

## 38th AFGE Convention

# Gage, Cox Re-elected; Thomas Wins WFP Seat Convention Approves Per Capita Increase

**J**ohn Gage was re-elected to his third term of office at the 38<sup>th</sup> American Federation of Government Employees (AFGE) Convention on Wednesday, August 26, 2009. **J. David Cox** ran unopposed for his second term as the National Secretary Treasurer of AFGE. He was declared the winner for that office by acclamation prior to members going to the polls. A field of five vied for the position of National Vice President (NVP) of the Women's and Fair Practices (WFP) De-

partment of AFGE. That office had been vacant due to the death of NVP **Andrea Brooks**. After a run-off election, long-time activist **Augusta Thomas** was chosen as the NVP for the next three year term.

The 38<sup>th</sup> AFGE Convention began on Monday, August 24, 2009 in Reno, NV with a keynote address by **National President John Gage**. Later on this first day, AFGE delegates to the convention, numbering about 1200, heard from recent Obama appointee, **John Berry**, Director

of the Office of Personnel Management (OPM).

On Tuesday, August 25, 2009, AFGE delegates were addressed by then **AFL-CIO Vice President Richard Trumka** (Trumka has since been elected AFL-CIO President). Trumka, always a pleaser, did not disappoint. Also on Monday, August 24 and Tuesday, August 25, AFGE awards were presented to individual union activists, Locals and Councils for their contributions to AFGE. Also on Tuesday, candidates for office made acceptance

*See 'Convention' page 9*



*Augusta Thomas, candidate for AFGE's National Vice President for the Womens/Fair Practices Department campaigns before the Council.*

## National Council Meeting

**T**he biannual meeting of the National Council of EEOC Locals (the Council), No. 216, AFGE, AFL-CIO convened on Saturday, August 22, 2009 in Reno, NV, and was chaired by Council President Gabrielle Martin.

The Council meeting preceded the 38<sup>th</sup> American Federation of Government Employees (AFGE) convention. The Council's agenda was full and topics

included the many issues the Council is attending to which required reports, updates and discussion. Adding to the challenge of getting through a full agenda was the fact that election of officers for AFGE was occurring during the week and several candidates requested time to address the Council. Ultimately, through perseverance, the Council did complete its entire agenda.

*See 'Council Meeting' page 4*



*AFGE National President John Gage was re-elected to his 3rd term in office at the 38th American Federation of Government Employees Convention on Wednesday August 26, 2009.*

# PRESIDENT'S VIEWPOINT:

## Meeting Challenges In The New Year



**Gabrielle Martin,**  
**Council President**

As we enter the new fiscal year, there are things to be excited about. We will be getting a new Chair and perhaps the EEOC can begin a new customer-oriented era. Perhaps there will be reason to hope for positive changes. Perhaps we will finally get to the point where we can do more good for the public in a timely manner. After all, due to the Union's diligent efforts, the agency's budget has increased substantially over the past years. EEOC finally has funding and specific directions regarding hiring.

The past year and past era created untold problems that inhibited the ability of the agency to perform its work. Today, for example, the agency is crippled by its decision to replicate the failed Congressionally-prohibited contractor-operated call center in-house. Replicating the program in-house with EEOC employees, rather than exploring ways to better manage telephone traffic means that the same problems remain. EEOC is using the same manager of the failed contractor-operated call center to oversee and manage EEOC's current phone calls.

### Copying Past Mistakes

Information Intake Representative (IIR) employees, like their predecessor contract operators, still are not allowed to full service to callers. Restricted in the training they receive, the employees can only read scripts to callers. They are ordered to spend very limited amounts of time with callers, and to push callers to the internet portal to submit inquiries to the agency, IIR employees are routinely given warnings and discipline for spending too much time talking to callers, providing customer service or actually helping them.

Saddled with equipment that does not work these IIR employees are chastised

for taking bathroom breaks. Calls bounce around the country on the system, and often, callers decline to hold for long periods of time, hanging up instead. In the meantime, the employees are disciplined for the hang-ups.

These same IIR employees are isolated from the rest of the office workforce. They are plugged into a non-working phone transfer system, and are also expected to answer e-mails. Call volumes are huge, but the number of employees available to answer calls are small. It is inconceivable that some of these same employees also are expected to respond to an equally high number of e-mail inquiries, yet this is the situation. Many e-mail inquiries are over six months old. By the time EEOC responds, the public has given up.

### Case Backlog Still Grows

For employees in the rest of the EEOC, things are equally grim. Because of a lack of administrative and clerical support staff, combined with the limited and the time available to meet with the public and respond to new mail inquiries, investigators cannot get to investigations. Investigators carry high case loads and supervisors have more cases waiting to be assigned. The process also necessitates that investigators field most calls from the public regarding the status of cases. Without support staff in any adequate numbers and the time spent with the public, the 74,000 case backlog from 2008 has continued to grow. EEOC had the money to hire throughout the year, but waited until the end of the year to start the process. Meanwhile the backlog continues to grow.

### No Help for Judges/ Legal

Other parts of EEOC's operations are equally paralyzed. The federal sector hearings judges constantly lose colleagues to other agencies where support staff is a constant, rather than an afterthought, and where opportunities for training, promotion, professional advancement and career

growth actually exist. The loss of judges combines with EEOC's refusal to hire support staff for the judges, the length of time it takes to hear federal sector cases continues to rise. It often is over a year before hearing requests are acknowledged prompting complaints from charging parties. Because the federal sector program is a step-child, travel funds and training monies often are unavailable, compounding the length of time it takes to hear these cases.

Legal units suffer as well. Lack of support staff, paralegals and money cripple the ability to litigate cases. The EEOC's litigation program is hobbled by its failure to fund the program. Lack of training for employees is as rampant here as for other employee groups.

### Lack of Training

Training for support staff, so that this beleaguered employee group can be more efficient and effective, also is non-existent. Opportunities for upward mobility are extremely limited due to the agency's decisions regarding staffing. Why hire support staff when we can hire professional employees, deny them training and carry a big stick to ensure that their work gets done?

### Challenge to New Chair

In the coming year, a new Chair can revitalize the EEOC and make it an agency dedicated to the mission. Training can become a hallmark for the employees. New staff, hired early in the year, rather than starving the employees until it is too late in the year to do anything but dump cases, can make a significant difference. Adding administrative and clerical support staff will not only help morale, but will make a significant difference for the public. After all, serving the public is our goal and the additional funding should help us meet our challenges.

*For More, See Top 10 Challenges for a New Chair page 8 —Ed*

## Walk in My Shoes

Here's your chance to tell the world what the workday is really like for workers. **The AFL-CIO Union Label and Service Trades Department (UL&STD)** wants to know what it's like to **walk in your shoes**.

Union Label wants to hear your story of what it is really like on your job.

### Here's The Idea

Tell Union Label what your workday is like. Union Label wants to hear it all—whether you face a tough commute, deal with a grumpy boss, take on a big challenges or have great success. The best submissions will be posted in the Label Letter and on the UL&STD website.

“We want rank and file members to help us illustrate the rich, diverse tapestry of hard working men and women who make up the American labor movement. They are proud of their work and proud of the contributions they make to their communities,” says UL&STD President **Richard Kline**.

You can send a digital photo or film print of yourself at work along with a short summary—150 words or less—of what happens during a day at work. Send digital photos and entry information by e-mail to: [info@unionlabel.org](mailto:info@unionlabel.org). Digital photos should be at least 300 dpi (high resolution) to be adequate for printing. Make sure you include your name, your union and include complete contact information (best phone number and mailing address as well as e-mail).

If you're sending snapshots or printed photos, mail to:

UL&STD,  
Attn: Walk in My Shoes,  
815 16th St., N.W.,  
Washington, D.C. 20006

E-mail submissions to:  
[info@unionlabel.org](mailto:info@unionlabel.org)

# RACHEL'S REPORT: Proud, But Not Satisfied



**Rachel Shonfield,**  
*Leg. Coordinator*

*By Rachel Shonfield,*  
*Local 3599; Council*  
*Legislative Coordinator*

“**Proud, But**  
**Not Satisfied,**”

which was the  
theme of AFGE's  
triennial August con-  
vention, is also a good  
summation of the  
Council's legislative

work. We are definitely seeing the fruits of our labor, most importantly with a spate of new hires and training events. However, as we know, there is much more that needs to be done at the EEOC to improve service to the public and to our own working conditions.

**We are proud** that when EEOC's leadership failed to advocate for needed resources, and in FY07 even asked for a \$4 million cut, the Union stepped up and actively lobbied Congress to increase the agency's staffing and funding for EEOC.

**We are proud** that the Council exposed that the public was suffering the impact of level funding and hiring freezes, e.g., sky-high backlogs and inordinately long case processing times.

**We are proud** that through the Union's efforts, Congress provided a greater FY09 allocation to EEOC than the agency requested. **We are proud** that with the Union's urging, the EEOC administration asked for a bigger increase for FY10, which has now passed both the House and Senate Appropriations Committees. With its hopeful passage into law, this will mean a total increase for EEOC of \$38 million dollars over the past two years.

**We are also proud** that EEOC has finally ended its hiring freeze. When recruiting

members, let new employees know they are here because of this Union.

**We are proud** that Congress is directing EEOC “to ensure that workload projections account for” the March 23, 2009 Federal arbitrator's ruling that EEOC will fully violated overtime laws nationwide. This will help stop EEOC from balancing its budget on the backs of its employees.

**We are also proud** that the Union's relentless three year campaign defunded the contract call center, bringing this inherently governmental service back in-house where it belongs.

Despite all of these achievements **we are not satisfied**. The Council continues to advocate for EEOC's budget to be further increased to account for record high charge receipts, mounting backlogs, and enforcement of the new GINA and ADAAA laws. **We are not satisfied** that EEOC still does not have adequate front-line staffing to effectively enforce the laws and reduce the backlog.

Finally, **we are not satisfied** that EEOC continues to act as anything but “the model employer.” For example, EEOC should: reign in micromanagement; keep its word to reduce supervisor; employee ratio to 1:10; repair labor management relations; and stay competitive with other agencies by making career grades commensurate with increasing complexity of the law and duties.

So, moving forward let us be encouraged by our legislative achievements, which are paying off on the frontlines, but motivated that there is still much good work to be done.

**National Council of EEOC  
Locals No. 216 Officers**

**Gabrielle Martin,**  
*President*

**Michael E. Davidson,**  
*1st Vice-President*

**Rachel H. Shonfield,**  
*2nd Vice-President*

**Levi Morrow,**  
*Treasurer*

**Danny Lawson,**  
*Secretary*

**Kathleen Harman,**  
*Executive Assistant  
to the President*

**Local Presidents**

**Regina Andrew**  
*Local 3614*

**Sharon Baker**  
*Local 3599*

**Donna Walcott**  
*Local 3555*

**Stephanie Perkins\***  
*Local 3504*

**Patricia Floyd**  
*Local 2667*

**Gabrielle Martin**  
*Local 3230*

**Levi Morrow**  
*Local 3637*

**Joseph Wilson**  
*Local 3629*

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*\*pending election appeal*

## *Chicago EEOC Attorney Receives Younger Award*



*Ann Henry*

**Ann Henry**, a Trial Attorney in the Chicago District Office was the recipient of the Federal Bar Association's (FBA) Younger Award this month. The FBA "is dedicated to the advancement of the science of jurisprudence and to promoting the welfare, interest, education, and professional development of all attorneys involved in federal law." The goal of the Younger Award is to encourage younger federal lawyers to attain high professional achievement and to recognize such efforts.

Ann was hired through the EEOC Attorney Honor Program in 2001. Prior to that, she clerked for a US District Court judge in California. She graduated with honors from the University of Chicago Law School and received her Bachelor of Arts degree in Political Science from Yale University.

Ann was nominated for the Younger Award by the Regional Attorney and STAs in the Chicago office. The basis of her selection was in the category of "outstanding legal ability and performance over a sustained period." Ann was presented with the Younger Award at the FBA's Annual Meeting and Convention on September 11, 2009 during the Younger Federal Lawyers Award Luncheon.

## **Council Sets Agenda for Coming Year; Approves Budget for FY 10**

*'Council Meeting,' from page 1*

Topics discussed included: the status of **Jacquiline Berrien**, President Obama's nominee for EEOC Chair, Federal Sector changes, IIR issues, membership level, staffing, backlog and hiring, negotiations for a new contract, EEOC's increased budget and appropriations bill language from both the Senate and the House (*the Council prefers the more detailed House language*), the status of the settlement on the Council's successful arbitration on the issues of Overtime and classification, EEOC's policy, post-arbitration, on overtime issues, training, Committee reports (Website, Arbitration, Training, Intake).

### **Strategic Plan**

Following a discussion and updating of the Council's strategic plan for the coming year, the Council's new budget was discussed and adopted. The newsletter, *216 Works*, and other means of the Council communicating with members was discussed and a Communications Committee was formed to explore options such as social networking.

Three candidates for national office visited the Council and spoke briefly.

In addition, at 8:00 am on Sunday, August 23, 2009, **Victor Voloshin**, the Director of RESOLVE met with Council members. Voloshin has been in this position for four months. He presented his philosophy regarding mediation including a more proactive approach and discussed with Council members the problems and advantages of mediation.

The Council meeting concluded with **President Gabrielle Martin** recognizing the contributions of a number of Council members.

## MIKE'S VIEW

# Hiring: Iota of Good News; Lots More Bad News



*Michael Davidson,  
Council 1st Vice President*

**T**he good news is that hiring, particularly since mid-January, 2009 and beyond, has outpaced past hiring announcements probably since the pre-hiring freeze commenced in 2001. But once again the number of announcements does not necessarily equate to the number of employees hired. That five year hiring freeze, lest we forget, was a legacy of then

Chair Cari Dominguez – a legacy we are still burdened by. Since October 1, 2008 (FY 2009) through about the end of August, 2009, 359 bargaining unit positions and 90 non-Bargaining unit vacancy announcements have been posted. Moreover, more Investigator positions and clerical positions are being posted along with a myriad of other positions. That's about it for anything that resembles good news on the hiring front.

### *The Bad News?*

Out of those approximate 450 posted positions, we don't know how many were actually hired. We don't know how many of those hiring announcements were canceled, extended or withdrawn. We also don't know how many employees left EEOC. Without that type of detail, the National Council is hard pressed to assess how much progress EEOC is making toward the goal of adequate staffing. We do know that in 2000, EEOC employees numbered about 2,900; and in 2009 that number is about 2,300.

### *Some things don't change*

The National Council during the Earp reign requested that EEOC provide information concerning staffing: Names of new hires, positions, announcement numbers, work location, etc. as well as the number of separations. Under Earp's "don't give the Union anything they want" policy, that information was not provided. Then, in about February, 2009, optimistic that a more cooperative administration would govern EEOC, the Council requested the same hiring information. Although the response was more positive, the end result has been the same: the Council STILL has not received that information from EEOC. Therefore,

the Council is STILL unable to accurately gauge the level of staffing.

### *Does 359 Postings Sound Like a Lot?*

That is the number of bargaining unit positions posted not hired. The positions that have the major impact in turning over cases and reducing the backlog are Investigators and Support Staff. It is those I will focus on (not that other positions aren't important).

About 60 Investigators and about 49 Bilingual Investigator announcements (a total of 109) have been posted since October 1, 2008 located in about 48 EEOC offices. There were 7 Investigator postings for Los Angeles; 6 postings each for Detroit and the Washington Field Office and 5 postings for Chicago. Other offices were the object of fewer numbers (some offices got none) of postings for Investigators. Did those specified offices receive that number? Does that number of Investigators go very far in reaching an adequate number either in individual offices or collectively throughout EEOC? No! It does not.

During the relevant posting period, about 25 vacancy announcements for Enforcement OAA's and about 27 ISA vacancy announcements have been posted. The bad news is that those announcements were only for about 25 offices.

The bottom line here is that gauging by the number of vacancy announcements alone, tortoise-like progress is being made toward adequate staffing levels. To whatever extent EEOC is hiring, that is due in no small measure to the National Council. The Council has lobbied Congress on this and other issues. New employees can thank the National Council for their jobs. If that isn't a reason to become a member, I don't what is.

### *But there is some additional good news*

EEOC will likely receive a budget increase for the second year in a row. The Council has Congress' ear and Congress has recognized that there is a connection between caseloads, backlogs and staffing. Progress is being made, albeit slowly and the political climate is better.

## Council Intake Proposal

by Sharon Baker, President Local 3599; Council Intake Committee Chair

The National Council of EEOC Locals, No. 216, AFGE, AFL-CIO is developing a proposal that it will present to EEOC regarding Charge Receipt (aka Intake). The intent is to attempt to make Intake more uniform for all offices and to have the Intake duty performed by dedicated units that are staffed by IIR's, ISA's, Investigators and OAA's of grade levels GS 5-9, commensurate with the work. The Council believes dedicated units will allow investigators to spend the majority of their work hours investigating charges and thereby increase the overall efficiency of the service we provide to our customers. The grade levels within the proposed unit will provide a higher level of knowledge, skills and abilities to provide quality charge processing.

The overall objective is to better manage Charge Receipt functions including incoming mail and EAS workloads. The projected benefit under the Council plan is that investigative work will be processed in a much more time efficient manner.

Our plan is dependant upon increasing front line staff posi-

tions. Office ISA's and IIR's will be assimilated into the Unit, and OAA's can be added, as needed. Offices that currently house the IIR's will be able to adapt to this proposal's structure with minor changes in their FTEs. This proposal will also allow the IIR's to perform more than telephone answering duties and will enhance their ability, in the broader sense, to assist in the agency's overall mission. These positions may serve as a transition and/or bridge positions for the employees to obtain higher level positions within the agency.

An Intake Unit will be comprised of two sections: Section A - will process all intake related telephone and mail (e-mail, postal mail, fax) contacts. Section B will perform all other intake duties, and serve as back-up to Section A (which is a service that would occur when the backlog of Section A work exceeds a set ceiling).

The Council's plan is still a work in progress. It is expected that the Council proposal will be submitted to EEOC when completed in the near future.

## Council Investigates:

### Employees Hired As Feds But Later Paid By Temp Service

The National Council of EEOC Locals, No. 216, AFGE, AFL-CIO has recently learned of a highly irregular hiring situation in an EEOC office that may have violated personnel practices. Among the victims are veterans who applied for posted positions in an EEOC office and non-veteran applicants who were selected for those positions. The Council is investigating the matter to assure that the rights of all are preserved. Here's what the Council has learned:

Three non-veteran applicants applied for and were officially offered positions as Federal employees in an EEOC office, but were later paid by a temporary agency. The employees gave up other employment and/ or benefits, relying on EEOC's official offers of employment. The employees reported to work in August of 2009. They were sworn in as Federal employees and completed their Federal employment forms. These three employees worked in their positions for three weeks. They filled out their "EEOC Biweekly Worksheets (formerly known as Cost Accounting)," reflecting their hours worked. At the end

of their third week of employment the three employees were called into a meeting with the District Director, Deputy, and District Resource Manager. The Director informed them that there was a problem with the hiring process. The Council understands that the "problem" related to whether veterans' preference procedures were appropriately handled during the selection process. The three were informed that to get paid for the time they had already worked with the EEOC, they would need to register with a temp agency. One of the three was already enrolled with the temp agency. The other two were driven by an agency official to register for employment with the agency.

The next day the three employees were each given a "CompCARD," issued by the temporary agency, that could be used (with fees) at an ATM or as a credit card. The EEOC now apparently considers the employees to be employed by the temporary agency. This means the three employees were terminated from their federal employment and benefits without written

notice or being afforded their procedural rights.

This situation raises many questions: Were veterans' preference rights violated and or ignored? Will the selected non-veteran employees retain EEOC employment? How were Federal employees signed up and paid retroactively by a temp agency? While being paid by the temp agency, will their rate of pay be that of the grade they thought they occupied? What about lost pay and benefits? How and why did this happen?

The Council has raised these issues with the agency's top leadership and the Inspector General. The Council is working to save the jobs of the non-veteran employees. The Council is also concerned with the veteran applicants who may have been affected. It would seem that the employees who detrimentally relied on EEOC's official offer of hire and worked for three weeks should keep their jobs. Any affected veteran applicants should be offered comparable employment opportunities. The "model employer" strikes again!

# LEVI'S OUTLOOK

## New Administration, Same Old EEOC



Levi Morrow,  
Chief Negotiator

**W**e are 9 months into the new (acting) administration and the working conditions and policies in EEOC have changed little since January.

**Some might say they have gotten worse.**

Although the Acting administration has actually had discussions with the National Council's Executive Board (something Chair Earp did not do for the last two years) and has sounded more positive, not much has been accomplished.

The one concrete improvement is that Attorneys and AJs now have a career ladder to the journeyman level. Mediators are to also get a career ladder to the GS13 Journeyman level but it has been months since the initiation of that effort with no end date.

So, we are still waiting for the new, permanent leadership to arrive to begin to address the many things that have not worked at this Agency.

Permanent, decisive and firm leadership is needed if this Agency is going to regain the trust of the Union, the employees and the public. You will see in this issue (page 8) the Council's assessment of the major challenges that face the new Chair.

But, also needed is a full complement of Commissioners. Christine Griffin soon leaves EEOC to go to OPM; will Stuart Ishimaru remain with the Commission?

Naomi Earp has left the Commission and her seat needs to be filled. While additional budget money is needed, equally, if not more important, is agency leadership for a breath of fresh air to put EEOC on the right track.

The National Council eagerly awaits the installation of new leadership and looks forward to forging a working relationship with it.

### Update On Council Litigation: *The FLSA Grievance*

The Arbitrator's decision in favor of the National Council was issued in March, 2009. The Council has been trying to work with EEOC to arrive at either a settlement or a procedure to remedy the EEOC's unlawful time keeping procedures and impermissible re-classification of Mediators, Paralegals and Investigators. It is now about six months since the Arbitrator's decision. Instead

of engaging in good faith bargaining, EEOC has used legal procedures and low bid settlement offers to delay and avoid the resolution of a willful violation of the law. In the meantime, Mediators, Paralegals and Investigators wait for a process that will compensate them to some degree for all the years they were pressured to work beyond their tours of duty.

The only concrete progress made on the road to resolution is that EEOC has finally agreed to a letter explaining the claims process to all present and former employees of EEOC covered by the Union's overtime grievance. That letter from the Union's Attorney, Barbara Hutchinson should be in affected parties' hands at this point. Positions covered by the Arbitrator's decision are Investigator GS-1810, 9/11/12, Mediator GS 301,12/13 and Paralegal Specialist GS-950, 9/11. If you hold (or held) one of the affected positions during the relevant time period and did not receive a letter (or know of someone who did not receive one), a copy of the letter may be obtained by contacting Ms. Hutchinson at 301-577-3387.

We are currently (and have been for months) in negotiations with the Agency on a claims procedure. As soon as the negotiations are completed, you will be notified as to how, when and where to submit your claim for compensation. However, the Council is still willing to discuss a reasonable settlement offer from EEOC. In the meantime, employees should continue to gather documentation to support hour of work claims.

In the meantime, EEOC threatens to impose discipline on employees who work beyond their respective tours of duty after decades of winking at the practice to enable an understaffed EEOC to produce more without hiring. If you have questions about your work schedule, hours, or office policy regarding overtime talk to your Steward or Local President.

### *Contract Negotiations*

We are still operating under the terms of the expired Collective Bargaining Agreement (CBA). However, we have completed ground rules for the negotiations of a new contract. The ground rules state that all provisions of the expired CBA will remain in effect until the parties complete negotiations on a new CBA. A date to begin negotiations has not been determined by the parties. If you have any suggestions for the new contract, please send them to me at [Levi.Morrow@eoc.gov](mailto:Levi.Morrow@eoc.gov).

I anticipate that negotiations will not start until a new, permanent Chair is installed. It will be interesting to see how a new Chair handles contract negotiations. It will be one test of what is to come.

# POINTS TO PONDER

- Why won't EEOC meet its obligations and settle or resolve the Overtime/Classification Grievance?
- Will hiring at the present rate ever achieve adequate staffing?
- Do new employees realize that they have a job because of the efforts of the National Council?
- Should tax payers pay for a district office's management retreat at a hotel 5 minutes away from the district office?
- Why wouldn't anyone join the Union?
- Shouldn't EEOC change its motto to "Do as I say; not as I do"?
- Why is it so difficult to get information from EEOC?
- What is the up side of micro-management?
- When will EEOC upgrade its technology to the point where computer speed is not so slow and video streamed presentations can be viewed without distracting interruptions in video and audio?

## EEOC UNION ISSUES TOP 10 CHALLENGES FOR NEW AGENCY CHAIR

On July 17, 2009, President Obama announced the nomination of Jacqueline Berrien to become Chair of the Equal Employment Opportunity (EEOC). EEOC has suffered from frozen budgets, the loss of 25% of its workforce, and mounting case backlogs. According to National Council President Gabrielle Martin, "EEOC's new leader has her work cut out for her trying to revitalize this decimated agency and restore the public's confidence in EEOC." More recently, President Obama has nominated Chai R. Feldblum for a commissioner's seat.

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**"EEOC's new leader has her work cut out for her trying to revitalize this decimated agency and restore the public's confidence in EEOC."**

**— Council President  
Gabrielle Martin**

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Below is the list of the Council's top ten challenges facing the new EEOC Chair. This list was originally issued as a press release shortly after President Obama's announcement.

1. **Budget**—The new Chair must be an outspoken advocate for fully funding EEOC. Modest increases in FY09 and FY10 have not overcome five years of level funding.
2. **Backlog/ Hiring**—The new Chair must prioritize the hiring of frontline staff to dig itself out of its rising backlog of 82,561 cases. The public now waits on average almost 9 months for help.
3. **Overtime**—The new Chair must clean up the EEOC's own overtime abuses, ruled to be willful violations by a Federal Arbitrator, including paying backpay to deserving employees.
4. **Model Employer**—Rather than a "laughingstock," the new Chair should actually make EEOC the model employer by repairing relations with the Union and improving employee morale.
5. **Intake Overhaul**—The new Chair should create an agency-wide solution for the intake of new charges that integrates the in-house call center and can absorb the flood of intake questionnaires.
6. **Attract and Retain Talent**—The new Chair needs to ensure EEOC is competitive with other agencies by making career grades commensurate with increasing complexity of the law and duties.
7. **Training**—EEOC employees need comprehensive annual training, including on EEOC's three new laws, i.e., GINA, ADA, and the Lily Ledbetter Fair Pay Act of 2009.
8. **Federal Sector**—Proposed changes to the Federal EEO process that jeopardize a Federal employee's rights to discovery and a hearing should comply with the regulatory process.
9. **Reign in Micromanagement**—The new Chair should reduce supervisor: employee ratio to 1:10.
10. **Fix Restructuring**—The new Chair should fix the worst results of the 2006 EEOC field restructuring, which split states and downgraded offices in cities with high minority populations.

## COUNCIL NEWSLETTER PULLS OFF HAT TRICK



Your National Council newsletter, *216 Works*, was chosen for the third consecutive convention year for an award for General Excellence from the AFGE Communications Department. The Council Newsletter also won an award for Best Original

Graphic in its category (*shown right*). There were also categories for Locals of various sizes. These awards were presented at the AFGE's 38<sup>th</sup> Convention on Tuesday, August 24, 2009 before convention delegates. Accepting the awards were **Michael Davidson**, *216 Works* Editor and 1<sup>st</sup> Vice President and **Gabrielle Martin**, Council President.



*Best original graphic/ cartoon appeared in September 2008 issue of 216 Works*

*216 Works* received this same award for General Excellence at the 2006 convention and the 2003 convention. In addition, the Council won awards for its Legislative Program and its website in 2006. These are some of the reasons that the National Council has been dubbed "The Little Council that Could".

## Convention Proposal Leads to Support for Additional Funding at EEOC



*'Convention,' continued from page 1* speeches (there was one nominee for the office of National President who declined). Tuesday and Wednesday, workshops on constitutional proposals were reviewed and action was recommended. These actions were reviewed and voted upon by the entirety of the delegates on Thursday and Friday. Interestingly, one proposal submitted by an AFGE Local called upon AFGE to support the effort for additional funding for EEOC. That proposal was passed by the workshop and the convention body. Election of AFGE National officers was conducted on Wednesday.

As has been the case for many years, delegates knew that a proposal on a per capita (dues) increase would be an item of business by the convention. Normally,

this topic comes to the convention floor on Fridays, the last day of the convention. However, a motion was made and passed to begin discussion on the per capita on Thursday. Debate was heated and numerous motions were presented to the body. Opinions ranged from no per capita increase to various amounts. The Thursday session ended at 8:00 p.m. after a two-hour roll call vote with no motion adopted pertaining to per capita. However, a motion was quickly passed on Friday morning. The result was a \$2.00/ month increase in 2010; no increase in 2011; a \$.25/ month increase in 2012.

The balance of convention time was devoted to other constitutional proposals. The convention adjourned on Friday afternoon, August 28, 2009.



*Stronger Today*  
**MORE POWERFUL TOMORROW**

*Richard Trumka, now AFL-CIO President Elect addressed the crowd of more than 1200 delegates at the 38th National AFGE Convention Tuesday, August 25, 2009.*

## IN MEMORIAM

Senator Edward 'Teddy' Kennedy



Democrat Massachusetts  
1932-2009

Senator Ted Kennedy was a lifelong friend to the labor movement. Kennedy, more than any other Senator, fought for the rights of federal employees, leading the opposition to contracting out of federal jobs, maintaining civil service protections and rebuffing the attacks on collective bargaining rights. AFGE, Council 216 and America's working families lost a great supporter and advocate with his passing.

**Andrea Brooks**



National Vice President; Women's  
& Fair Practices Department  
American Federation of  
Government Employees, AFL-CIO  
1944-2009

Activist, federal employee,  
friend, mentor, union officer,  
fighter, parent, grandparent  
and more. She will be missed.

## Know Your Council Members

*David Westley Skillman*

I had debilitating asthma and allergies into my teens for which I needed weekly shots and an inhaler. We lived in Omaha Nebraska but then moved north so my adoptive father could work in the auto factories of Michigan.

In junior high and high school, I made fair grades and so my parents wanted me to drop-out of school and join the military. Instead I chose to graduate from high school then join the military! I served for eight-years and got to travel to much of the Far-East. I also managed to complete a bachelor's degree before being honorably discharged. I am the only male child of my siblings to have earned a degree.

I was accepted into National University's School of Law. While there I took a special study program on EEOC and the laws it enforces.

I was hired by the Los Angeles District Office in 1991 as a paralegal. I became an Alternate Union Steward in 1993. Presently I serve as a Delegate on the National Council, the 1st Vice President of Local 3230 and Chief Steward for Local 3230. I presently work in the San Francisco office.

I practice yoga and Vipassana meditation. I'm a trumpet player, dancer, and an actor. In addition to being an AFGE member I am also a member of the Screen Actors Guild (SAG), the American Federation of Television and Radio Artists (AFTRA), and Actors' Equity Association (AEA). This year I am on the nominating committee for the Screen Actor Guild Awards.

I love to travel. I spent six weeks traveling around Europe two years ago. I would like to go to Brazil or Argentina next.

I have 11 half brothers and sisters and I met my biological father for the first time five-years ago. Here's how: I received a voice message from his 10 year old daughter, my sister, which said "my name's Kalia and I'm your sister. Call me!" I did call her. The three of us have a great relationship!

My mom is still living in Michigan. I spoke to my step-dad a day before he died of congestive heart disease.

I provide service to my community. One place is "Unit 7" of San Francisco's Juvenile Justice Center. Unit 7 is a maximum security jail for felony juvenile offenders. There I work with a group that teaches inmates, among other things, to write plays. It's awesome to witness the joy, laughter, sadness, and pain in the words of these young playwrights.

I also work in San Francisco's Police Academy. Newly promoted inspectors train and practice interrogation techniques on characters I portray. The process, in addition to the training, can expose bias and prejudices of the officers and raise cultural sensitivity.

*As I think is evident, David brings a wealth of experience and perspective to the National Council. -Ed*



# Miami Update: Director's Drive for Numbers Sacrifices Staff and Mission

**T**he March issue of 216 Works contained an article entitled "Miami: Change: Change Has Come But Not for the Better," recounting the changes to working conditions that have caused employees to dread coming to work since District Director Jacqueline McNair was installed by outgoing Chair Earp in January, 2009.

Since that article, the Union has had to file five unfair labor practices, including one regarding an intimidating staff meeting and another about the Director unilaterally changing the longtime office bidding practice.

The Director micromanages by going past supervisors to manage cases and intimidate investigators. Additionally, the Director has secretly toured new office locations, while freezing the Union out of the process and providing staff absolutely no information regarding expiration of the upcoming Miami office lease.

As the end of the fiscal year approaches, the Director is trying to boost her numbers by giving cash awards for cause cases and for "\$ Million Dollar Club" conciliations. What follows are statements by Miami investigators.

**By Rachel Shonfield, Miami Union Steward**

"For many years EEOC's Miami District Office (MDO) has been a productive and hard working office. Since the arrival of the new Director, MDO's employees have rapidly become a most stressful, demoralized and burned out workforce. The traditional stress caused by shortage of personnel coupled with a voluminous work load, is now overshadowed by the Director's overwhelming micromanagement, rooted in her apparent belief that the only way to ensure results or success is to take full control of everyone."

"Great influence is being exerted on investigators to go cause, settle and find merit, at times where there is none. The Director is pushing for more and more on-sites, fact-finding conferences, etc. Many of these are not being conducted because they are necessary or justified for a case, but because they result in one more "number" for the Director's bottom line. Most employees are meeting the Director's numbers out of fear, intimidation, and concern for losing their jobs."

"The Director, with implicit suggestions (sometimes explicit) that we sympathize with the Charging

Parties by putting ourselves in their shoes, blurs the lines in our responsibility to be neutral fact-finders. We must return to function in the capacity of professional and neutral fact-finders according to the guiding principles of our agency."

"When Headquarters permits this sad state of affairs, they also condone it. Then the question becomes, have they lost their focus and have numbers become the means to their end?"—**Jose Camejo, Miami Senior Investigator**

"As an Investigator with the EEOC, I have always heard the shocking stories of workers who have been abused at their place of employment. I have seen the immediate and long-lasting effects that bullying behaviors can have on an employee. Yet, I must admit that I never thought I would have to experience or endure such an environment; especially not at the EEOC. What is most disappointing is that we have sought the help of the leaders of our agency who have turned a blind eye. It is time for the EEOC to stand up on behalf of its own employees and put an end to Ms. McNair's bullying ways. —**Miami investigator (name withheld for fear of retaliation)**

## At Close Range

# A New Investigator Tells Why She Chose EEOC



*Vittoria N. Incandela, Chicago District Office*

In fifth grade, a classmate of mine, Michelle, expressed her hope to be nominated for student council. She read slowly, smelled bad, and shared clothes with her younger brother. At recess, she played alone. The class scoffed when they heard about it. Everyone knew Danny, Kim or Nick were the natural choices, as they had tons of friends and the best clothes. The day of the nominations, someone had stuck a sign on Michelle's back that read: "Don't vote for me." I wasn't friends with Michelle, but I remember feeling so angry that any of my classmates would keep another from achieving

something they wanted. How unfair it was to not allow Michelle the opportunity to be recognized, valued for the person she is and wanted to become.

I am an idealist. I will be the first to admit it. It's not that I believe people are inherently good or that the world is perfect, but I think it's possible. When I saw the post for the open investigator position on the USAJobs.gov website, I had no doubt working for the EEOC was what I needed to be doing. To me the EEOC is like a legion of Davids armed with slingshots of legal statutes aimed at proverbial Goliaths. As its employees, we are lucky to be standing this close, within a clear shot at the issues of inequality. Our work is instrumental in bringing about an essential sea of change to our country and for our fellow human beings. It's an honor to be able to defend the rights that ensure everyone is given an equal opportunity at pursuing their version of the "American Dream."

A few weeks ago at the movie theater, I instantly noticed a young girl in a wheelchair taking tickets. She wouldn't have been invisible to me before working for the EEOC, but her presence at the velvet rope wouldn't have meant as much to me had I not been reading case after case of

people just like her. Men and women who just want what anyone else wants: to matter in the work place. I remember feeling a sense of pride thinking, "That's our work."

It's not an easy job, and I never thought it would be. I am saddened to know the ugly side of humanity, people's prejudices and greed, but I am also inspired by the brave individuals that come forward to tell their stories so that others will not suffer the same injustices.

The truth is: it isn't a perfect world. As I am often reminded every day in Intake: discrimination isn't going anywhere. The EEOC has lots of work to do, and I feel privileged to be apart of it. Armed with my "slingshot" of idealism, I move closer to take aim. As Nobel Prize nominee and fellow Chicagoan, Kathy Kelly said, "I'm working toward a world in which it would be easier for people to behave decently."

*New employees: why did you choose EEOC? What has your experience at EEOC been like (the good; the bad; the indifferent? Send in your thoughts to [med3529@aol.com](mailto:med3529@aol.com). Names can be withheld upon request. -Ed*