



**NATIONAL COUNCIL OF EEOC LOCALS, NO. 216
COUNCIL AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL/CIO**

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Maintaining a tradition of educating both sides of the aisle about EEOC concerns impacting workers and employers

WORKERS CANNOT AFFORD FOR DISCRIMINATION TO HARM THEM IN A FRAGILE JOB MARKET

There is nothing more important to working families than jobs. Unfortunately, discrimination still costs jobs. But when workers call EEOC for help, they get placed on hold and their cases stagnate in a huge 76,408 case backlog.

EEOC Needs a Boost to its Budget to Carry out its Vital Civil Rights Mission: EEOC's FY10 budget was \$367M. By FY12 it was \$360M. Sequestration slashed FY13's budget to \$344M. EEOC received \$364M in FY14, then \$364.5M in FY15 and FY16. While sequestration is relaxed for now, EEOC's FY16 budget is \$2.5M below FY10. Diminished resources impact your constituents looking to EEOC for help.

EEOC's Frontline Staff Shortages Cause the Public to Wait for Help: EEOC ended FY15 with 2,190 employees, 157 below its authorized ceiling. Support-staff are in short supply. High turnover has left only 29 in-house call center reps, fewer than half the intended staffing. EEOC dropped from 917 investigators in FY00 to 617 in FY15. Yet in FY15, EEOC still received 89,385 charges and 600,000 calls. The mismatch between EEOC's huge workload and short-staffing causes delays:

- EEOC's monstrous backlog of 76,408 charges is on the rise. Uncertainty is bad for workers and employers.
- Hold times for EEOC's 1-800 number run 45-90 min. and spike mid-day, impeding workers who need to call on lunch breaks.
- Average processing delays were last reported to be 9 months. Justice delayed is justice denied.

EEOC's New Initiatives and Limited Staff Disadvantage Your Constituents:

- A controversial new policy releasing respondent position statements adds time for investigators to redact confidential information, can be hard for unrepresented charging parties to decipher, and affects perception of EEOC as a neutral party.
- Lack of resources undermines a new digital system, by taking investigator time away from the public to scan documents.
- EEOC's focus on systemic cases often leaves individual victims of discrimination to pursue cases on their own.

EEOC Can Work Smarter: EEOC is expanding online access, but missing efficiencies that would make a real difference.

- **EEOC must flatten its current 1:5 supervisor to staff ratio:** The focus should be on hiring frontline staff as the most cost effective way to serve the public. Fewer layers of processing also mean faster help for the public.
- **Pilot cost efficient Dedicated Intake Plan:** Paraprofessionals (IIR and ISA) will handle intake from inquiries to charge filing. The plan frees up investigators to work on their cases and reduce backlog and provides more seamless service to the public.
- **Eliminate waste:** Defund contract mediations within 100 miles of EEOC offices; stop paying contractors to write OIG reports; and cut management travel, since most business can be conducted by video-teleconference.
- **Stop costly turnover:** To improve low morale documented in Federal surveys, EEOC must: address high levels of EEO complaints; stop reasonable accommodation delays; reinstate support staff development program for FY16; compensate employees in current claims process for willful overtime violations and avoid future overtime violations.

Preserve Federal Employee Rights: EEOC may be considering an ill-conceived plan to strip employees' rights to a hearing and discovery in the Federal sector EEO process, based on a recent notice of proposed rulemaking that asked: "Should the hearing stage be retained?" . . . and if so, should it "take place after an investigation?" A new case management system must maintain judicial independence. Subpoena authority is needed to ensure full and fair hearings for federal employees.

What Congress Can do to Help EEOC Improve:

- ✓ Boost EEOC's budget for FY17 from \$364.5M (\$2.5M below FY10) to at least \$376.6M (FY17 request).
- ✓ Add frontline staff to tackle the backlog and reduce delays for the public.
- ✓ Require EEOC to flatten supervisor to employee ratio to 1:10, as endorsed by EEOC's Republican leaders in '06.
- ✓ For FY17 maintain bill language requiring oversight of any EEOC reorganization. (H.R. 2029).
- ✓ Implement Union recommended efficiencies: pilot dedicated intake plan, cut contracts, and stop costly turnover.
- ✓ Protect Federal worker rights with transparency and oversight of any changes to Federal EEO regulation.