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Council members at "America Deserves a Raise" Rally.

President's Report: Blowing in the Wind

By Gabrielle Martin, Council President

Spring is here. The coming of spring brings with it, the promise of new things.

Dr. Martin Luther King had a dream. While there has been reliance on the courts to help make that dream reality, EEOC plays a major role. If EEOC wants a legacy of making the dream a reality, it must change its ways. Dr. King also warned us that justice delayed is justice denied. What will EEOC bring in the spring of its 50th year of operations?

Through its practices, EEOC recently ensured that justice will be delayed or denied for many. Individuals, who risk their jobs under threat of retaliation by coming to EEOC, take a back seat to cases where EEOC targets the employer as a bad actor and takes immediate action. EEOC turns

over every rock to find harmed individuals for these cases. The employee with an individual case just has to wait. Eventually, those individual cases might be investigated. New plans being implemented would close most non-targeted cases.

What happens to the individual during this wait? Retaliation happens. Retaliation cases make up close to 50% of all cases filed at EEOC. Staffing is very low and other things are a priority. Intake is a priority for Investigators who spend as much as one quarter of their work time each year conducting intake so that EEOC can get more cases in the door. Charges involving employers EEOC focuses on as having greater litigation potential, read headline potential, are another higher pri-

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F2F on the Hill and at Home Matters

By Rachel Shonfield, Local 3599

Overwhelmed at work due to short-staffing and a never ending stream of new responsibilities? Mortgage, rent, groceries, school supplies, credit cards taking a hit on your wallet? Wondering what the connection is to the AFGE Legislative Conference? Especially as Federal employees, Congress makes a difference in our lives at work and at home.

This past February a team of Council 216 joined up with a thousand of our AFGE brothers and sisters to storm Capitol Hill. We went to Washington to tell lawmakers from a firsthand perspective what EEOC needs to better serve the public. All of our eight Locals participated. Our team of about twenty Union activists visited the offices of over 140 lawmakers.

Lawmakers from both parties were receptive to our issues, especially regarding efficiencies, such as the Union's plan for dedicated intake units. Likewise, the agency's top heavy 1:5 supervisor to employee ratio raised eyebrows. A Republican Congressman remarked we needed more employees and less "clipboards" walking around so we can get the job done. Hopefully, the agency will take that sentiment to heart in future hiring. Unfortunately, the only postings trickling out this year are for upper managers, including Regional Attorneys and Deputies.

For FY17 the agency is asking to increase the budget from \$364.5M, where we have been stuck for three years, to

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President's Report

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Martin speaking at Civil Rights Luncheon

ority. These cases get immediate attention while others languish. What about justice for those with individual cases languishing in the system?

The Chair has said that accountability now matters. The question is not whether accountability matters, but for whom it now matters? Investigators are the workhorses of EEOC who constantly toil under

the threat of PIPs and termination if they fail to close high numbers of cases while targeting new cases. Even brand new employees without training are expected to close high numbers of cases.

For at least seven years, the Union has advocated for the agency to make changes and implement efficiencies, such as the dedicated intake plan, for its work processes. EEOC ignores those proposed efficiencies, but offers up digital schemes. Rather than create or implement efficiencies, EEOC's digital schemes make more work since they are not supported by needed equipment, like scanners. Existing equipment is not capable of handling the demands of high volume scanning while being interrupted by printing and faxes. Having to rely on the outdated

scanners is time consuming and further delays addressing the backlog of work. Even more work is dumped on investigators, like printing and uploading charges and other documents, saving them into multiple electronic systems, and chasing Respondents to get them to use the digital systems.

Spring of 2016 brings us closer to the end of our 50th Anniversary year and the next Federal Employee Viewpoint surveys. Will the scores change on questions like appreciating the employees' ideas or encouraging employees to come up with new ways to get the work done? Given the directions recently taken by EEOC, likely not. Those of us left can continue to hold on to the promise of Dr. King's Dream and management accountability.

Legislative Report

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\$376.7M. The topline figure sounds good, but if you drill down, the EEOC's budget only plans for a net increase of a handful of investigators and the 76K backlog getting even worse. We were on the Hill to let Congress know what we need back in our offices, which is most critically, more frontline staff. We also explained how improving bad morale documented in our FEVS score and paying the years old overtime claims, would cut down on costly turnover.

At lunch we joined AFGE's "America Deserves a Raise" rally. We were quite a sight standing in the freezing rain, suited up in AFGE scarves, knit hats, and spiffy plastic ponchos. We held signs and voiced our support for a 5.3% catch-up raise, after years of pay freezes, inadequate 1% increases, and mandatory retirement contribution increases for our newest employees. Getting a real raise is an uphill battle, but if we don't fight for it, nobody will.

Federal workers should stay vigilant about threats on the horizon. Some Republican lawmakers are coming out against the 2015 two year budget deal. On October 1, this could mean the best case scenario is a continuing resolution, while the worst case scenario would be a gov-

ernment shutdown. There are also legislative threats to Union official time, without which union officials would not be able to represent you in grievances, negotiate about working conditions or otherwise provide representation. Also disconcerting are election year threats to close agencies.

These are big fights about your rights, your pay, and your livelihood. Twenty of us fanning out across Washington in February is a great start. But as they say,

all politics is local. We need members to call, email, and visit lawmakers back at home. These F2F (face to face) meetings are the most effective way to show your representatives that you are not a faceless bureaucrat; you are a Federal employee carrying out a vital civil rights mission, a constituent, and working American with bills to pay. Talk to your Union rep to find out how to F2F with Congress.



Rep. Ros-Lehtinen (FL) meets with Shonfield

EEOC is Broken!



Chief Negotiator – Sharon Baker

Sharon Baker

EEOC is broken inside, which impacts how we provide services on the outside. An agency that refuses to fuel its engine is a broken agency as reflected in the poor Federal Employee Viewpoint Surveys scores for several years running.

The Office of Human Resources (OHR) is broken. Take the Staff Development Enhancement Program (SDEP) which is supposed to be a two-year training program to help long time support staff transition to investigator positions. OHR has undermined the SDEP guidelines, by changing the qualification criteria, not providing individual training plans to the interns, not ensuring quarterly feedback or monitoring progress. Some SDEP interns were assigned caseloads as if they were already new investigators, while others are treated as secretaries. The Union filed a grievance against the agency regarding the changes and has insisted that training plans as well as performance standards be provided to the interns.

The labor relations arm of OHR is broken as well. OHR changed and disrupted the process by which union dues are transmitted to AFGE. This is classic union busting for which the Union filed a ULP. OHR provides perfunctory information on initiatives and rolls them out without negotiating MOUs with the Union prior to implementation, i.e., position statement release, expansion of ACT digital. Failure to negotiate impact and implementation is the basis for a ULP.

Meanwhile, initiatives which purport to lessen the number of case status calls the investigator receives and provide better and more efficient customer service have the opposite effect. EEOC's initiatives drain investigator resources which could be devoted to case analysis and witness interviews. The **UNION asks** that you take note of the impact of this new technology. **Investigative staff, record** by date the

number of status calls you are getting and the length of time it takes to respond. This information is vital to assess the impact of this new technology, since the agency does not track and does not seem to care.

Resources for offices are an afterthought, if a thought at all. Too often we find offices understaffed. The real life scenario in one of our offices looks like this: an office with an average of 11 investigators will soon be down to three investigators. Adding insult to injury two of the investigators have less than 2 years and very little training. Yet, the goal is still to process complex and time consuming systemic cases.

Why is the agency focused on hiring more managers and supervisors? Why is the agency ignoring a focus on front line warriors who do the work? Why does the agency continually ignore efficiencies provided by those on the frontline who do the work? Without a focus on efficiencies and proper staffing at the level where the work is performed, the agency is broken.

EEOC works to enforce EEOC Laws by investigating cases, including large Systemic cases which suck up resources. The task of the Enforcement staff is to keep the car running efficiently, even though their workload of over 100 cases exceeds capacity. Intake duties, which take an average of two weeks per month, and responding to status calls tap the little available fuel. Clerical duties such as copying, scanning, and downloading documents to send to the parties further guzzle up the fuel. Just as a car will stop once it runs out of gas, staff give out due to lack of adequate resources, equipment, appreciation, consideration, true engagement, and respect.

EEOC cannot reach its potential when it fails to keep its engine serviced. OHR fails to provide efficient and quality service to the employees; i.e., processing requests for accommodations, FMLA, promotions, and retirements, or conducting harassment investigations; the delays and roadblocks are unacceptable. If EEOC cannot provide service to its employees, how can its employees provide service to others? Action is necessary.

Goodbye Glenda!

Glenda

Bryan Brooks is the retiring Delegate from Local 3599. She started with the EEOC's New Orleans office in 1989



Bryan Brooks with Rep. Lewis

then transferred to Birmingham. Her passion was her cause cases, many resulting in million dollar settlements. Glenda once ran into a grateful CP, who pointed at her car tag that read "EQLOPPT" and said "this license is for you." Glenda was inspired to get involved in the Union when her own promotion was unfairly delayed. Glenda proudly proclaims, "I am 100% Union, because of what they are capable of doing to assist employees." Glenda says to the Union, "Keep up the good work, because this agency that eradicates discrimination for CPs needs to treat its own employees right, like in regard to overtime."

Training Corner:

AFGE Providing Training

By Rosemary Caddle, AFGE Local 3599

I am a new Alternate Steward in the Miami District Office. AFGE is now offering a three part (Levels 1, 2 and 3) Online Stewards training program for new stewards and member activists. The training is free and offered on multiple dates.



Last October, I attended Part I of the training from my home computer. The training manual and workbook were mailed to me before the training. All material is also available on-line.

The training was interactive, informative, and interesting. I was able to ask questions and to hear of different situations Stewards in other offices and how those issues are being handled.

In January, I took Part 2 of the training which focused on the grievance process. I look forward to attending Part 3 and recommend all new stewards visit afge.org to learn more about the training!

Time to Spring Clean EEOC's Dirty Barn

Outgoing Speaker of the House Boehner famously said that he wasn't going to leave a "dirty barn," in committing to clean up important matters before his departure. Since this is the season for spring cleaning, the Union would like to see EEOC clean up some long running concerns that linger since the "dirty barn" article which appeared in the last newsletter.

The overtime case is the dustiest mess in EEOC's dirty barn. Overtime has repeatedly made the Union's top 10 list of issues sent to each new Chair. A Federal arbitrator ruled in 2009 that EEOC will-

fully violated overtime laws going back to 2003, but employees have still not been compensated. The irony was not lost on the New York Times, in an April 2009 editorial, which began: "It sounds like a grim sweatshop joke, but the federal agency that's supposed to enforce justice in the American workplace has been found in willful violation of its own workers' rights." In December 2016, the arbitrator issued a 685 page remedy phase ruling, which sets in motion a new round of hearings, appeals, etc. President Obama has taken initiatives supporting employee overtime, including a 2015 op-ed entitled,

"A Hard Day's Work Deserves a Fair Day's Pay." It is shameful that the "model employer" continues to fight against paying overtime, which is antithetical to this administration's efforts. Chair Yang showed great leadership in clearing the way for employees to finally telework five days biweekly. Her great leadership should be used here. It would be a tremendous legacy of Yang's tenure to close this sad chapter and turn the page for a fresh start.

In this day and age of horrific violent attacks, EEOC is not proactive about office safety. A new safety newsletter filled with public service announcements doesn't cut it. Critical safety issues remain unaddressed, often due to a claimed lack of budget. For instance, every office needs an individualized active shooter plan and the resources to back it up. In a nationally reported mass shooting, employees survived by following their active shooter plan, which included locking themselves in offices. Yet, typically at EEOC, supervisor offices have locks, but employee offices do not. A recent hostile event in one office may lead to locks. Why does EEOC play Russian roulette with employees until a foreseeable threat gets attention?

Musical Disability Program Managers have not resolved the reasonable accommodation delays. Despite making requests weeks before starting at EEOC in the summer of 2014, one employee remains in the throes of fighting to get the needed accommodations. The DPM should educate management about its responsibilities and not defer when management blocks an effective accommodation.

The agency finally released the District level FEVS scores. For 2015, the districts with poor responses in multiple categories include: Charlotte, Miami, Phoenix, and the Washington Field Office. Other districts should not be bragging, with fairly dismal scores of their own. The BEST initiative runs a stale website page and pops up on the eve of a new survey, but should be a year round effort to actually improve working conditions. Directors, particularly of chronically low scoring offices, should be held accountable for improving scores as part of their office goals.

Remembering The Honorable Jacqueline Ann Berrien

By Patricia Floyd, Local 2667

My first experience with former Chair Berrien was professional in nature, being President of Local #2667. She greeted me with that infectious smile in her office that day. Before long it didn't feel professional, but relaxed. She shared some of her vision with me in that humble way she was always known to exhibit.

As time went on Chair Berrien would often see me and inquire about issues of our Local. The open-door policy that she extended meant just that. Whenever she was asked to attend or speak at a Local #2667 event, she would make the time to do so.

She took the time to know me as Pat, not just an employee of the EEOC or Union President. That spoke volumes. I remember she shared the activities of her 50th birthday with me. We laughed and joked about it as she knew mine also was coming. When she missed it she caught me in the hallway and apologized in that good friend way.

When Chair Berrien informed me of her departure, she asked that I not be upset with her. I wished her well in her new endeavors giving her the biggest hug I could muster. While away on a trip I was told the devastating news of her passing. I was fortunate enough to be in the company of



Patricia Floyd (left) Chair Jacqueline Ann Berrien

colleagues, who shared my grief.

I attended her funeral to pay my respects to a woman, who in such a short time gave her knowledge and her genuine self to me professionally and personally. At her funeral were dignitaries and a multitude of people who, like me, had been touched by her presence. The First Lady Michelle Obama and Congresswoman and former EEOC Chair Eleanor Holmes Norton, her mentor, attended the services, which shows you how awesome of a woman she was. Chair Berrien's husband Peter W. Williams gave the loving history of two bright future fighters for Civil Rights that he and his "Boo" Jackie would become.

Jacqueline Ann Berrien is not just a beautiful soul gone too soon but a champion for those who often cannot speak for themselves, and a shining example of what one woman could do by simply being herself. I still feel her presence as I walk the halls of the EEOC.

It is nice to have some good news to report. Since 2013, the Union has been battling for the additional day of telework in the CBA to be implemented. Unfortunately, the agency blocked the extra day of telework. Finally, through more negotiations, eligible employees may telework up to five days per biweekly period. The Union wishes to acknowledge Chair Jenny Yang, whose leadership was essential in finally bringing this important work-life balance improvement to our staff.

The Fifth Day of Telework

By *Nina C. Rivera, Attorney, HQ*

On December 23, 2015, Chair Yang sent an email throughout the Commission that finally resolved the highly contested fifth day of telework. For me, that meant that every other Friday would be added to my existing telework schedule. Would one extra telework day make a difference? You betcha!

In my opinion, telework is a win/win proposition for both the employees and the Agency. It's a win for me because it supports the work-life balance that I need in order to do my best work. When I telework, that's over two hours a day that I'm not sitting on the Metro or using my vehicle to get to the train station. As a result, I have been able to attend school programs that I had previously missed because they were scheduled early in the evening during my commute.

Some may say that work-life balance is a personal matter and that work is and should be only about work. However, if you think that personal issues do not leak into the work environment you are sorely mistaken. Whether it is dealing with children, parents, pets, hobbies, or illness, the workplace is impacted. Telework is a tool that can ensure that the work continues to get done.

Teleworking supports accountability and trust which is essential for a successful work environment. I am fortunate that my work is conducive to teleworking. Telework provides me with the uninterrupted time that I need to work on my cases. I am also fortunate enough to have the technology I need to telework, including access to my cases, as well as being able to successfully interact with my coworkers, the office, and the public that we serve.

The Agency wins with telework because the continuity of work is guaranteed. Teleworkers work when the Agency is impacted by the weather, commuting emergencies, protests and celebrations

in the city, and national disasters. Telework also saves the Agency money and solves possible workspace issues. By advancing telework the Agency is fostering an environment of trust, respect, high employee morale, and accountability. I believe our mission is too important to not explore as many opportunities as possible for ways to complete our mission. So does the fifth day matter? Let's all say it together... You Betcha!



10 REASONS WHY I LIKE TO WORK AT HOME:

Yamira Moreno-Cruz, Investigator, Raleigh

1. I am able to stay **focused** because it is QUIET!
2. No phones ringing off the hook.
3. No interruptions—management, coworkers, or CPs...
4. I have my plan and I am able to somewhat control what I have to get done.
5. Lots of desk/counter space to spread my work without getting them mixed up.
6. I have control over the room temperature.
7. No waste of time preparing for work—Choosing clothes, make-up, hair...
8. No worries about my appearance—no one can see/smell/hear/touch or judge me.
9. A greater sense of accomplishment as I can distinctly see and quantify what I have done in a day.
10. Love my jammies, my slippers, and my break area.

There is always a downside to work from home: You have to **work!**



EPISODIC TELEWORK

Billie Carter, Legal Technician, Raleigh

I was offered the opportunity to participate in Episodic Telework and was hesitant about this new opportunity. However, after my first day working



from home, I began to understand the benefits and how it affects your work life balance. For me, not having to deal with the stress of the morning and afternoon traffic was the biggest relief. The stress that commuting creates can throw off your quality of life. Telework allows you to have a better balance between your career and family responsibilities. You have more flexibility, you reduce your travel costs, and become more productive because of less distractions or interruptions.

A POSITIVE DIFFERENCE

Joy Brockman, Administrative Judge, Miami

I had just arrived in the office after being stuck in more than two hours of very miserable Miami traffic when I saw a form on my desk approving me for 5 days per pay period of telework. It really was perfect timing. Telework benefits the employee, the environment, and the EEOC. In the morning I can jump right into my work without the stress of the heavy commute. Without the extra commuting time, I have more time for my family. This telework schedule has made a positive difference in my life.



(L-R) Brooks, Rep. Thompson (MS), Ellison, Barrett



(L-R) Grant Doty and Rep. Luetkemeyer (MO)



(L-R) Chris Bashaw, Regina Andrew, and Rep. Scott (VA)



District visit: (L-R) Anica Jones, Rhonda Ellison, Rep. Cohen (TN), Erica Diggs



Rep. Cummings (MD) and Regina Andrew



Rachel Shonfield with FL AFGE and Rep. Wasserman Schultz (D-FL), Leader Pelosi (D-CA)



Darrick Anderson and Sharon Baker district visit to Rep. Yarmuth (KY)



Chris Bashaw and David Norken (back left) at presentation of AFGE Lifetime Achievement Award to Sen. Mikulski (MD)

First Timer Perspectives from 2016 AFGE Legislative Conference

GRANT DOTY, LOCAL 3629



Grant Doty with Sen. Blunt (MO)

This was my first AFGE meeting and it was a real honor to meet fellow members. I was also pleased to contribute to the critical mission of sharing our important messages with our elected officials on Capitol Hill. I got the real sense that those with whom I spoke — both elected officials and their staffers — valued putting a face on our issues.

CHRIS BASHAW, LOCAL 3614



Retired Sen. Sarbanes (MD) and Bashaw

I felt very privileged to be able to attend the AFGE Legislative Conference in Washington, DC. Throughout the conference I was able to truly see how much work the Union does to benefit all Federal employees. I was able to meet people and discuss agency concerns. I recommend any employee attend this if you are able. The atmosphere was fun and empowering. AFGE Local 3614 Local President, Regina Andrew, made me feel included and introduced me to key people throughout the Union. I look forward to next year's conference and becoming much more involved in the Union because of this experience.

ROY WILKERSON, LOCAL 3637



I rarely feel as much of a citizen or as patriotic as I did in Washington D.C. during the AFGE Legislative Conference. My colleagues Pamela Edwards and Levi Morrow used to regale us with their missions to "The Hill." I saw my chance to attend as an opportunity to harness my passion for the agency, my Union and to speak truth to power.

Meeting Council 216, I got to make real connections with coworkers from all parts of the country. These EEOC employees are valiantly attempting to eliminate employment discrimination, but with hands often tied behind their backs, due to budget issues, lack of an adequate workforce, or misdirection from individuals who may be well intentioned but are too far removed to understand the needs of those on the front line.

Being from Texas, I expected a great deal of pushback on the Hill on some of our issues. However, I found that the staff

assistants, whether R or D, were almost all professional, amiable and able to disagree without being overtly oppositional. Claudia Molina (Houston Union Steward) and I did our best representing our Union. Personally, I hope we did all of you proud.

JACQUELYNE FIZER-JORDAN, LOCAL 3504

The February 2016, meeting was my first time ever being on the Hill. It was so amazing to meet and actually speak to the members of Congress concerning issues that are important not only to me personally, but to all Federal employees. This is an experience that I will never forget. I see now that we can never stop fighting, and I am in for the long haul!



Rep. Benisheck (MI) (back row), Stephanie Perkins, and Fizer Jordan (front right)

CYNTHIA WILSON, LOCAL 3220

Incredible! That is how I view the AFGE Legislative & Mobilization Conference. I witnessed AFGE in motion with our members networking, marching and meeting lawmakers. I do not think we (as employees) realize how hard AFGE and our Council work.



(L-R) Wilson, Rep. Takano (HI), Martin

As a first timer, I watched as our National President and the Local Presidents worked long hours, through the weekend and into each night on multiple issues concerning us...EEOC employees. It was quite an experience to sit down and speak directly with a member of Congress about our mission, budget and concerns. But what I valued most was witnessing first-hand the passion and diligence our Council.



Council members with overtime attorney Barbara Hutchison at the dedication of AFGE's lobby renamed for her and former national officers.

- New Disability Program Manager, same delays, why?
- Why won't the EEOC approve its employees' episodic FMLA requests?
- Why won't EEOC managers read agency policies (Harassment, Accommodation, SDEP)?
- When will offices get needed high volume/speed scanners to upload docs to ACT Digital?
- How much time is expended redacting and disclosing position statements?
- What the Commission plans to do with survey responses demanded from AJs?
- Will EEOC increase CRTIU supervisors' grades, but not investigators' grades?
- Why can't EEOC find the funds to have an FY16 SDEP class?
- When will EEOC's FEVS scores improve in areas besides participation rate?
- How much longer will EEOC drag out the overtime case?
- Why EEOC's answer to any problem is to hire more managers?
- Why EEOC continues to enable management in offices and legal units that suffer high turnover?
- Why every legal and enforcement manager has to be involved in every SA case decision?
- Why is OHR suddenly allergic to CBA provisions to negotiate MOUs?
- Should two HQ staff travel West for training that had been offered in DC?
- If we don't have numbers, then what does 144 mean?

Spotlight On Accountability

Gabrielle Martin, President, as told to me by staff

For many years now, front-line staff has heard the EEOC's battle cry, "you have to learn to do more with less." The more – close cases and development of time consuming systemic cases. The less – adequate staff, real efficiencies and equipment. The history of heaping work on the Investigators is taking its toll. Many leave, simply burned out.

During the recent Town Hall Call, the Chair advised staff that she asked all Directors to be accountable. Directors have been working with supervisors to develop district accountability plans. Though asked to identify two things to significantly impact our work, "Innovation" or changing the culture did not make the directors' cut. Although the plans are not yet approved, caseload management - read increase closures- remains the focus. Investigators are threatened with PIPs if they do not meet commitments. Investigators are told to increase percentages of intake charges designated as a "C" to reduce processing times with quick dismissals. While the Commission claims to prioritize service to underserved populations and a commitment to justice, those without

attorneys are more likely to have charges dismissed at intake. Where is the public service or justice in that?

In one office, the word "numbers" peppered the sessions with supervisors. Increase the closure numbers – not to serve the public or provide justice, but to ensure that the director gets an outstanding rating. This is not a time management or caseload issue - the reality is that front line staff simply do not have enough time in a 40 hour work week and Directors care more about their ratings. Employees present efficiencies, which are routinely rejected. The Act Digital System and position statement release policy have increased the time required to complete investigations given all the scanning and redacting. Without equipment or efficient processes, the drain on investigator time will worsen.

When will managers be held accountable for something other than numbers? When will employees be engaged? Employees want to know who will talk to them about how to get the work done, and when the answer to doing more with less will no longer be – just give it to the Investigators?

National Council of EEOC Locals No. 216 Officers

Gabrielle Martin, *President*
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 Stephanie Perkins, *2nd Vice-President*
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216 WORKS

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Overtime Update

Union continues the fight to get EEOC to compensate its employees.

On December 15, 2015, the Federal Arbitrator issued a 685-page ruling in regard to the claims phase of the overtime arbitration. The Union's attorney, Barbara Hutchison, continues to contact each claimant to provide specific information regarding the ruling on their claim and where applicable, additional proceedings on their claim. The Union is pursuing all avenues, including filing exceptions (appeals) and attempting to engage the agency in mediation, to finally bring this sad chapter in the agency's history to a close.