore office has a staff capacity of 68 and as of 5/24/07 had a staff size of 44. The Baltimore lease is in effect until at least 3/31/18. Likewise, the EEOC’s Birmingham office has a staff capacity of 93 employees and as of 9/26/06 a staff size of 67 employees. The Birmingham lease is in effect until at least 6/26/10. This means that between the offices there is surplus space for a 50 person in-house call center, approximately the size of the current contract operation. With one location on Eastern Standard Time and one location on Central Standard Time, the in-house center would be well suited to absorb the contract call center’s current 8:00 a.m. to 8:00 p.m. EST hours.

EEOC may also wish to consider locating an in-house call center in additional EEOC offices, such as offices in each time zone. This would allow for more regional specialization of EEOC ISA’s answering calls on such issues as FEPA’s and 180 day, 300 day charge filing deadlines, which vary state to state.

Locating an in-house call center in time zones from the Eastern Standard Time to Pacific offices could also extend the hours the public could reach the call center. According to Article 30.04(e) the core hours for EEOC offices can be scheduled from 6:00 a.m. to 6:00 p.m. This could mean that call center hours could be extended from the current 8:00

a.m. to 8:00 p.m. EST to 6:00 a.m. to 9:00 p.m. EST, i.e., an addition of 3 operating hours.

Offices that should be considered for this regional paradigm, in addition to Baltimore and Birmingham, are Phoenix and Seattle. The Phoenix office has a staff capacity of 72 employees with current staffing of 58 employees. The lease does not expire until 7/14/16. The Seattle office has a staff capacity of 63 employees, with a current staff size of 40 employees, and no activity on the lease until at least 9/30/10. These two offices would yield sufficient surplus space for another 37 in-house call center workers.

3. Staffing Of An In-House Call Center

An in-house call center should be staffed by GS 5/6/7 Investigative Support Assistants (ISA's). As discussed *supra*, pursuant to their position descriptions, ISA's are able to answer general calls from the public and provide answers regarding the statutes enforced by the agency, charge processing, and status of pending charges. When complex issues are not presented, ISA's should be able to screen callers to determine if they meet statutory requirements for timely charge filing, number of employees, and coverage of basis for filing, i.e., race, religion, color, national origin, sex, age, disability, retaliation. ISA's can send intake questionnaires to callers, where appropriate and in accordance with local office procedure. More complex questions or calls dealing with impending expiration of statutory deadlines can merely be transferred to EEOC investigators in the jurisdiction in which the claim is alleged. ISA's should be able to accomplish these tasks without using scripts. This will save the agency money by freeing up high-level Headquarters staff, which frequently review, modify, and train call center staff on evolving scripts.

Furthermore, it is anticipated that the turnover rate of permanent EEOC staff answering calls in-house will be far less than the 32.93% turnover reported most recently at the call center.

The most obvious savings of an in-house call center will occur by eliminating the overhead costs of contracting with Pearson. The NCC costs EEOC \$2.5-\$2.7 million annually. Specifically, in regard to costs, the EEOC's Inspector General found that the call center, despite employing 36 operators, was saving the time of only 6.71 EEOC employees. The IG report found that even in the "best case" scenario the call center would save the staff hours of only 13.43 EEOC employees.⁵ EEOC could hire 6.71 EEOC employees at the GS-7 salary (the promotional potential for an Investigator Support Assistant) at the cost of \$212,975. Alternatively, EEOC could hire 13.43 EEOC employees paid at the GS-7 salary at the cost of \$426,268. EEOC could use the remaining savings of over \$2 million from discontinuing the call center contract to devote to hiring additional ISA's, ensuring resources for an in-house call center, and upgrading telecommunication technology for all field offices.

4. Training

⁵ IG report, Table 35.

As discussed with the earlier option to disperse calls to all field offices, Headquarters should ensure structured training for new ISA's, who in this case will work at the in-house call center. Likewise, Headquarters should provide annual follow-up training and ensure ongoing training in the field. However, due to the decreased turnover, the training investment will pay greater dividends than constantly training the revolving door staff of the NCC. Additionally, because ISA's are a bridge position to investigators, the training will be carried over into their new positions, as their careers advance.

IV. Conclusion

EEOC has the benefit of a two month period to ensure an orderly transition of the work from the Pearson call center back to the EEOC. This two month transition period is consistent with the contract EEOC signed with Pearson. By eliminating the additional layer of an outsourced call center and saving what works from the NCC, such as IVR, the final plan will be more cost-effective, improve customer service, and enhance the agency by investing resources in-house.