President’s Column: Questions for the 50th Year

By Gabrielle Martin, Council President

While there are any number of outstanding accomplishments on record for the first 50 years, will EEOC be up to the challenge of the next 50 years? A celebration of our accomplishments highlights a number of challenges for the future.

In 1965 EEOC enforced Title VII. Now EEOC also enforces laws protecting workers from discrimination based on age, disability, and genetic information.

EEOC’s backlog has been part of its existence since day one. Efforts to address Congressional concern have been met with name changes, e.g., “pending inventory,” mass case reduction programs, e.g., rapid charge units, fact finding units, and Priority Charge Handling Procedures. EEOC now takes in almost 100,000 charges per year. Staffing has escalated and declined, not necessarily in relation to work loads. Presidents from Jimmy Carter to Bill Clinton to George W. Bush and Barrack Obama have proposed budget increases to help. Will EEOC focus available hiring on frontline staff? Will EEOC implement efficiencies like the dedicated intake plan to reduce the burgeoning backlog?

In 1972, with the passage of the Equal Employment Opportunity Act, the Commission began conducting its own enforcement litigation. Gone were its days of helping DOJ and private plaintiffs by filing friend of the Court briefs. Armed with litigation authority, the Commission busied itself with well-known Supreme Court cases such as McDonnell Douglas v. Green, 411 U.S. 792 (1972), which established the elements for proving individual discrimination.

EEOC now files hundreds of cases each year. More recently, EEOC has focused on Systemic cases. Over the years, EEOC’s efforts have not gone unnoticed. Hearings, legislation and budget decisions have been directed at the management and oversight of the litigation program. Now, EEOC faces rebukes from the Courts and Congress around issues like Wellness Programs, transparency and application of the longstanding “disparate impact” analysis in criminal records cases. While these types of activities are part of EEOC’s history, what will EEOC do to ensure the existence and integrity of its litigation program for the next 50 years?

EEOC’s Federal sector program came online in 1978 after a reorganization dissolved the Civil Service Commission. The number of requests for hearings has fluctuated as has the length of time to resolve those cases and the number of judges to hear those cases. The process has changed from investigatory to adjudicatory. A big issue for the future is providing subpoena authority to the hearing judge so that the parties can present all of the evidence. The

Continued on page 6

Who are we? A-F-G-E!!

By Stephanie Perkins, Local 3404

Who are we? A-F-G-E!! This is the chant that was repeated over and over again during AFGE’s rally on Tuesday, February 10 during its 2015 Legislative Conference. AFGE activists from across the country, over 500 strong, marched on Capitol Hill in Washington, D.C. in a show of solidarity and in support of the many dedicated Federal employees affected by the negative legislation introduced by some members of Congress. Elizabeth Shuler, Secretary/Treasurer of the AFL-CIO, AFSCME President Lee Saunders, Rep. Steny Hoyer (MD-D), Rep. Keith Ellison (MN-D), Sen. Ben Cardin (MD-D), and Sen. Dick Durbin (IL-D), and postal workers union were among the many speakers who joined us in our cause. The message was the same - we are hard working and dedicated employees who will not allow our rights to be compromised or our work to be outsourced. We will always challenge the undeserved negative publicity and fight for our Union and the rights of all workers across this country - we must join together in our right to be recognized. Who are we? A-F-G-E!!
In the Know…

Sharon Baker, Council 216 Chief Negotiator

Call to action for all EEOC Support Staff who have at least two (2) years of continuous EEOC service:

Section 17.15 of the CBA re-establishes the Staff Development Enhancement Program (SDEP). The SDEP provides support staff an opportunity to improve and expand their career and promotion potential through a planned approach to career development. The SDEP will offer four (4) eligible support staff employees, who demonstrate the potential, the chance to advance and assume more complex job responsibilities. The selected candidates will start at the GS-5 position (with retention of pay if currently at a higher grade and voluntarily changed to the lower grade) for two years. At the successful completion of the program selectees will be promoted to the GS-7 Investigator position with a career ladder promotion potential to GS-12. Office/District Directors were able to apply for SDEP slots. The only four that applied, Baltimore, Los Angeles, Houston, and Milwaukee, will each get to host an SDEP intern. The Vacancy Announcement for the SDEP positions will be placed on EEOC’s on-line recruitment system April 13, 2015 and close April 23, 2015. Interviews will be conducted May 11-15, 2015. Notice to selected candidates will be May 22, 2015. Who will answer the call?

Performance Standards: Six months of the fiscal year have passed and we still do not have a new performance plan. The Union representatives were very vocal in opposing the proposed use of “competencies,” as the focus for evaluating employee’s performance and requested consultation with OPM. This resulted in a delay in the roll out of the new performance standards. OPM provided webinar training to all who were interested and with selected managers. Council representatives Stephanie Perkins, Gabrielle Martin and I were trained in person. The training supported the Union’s position that the focus of evaluations should be on the work product. The Union has learned that the Agency is moving off of the flawed competencies approach. It also appears that midyear implementation is no longer contemplated. We wait for whatever comes and the Union will engage in impact and implementation bargaining prior to the new system being implemented.

Hours of Work and Telework: Still, we face challenges. Most offices have completed their MOU’s on Hours of Work and Telework. We still have a few offices that would rather fight the negotiated expansion of telework and the compressed work schedules by attaching unacceptable requirements in order for employees to participate in these two programs. (“Behind the Curve” box below). Council 216’s position is that we are going to provide our best offer to the holdout offices and if no agreement can be made we will submit last best offers to Federal Mediation Conciliation Services (FMCS) for mediation and if not successful then on to the Federal Labor Relations Board’s Impasse Panel for decision. Points to ponder are where these offices fall on the Employee Viewpoint Survey results and how low is their office morale?

Maxiflex: Council President Gabrielle Martin and I have worked with Human Resources and will be announcing the pilot of the Maxiflex schedule in the near future. Maxiflex is a type of flexible work schedule in which an employee may work eighty (80) hours in fewer than ten (10) days biweekly. CBA Section 29.11 provides for the negotiation of the pilot. The pilot will consist of two (2) Headquarters offices and six (6) district offices inclusive of all offices within the district. Now You Know…

Districts Still Behind the Curve:

See if your District has still failed to complete its MOUs.

- Milwaukee AO; Houston DO;
- New Orleans FO; Miami DO inclusive of Tampa FO and San Juan LO;
- Phoenix Do inclusive of Denver FO and Albuquerque AO; Philadelphia DO inclusive of Baltimore FO;
- Cleveland FO, and Pittsburg AO;
- Washington FO; Headquarters Offices; OFP, OHR; Norfolk LO and Richmond LO.

Perspective of an Enhancement Program Grad:

A Chance To Grow

Veronica Quintana, Local 3230

I am thankful for the opportunity I had to train and become an Investigator through the EEOC’s inaugural Career Enhancement Internship Program (CEIP) in 1997. The CEIP was a precursor to today’s Staff Development Enhancement Program (SDEP). Prior to coming to EEOC, I worked for three Federal agencies that did not have an internship program. The EEOC program has allowed clerical and administrative staff, like myself, to advance their careers. EEOC’s administrative and clerical staff have commitment, knowledge and years of experience. By investing in enhancement programs, clerical and administrative staff can expand their horizons and grow to the benefit of the Commission. Once a trainee in the program, my role at the EEOC became more directly involved in correcting the civil rights injustices faced by workers and that I had witnessed in my lifetime. I am fortunate that EEOC worked with the Union to create the CEIP. The training I received supported me in successfully bridging from my support staff position to my current position of Investigator. I am proud of the work that I do as an Investigator for EEOC and society.
There may be a new Congress, but the work and enthusiasm of your Council remains unchanged. At this year’s AFGE Legislative Conference, the Council 216 contingent visited over one hundred Congressional offices. The “Little Council that Could” once again proved that it can!

The Council told lawmakers that EEOC employees have been on the frontlines of civil rights enforcement for fifty years, so we know what EEOC needs to succeed. We need frontline staff and real efficiencies like the Dedicated Intake Plan. The Council also advocated for Federal workers’ rights to full and fair EEO hearings, which require discovery and subpoena authority.

The Council added our voices to the 1,000 AFGE members who were on the Hill fighting for an end to sequestration, a real pay raise and to fix the retirement changes for Federal workers hired after 2013. Congressional leaders in the House and Senate released budgets the week of March 16th, with the opposing plans: maintaining sequestration cuts to non-defense agencies and requiring Federal workers to contribute substantially more to our pensions without any more benefits in return. According to AFGE, this would amount to a 6% cut to your salary.

AFGE National President J. David Cox pushed back at the budget which, “ignores the $159 billion in cuts that already have been made to federal employees’ pay and benefits and demands more cuts to this small segment of the American workforce.”

Cox said, “Federal employees are not some faceless bureaucrats to be cut at a whim. They are real people with real jobs who make a difference in the lives of millions of Americans every day.” Likewise, in our Hill visits, the Council reminded lawmakers from A-Z and from Democrat to Republican that we are their constituents and we do important work.

But the reality is that sequestration is the law for now. Therefore, EEOC should plan to avoid FY16 sequester furloughs by: cutting unnecessary contracts and management travel; flattening the supervisor to employee ratio to 1:10 to push resources to the frontline; and reducing space with the added voluntary telework day EEOC agreed to in the CBA. Although EEOC agreed to the additional telework day, employees are blocked from using it.

We must also be aware that the political climate for EEOC is tough these days. Four bills are swirling around to reign in EEOC’s perceived overreach. “EEOC Transparency and Accountability Act”; “The Certainty in Enforcement Act of 2015”; “The Litigation Oversight Act of 2015”; “Preserving Employee Wellness Program Act.” Additionally, recent oversight hearings in the Senate often have lost their collegial tone and House hearings have failed to invite EEOC officials as witnesses.

At the AFGE Legislative Conference, National President Cox shared that with membership at a high of 291,000 Feds: “We are a force to be reckoned with and we are a force that will open up the biggest can of whoop ass on anyone” who votes against the union’s interests. Cox went on to beg members to “get in the fight.”

That means us! Visit lawmakers in their home districts. Show them that EEOC employees live in their states. Explain that we stop discrimination from costing the jobs of their constituents. Tell them how taking bites out of your paycheck is hurting your working family. Answer the call to action!
Attending the Legislative conference was a real eye-opener. It was inspirational to be in the company of so many members assembled in one place. It really changed my perspective to hear AFGE and elected officials speak so ardently regarding protection of public servants. It was interesting to hear AFGE’s priorities, such as protecting “official time,” in addition to the priorities particular to the EEOC. I have to admit that I was somewhat nervous to present the concerns of the Union to the Congressional officials. But armed with the Council’s talking points and having listened to the presentations of seasoned union members, I knew that I could do it. It was a great opportunity for me to participate in the legislative process up close. I admired many people I met for how articulate they were. I came away more optimistic in what can be accomplished by the Union. By the same token I gained a broader awareness that engaging in the political process is a never-ending job, and it is imperative for Federal workers to be involved.

New Perspectives From Participating Up Close
Jeremy Sells, Local 3504

As the 1st Vice-President of Local 3555, I was excited to be invited to attend the 2015 AFGE Legislative Conference with our President Rodney Plummer. Tuesday morning, we began our two full days of meeting with elected members of Congress and/or their staffers. We explained at the meetings that we were representing AFGE and that we worked with the EEOC. We discussed how the funding of our Agency impacts the essential mission we perform for the public. We also did our best to elicit their support for our Agency and our members. What was most interesting to me was the overall lack of understanding of the mission of EEOC. We spent a good deal of time helping many of those staffers understand what the EEOC is and does. Our message received a very strong level of support, although the staffers we met with were very pragmatic concerning the political climate on the Hill. It was very interesting to participate in our democratic process in such a fundamental way. I was able in some small part to affect the opinion of our elected members of Congress about the Commission and the dedicated and hard working women and men that continuously strive to help victims of workplace discrimination.

Doing our Part in the Democratic Process
Richard LeClear, Local 3555

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Raising Awareness & Support for our Mission

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D.C. Delivered Some Nice Surprises
Sean Oliveira, Local 3629

Having lived in Philly and worked in New York before moving to the Midwest, I thought I was prepared for a few days in D.C. A couple of things really shocked me: 1) People said hello to me on the street; and, 2) People cued up and waited in line...even for the subway! Also, every single staffer I met with (12 of them) was very friendly and appeared to be sympathetic. This was not what I expected either! On top of all of that I had some great burgers, saw the new MLK, Jr. monument and witnessed some National 216 folks watching the Grammy’s with their shoes off and feet up. I had an excellent time and look forward to going again next year.
Let’s Keep EEOC on their Radar
Lolita Davis, Local 3504

I am the Legislative Political Coordinator (LPC) for my Local for Detroit. I have phone-banked with AFL for the election and attended district training, but this was my first time attending the AFGE Legislative Conference. Hearing National President J. David Cox’s passion and drive to get things done was energizing. There is so much I learned that AFGE and the Council are doing that we may not know about, but now I plan to share with my fellow members. The boot-camp and materials Council 216 provided were very helpful preparation for our meetings on the Hill, including with Congresswoman Dingell. It made me feel particularly good to be part of the process of educating Congress about the role and needs of EEOC. Often you only hear about bigger agencies like VA and Social Security. I would like to attend the conference again, in order to continue to keep EEOC on their radar. Also, we must keep talking about what we don’t need: pay-cuts, downgrades, sequester, and shutdowns.

Eye opener
Rochelle Harris, Local 3230

It was during the furloughs, I realized the extent of Congress’ power to impact the lives of Federal employees. Once back at work, I immediately joined the Union, despite any protest that my pocketbook made about dues. I saw there was a connection, but the pieces didn’t immediately fit together. It wasn’t until I attended the legislative conference that I fully understood and appreciated the local Union’s involvement in the legislative arena. This grassroots mobilization of locals from across the country, who knocked on the doors of Congress in Washington and personally advocated for the things that impact Federal workers, was awesome to witness. Unions are invaluable and necessary for Federal employees. Larger participation is needed and required. Everyday, Union representation and membership is a call to action.

A Day on the Hill
By Shedonah Penn, AFGE 2667

Even as a Washington, D.C. resident since birth, seeing the U.S. legislative process at work is truly an enlightening experience in which every citizen should partake. I am proud that my Local 2667 President, Patricia Floyd-Hick granted me the opportunity to attend the AFGE National Legislative Conference 2015. The Congressional and Senate staff invited us into their offices with clear enthusiasm and questions for us as Union officials and as constituents. They often demonstrated a working knowledge of the issues that concern our members and the country’s workers. It was rewarding for me to walk the halls our forefathers did, watch meetings, and communicate with union members from across the country who share our struggles, triumphs and core values. As a member of the Executive Board it inspired me to continue to fight for what I stand for. I strongly suggest every member take a trip to Washington, D.C. to see your representative and discuss what they can do to strengthen this country for its citizens. I guarantee you won’t regret it.
By Gabrielle Martin, Council President

The EEOC earns a poor report card from the Union. Many areas still need work and attention.

• A model employer should not have mediocre Federal Employee Viewpoint Survey (FEVS) scores agency-wide in any category. Office specific scores should not take four months to be released.

• The BEST (Building Employee Satisfaction Together) page needs work. Names were recently updated, but employees have yet to see any changes or impact. The “Together” part is missing and the group is heavily management centered. Since EEOC told Congress that BEST is addressing our low scores, BEST should deliver.

• More than 39% of employees should think that EEOC’s FEVS results will be used to make the agency a better place to work.

• Many more than 49% of the employees should believe “they can disclose suspected violations of any law, rule or regulation without fear of reprisal.”

• EEOC must reward creativity and innovation. Failure to tap into the innovation and creativity offered by employees is demoralizing.

• While the Chair and COO reported there are no numeric goals, this shift in the way we work, must be enforced in the field. Directors should not be rewarded for producing numbers. Employees should be rewarded for quality work and innovation.

• EEOC must address telework in light of the space reduction guidelines.

• Diversity and Inclusion must be more than an initiative. More training and reviews of hiring are needed. Newsletters and bulletin boards are only the beginning.

• Reasonable Accommodation processing must be more timely, involve more interactive communication and fewer challenges to medical documentation.

The FY 15 FEVS survey is right around the corner and will come between April and June of 2015. If the Chair puts together a plan for some immediate short term responses and invites employees to participate in developing a long term plan maybe, just maybe, the report card will improve.

EEOC Must Modernize

Continued from page 1

outstanding Notice of Proposed Rulemaking should help address this important issue for Federal employees. Will it take another 50 years for these changes?

In 1991, EEOC began piloting a Mediation program in four offices. Funded by Congress in 1999, EEOC was able to hire Mediators and implement a comprehensive program. Part of the funding goes to contractors, whose resolution rates are not as good as EEOC’s internal staff. EEOC’s backlogs remain high. Given the success rate of EEOC’s Mediators, will EEOC hire more Mediators so that the parties voluntarily can address cases of discrimination? Will EEOC reduce the number of contract Mediators?

For the next 50 years, EEOC must look within to modernize how it serves the public and treats its own staff. Rather than continue to face a history of great accomplishments marred by high backlogs, when will EEOC address its critical need for intake staff so that Investigators can actually investigate cases? When will there be enough investigators and attorneys to address the Systemic workloads? When will EEOC understand that computers on desks cannot replace support staff? When will EEOC invest in adequate training for its employees? What will EEOC do to retain the “new hire” enthusiasm? What will EEOC do to make its workplace the Model Workplace it claims to want?

EEOC employees rate the mission of the agency a top reason for working here. Over the years, the employee’s dedication to the mission has borne much fruit that has helped eradicate discrimination in our workplaces. What will EEOC do to ensure that the next 50 years are as fruitful?

Overtime Update: Time Marches

The arbitrator in the Union’s Overtime case provided an update on April 1. The arbitrator already ruled that the agency violated the Fair Labor Standards Act and that the agency was willful in its violation. Employees then submitted claims for overtime amounts and supporting documentation. The update indicates the Arbitrator may order some or all claims to be paid, that hearings be held on some or all claims or even that some or all of the claims be denied. The Arbitrator expects to issue his decision in May.
EEOC Pioneers: Profiles in Courage

**Ruth Steiner**

Ruth Steiner’s experience with Congress on Racial Equality (CORE) and her experience in Mississippi in the summer of 1965, as well as her time with the Colorado Civil Rights Commission made her a natural selection to help open the EEOC’s Denver office in 1970. Steiner conducted both individual and systemic investigations, but liked individual investigations “because you got to work with the person, rather than with the data.” Steiner said that systemic work takes lots of support and the Commission has not been able to provide the substantial resources and support needed for these cases. Steiner’s experience also served her well for the many years she took on the responsibility of Union steward.

**Dottie Bruton**

Dottie Bruton arrived at the Denver Office two weeks after it opened. Initially employed as a secretary, equal opportunity allowed Bruton to rise through the ranks and end her career as a Mediator. Bruton feels working at the EEOC allowed her to help people. Bruton notes with some sadness that the job has moved from the field to behind the desk, resulting in less contact with charging parties, employers, and the public. Bruton notes that “we used to tour the facility where we could pick up on issues in the workplace, and could do justice to a case.” Bruton found it most rewarding working with the mediation program, since it is an invaluable tool and everyone gets to win. Bruton is also a Local 3230 and Council 216 pioneer. She helped form the National Council and even hosted early meetings in her own home.

**Booker T. Lewis**

Booker T. Lewis started with EEOC’s Birmingham Office in 1971. “The work was hard and fast. We took handwritten charges in the field. We worked Saturday and Sunday at home to keep up. It was scary driving through the backwoods of Mississippi. I interviewed a witness sitting on the front porch with hogs and chickens in the yard. When I was new, I went to an onsite investigation to get records. The owner said ‘get the hell off my property’ and pulled out a gun. I left so fast I forgot my briefcase, hoping he would not shoot me on my way out. Only the Lord protected me.”

**Jimmie Mack**

After military service in Vietnam, Jimmy Mack was the first in his family to graduate from college, and worked at the Florida Commission on Human Relations. Jimmie Mack was hired as an investigator at the EEOC’s Miami Office in 1974. Mack also served as the Miami steward in the ‘70s. For an EEOC onsite investigation, Mack could not get a hotel room due to racism. At the investigation an employee called him the N-word. Mack lectured the manager that he should not let an employee say that in the workplace.

**Still Laboring—**

**Pioneer Johnnie Barrett**

Johnnie Barrett has worked for EEOC since 1979. She was recruited from the City of Durham Human Relations Commission. She reported for training at EEOC Headquarters, then to work intake in the Charlotte District Office.

Soon after, she went with Director Richard Walz to open the Greensboro office. There she set up the forms and the intake process. On the first day, the small but diverse staff arrived to find charging parties already waiting to be helped. Barrett recalls that with no furniture yet, “we sat on turned over trash-cans to interview the charging parties.”

In 1985, Barrett transferred to the busy Raleigh Area Office. Over her career she has done onsites at factories, offices, a funeral home, a slaughter house, and a textile mill. “We work hard around here.”

Barrett is proud of her cause work, especially a case involving a placement firm. Barrett interviewed a charging party who was instructed to disregard the applications of African Americans. Barrett says, “Computers had just come in and I talked them into giving me their computer tapes.” There were so many involved, “we had to put out an article to run people down.” Barrett received an award for her work on this million dollar case.

Barrett is a claimant in the Union’s national overtime arbitration. She eagerly awaits the Arbitrator’s decision. If her claim prevails, Barrett intends to put the money towards a high-tech prosthetic for her son who lost use of his arm in a motorcycle accident.

Barrett is also proud to serve her colleagues as the office’s shop steward. In February she attended the Council meeting and legislative conference. “I was really impressed with how much work you do. It takes dedication.” She brought home such a wealth of materials that “the Union board looks like a Christmas tree.” Barrett states she came back and had a Union meeting and told members, “You need to keep abreast of Capitol Hill, what’s going on there is your future.”

**SELMA—50 Years Later**

At the 50th Anniversary of the Bloody Sunday March in Selma, each foot soldier of the Civil Rights movement was honored with a Congressional Gold Medal. Levi M. Morrow, the former Chief Negotiator for the National Council of EEOC Locals #216 was a 15 year old high school student when the movement began; 50 years later, Levi is a recently retired warrior from the front lines of civil rights enforcement at EEOC.
EEOC at 50: Lessons from the Past

By Rachel Shonfield, Local 3599

From the start, EEOC’s frontline employees have been the courageous soldiers on the ground enforcing the new civil rights law. According to EEOC’s First Annual Report, “The Commission’s investigators in search of facts went to the shipyards in Alabama and oil fields in Texas, textile plants in the Carolinas and packing houses in Iowa, construction sites in Memphis and public utilities in Chicago.”

The EEOC’s early accomplishments were extraordinary: the desegregation of work facilities, such as washrooms, lockers, and cafeterias; African Americans in supervisor jobs in shipbuilding plants and teller jobs in the South; the termination of policies, such as at airlines, of refusing to employ married women; restructuring of seniority policies to enable minorities and women into management; and reinstatement with backpay of Mexican Americans fired for filing charges.

Through racial epithets and threats of violence, EEOC employees persevered because they believed in our civil rights mission. This commitment has not wavered. According to the 2014 Federal Employee Viewpoint Survey, 94% of EEOC employees believe “their work is important.”

In an Oral History of the Early Years of EEOC, 1965-1972: staff recall a collaborative environment that is quite missing today: “We had managers, supervisors, and secretaries working closely together”; “There was a lot of hustling and bustling and a sense of camaraderie and excitement in the halls”; “You could talk to anyone; it was not a particularly hierarchical organization- anybody with an idea was welcomed.” In contrast, a dismal 34% of EEOC employees reported to the 2014 Viewpoint Survey that creativity and innovation are rewarded.

Today’s numbers driven annual reports and environment quash the spirit of what we should be doing here: working together to turn the “dream” of equal opportunity into a reality. Perhaps the model employer we should be emulating is EEOC- that is the first year model that sought solutions not stats and worked as a team of colleagues not bosses and underlings.

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Look for Maxiflex Pilot Coming Soon

POINTS TO PONDER

- Why EEOC fails to fund career ladder promotions for eligible employees who have held higher grades?
- Whether EEOC will provide systemic training for ISAs, given their involvement in intake?
- Why office space keeps getting smaller without increases in telework?
- What the “BEST” committee will recommend to improve morale?
- How quickly, if ever, employees will see changes that improve morale?
- Whether supervisors and directors heard the Chair say there are no more numbers?
- Why is EEOC hiring so many supervisors and managers, instead of frontline staff?
- What EEOC will do to stem the loss of last year’s hires?
- Whether EEOC has a plan to avoid furloughs if sequestration remains the law.
- Will revisions to EEOC’s Harassment Order include time frames to provide relief?
- Why does EEOC oppose general releases for CPs, but puts them in RESOLVE agreements?
- When will questions submitted to the Town Hall by the Union and others be answered?
- When will ergonomic equipment, e.g. headsets and keyboards, be the rule, rather than the exception?