

WORKS

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Council 216 Prepares for FY2012's Challenges

By David W. Skillman, Local 3230

While temperatures in Las Vegas Nevada during the month of August soared near the hundred degree mark, Council 216 gathered for its biannual meeting.

The heat outside was a constant reminder of the intense myopic scrutiny Federal workers are receiving this year. Despite having our pay frozen for two years, Federal workers continue to have a large target on their backs. Rumors of further changes and deeper cuts roll out each day, including more cuts in benefits and an overall shrinking of the Federal work force through attrition.

Yet Council 216 set about its work of identifying and furthering its agenda to improve the EEOC work place. Most notably the Council will maintain our Legislative activity and presence, fight the myth that EEOC workers are overpaid, and ensure that if telework is expanded we have reliable and functioning technology to meet the demands of our work.



National Council of EEOC Locals No. 216 delegates met for their biannual planning session in Las Vegas, NV in August. Agenda items included: legislative activity, and the attacks on public employees, including EEOC employees.

Again every one of us, not just Council 216 delegates, must lead the charge by stepping up to contact your representatives, subscribing to AFGE action alerts, friending Council 216 and AFGE on Fa-

cebook and joining the conversations, and building support for our Union, Federal workers, and EEOC in your communities.

Remember, civil rights is a bipartisan issue!

Budget Forecast:

Back to the Future or Be Bold—Implement the Union's Intake Plan

By Rachel Shonfield, Local 3599

For fiscal year 2012, EEOC is looking at something between level funding or a \$7 million hole in its budget. In the last week of the fiscal year, the Chair informed staff that this could mean furloughs. It is imperative that the agency manage its tight resources in a manner that helps the public. For FY12, the EEOC's House Appropriations Committee has left EEOC's \$367 million budget alone. However, this is the same funding level we have been stuck at since 2010. In the Senate,

unfortunately, EEOC did not escape a 2% across the board reduction. For EEOC this amounts to a \$7 million cut. The harm this cut would have on EEOC was not taken lightly by Senate appropriators. The Senate Report states: "The EEOC anticipates 108,000 discrimination charges will be filed by the end of fiscal year 2012, with the goal of having 93,000 end-of-year pending cases. Budget cuts and expanding enforcement responsibilities will make EEOC hardpressed to meet this goal, leaving the Commission with an erosion

of mission-critical staff, increased discrimination charge inventory, limits on its litigation docket, diminished employment sector enforcement efforts and delayed customer service."

So, given the budget forecast, the EEOC will go back to the "do more with less" paradigm. In the past decade, this has meant that the agency relies on "separation savings," i.e., attrition. So wherever someone retires or a probationary employee is sacked, EEOC is left with a hole. As

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UNITY



LOCAL 3230 UNION MEMBER MALCOLM LOUNGWAY

I am a Union member because I wish to join in solidarity with my fellow employees to hold upper management accountable for its poor treatment of the workers that provide the backbone of this agency. I am a member because I wish to see my agency

improve and grow to better serve its mission, and I believe we cannot accomplish that goal unless its workers are united and satisfied with their own employment. The rights and benefits I have as a Federal employee will be protected by a strong union so I am a member because I believe it is only when we are joined together and have representation fighting on our behalf that we can hold Congress accountable for its scapegoating of fine government employees, and ensure that the public is aware of the mistruths perpetuated by some members of our legislature and the media, and because without the union, we have no voice.



LOCAL 3504 UNION MEMBER VANESSA MARSHALL

I've been with the E.E.O.C. now for 7 years but there was a day when my future here was uncertain. I was told by my supervisor "I'm sorry this happened to you, I hate to see you go." She then gave me a hug and a smile as a sort

of send off. Clearly, I was about to lose my job. I went to the Union, and I was told that everything that can be done, will be done for me to keep my job. And sure enough it was. I can't go into the ins and outs of what the Union did, but I can say that I still have my job thanks to some very caring, hardworking people. When I was asked about being a part of the Union it wasn't a hard decision. Stephanie Perkins let it be known from day one, that she's the go to lady. She will fight for you at all cost. I know this because she fought for me. I will always be a part of, and support our Union. Yes even when it comes to paying more dues.

Budget Forecast

Continued from page 1

a result, professional employees spend their time copying, stuffing envelopes, or fighting with a broken printer nobody knows how to fix. EEOC should "do more with less" more efficiently now than we did last decade. More than ever, the EEOC needs to implement the Union's cost efficient intake plan.

Under this plan, dedicated full service Intake units, staffed by trained clerical OAAs and Investigative Support Assistants (ISA)(GS-5-9) will handle pre-charge counseling through charge filing. This would replace the current inefficiency where information intake representatives (IIRs) just read FAQ scripts then send callers back to EEOC's offices to file charges. With dedicated intake units in place, GS-12

investigators will focus on investigating cases and reducing the EEOC's enormous backlog. The Union's plan can be implemented as a nationwide pilot, with no new hiring, by training IIRs to fulfill their full ISA job title.

Senate appropriators are directing EEOC "to submit a report detailing its views on this model to the Committee within 120 days of the enactment of this act." The agency should seek to beat this deadline and implement the Union's two-year old intake plan now, because EEOC staff and the public cannot afford to wait for help. So the question is this, will EEOC do more with less by implementing the Union's intake plan? Or will EEOC take us back to the future, causing the public to suffer with the lack of a plan?

TEAMWORK

UNION MEMBER PAUL HOWARD LOCAL 3629

Being a Union member is rewarding because it gives me an opportunity to voice work related concerns

and seek remedies that promote teamwork along with increased staff morale.



**Not a Member? Join Today. See Your Steward.
Stewards' names are posted on the union bulletin board.**

In Search of Leadership

On paper, EEOC has many directors, managers and supervisors. Where is the leadership?

For the past few years, the quest for funding of EEOC has been difficult. Our work is piled up in most offices. The agency remains intent on building empires of managers. The overall result, not surprisingly, is that cases throughout the country are backlogged. The situation will grow worse as front-line staff leave the agency and cannot be replaced.

Notably, our attorneys in legal and hearings units suffer from a lack of clerical, administrative and paraprofessional support. Our hearings unit attorneys are most heavily impacted as there is an extreme void when it comes to any support staff for these employees. Some offices have contract support staff one or two mornings a week. Most have none at all – not clerical, not administrative and not paraprofessional. Our other professional work groups – Investigators and mediators suffer, as well. Suffering at EEOC is a matter of degree – extreme or immeasurable. Rather than making staffing decisions which allow employees to do the jobs they were hired to do, EEOC insists on its paradigm where professional staff must spend between 20 to 50 percent of their time on administrative and clerical duties at the lower end of the pay/grade spectrum.

We ask, where is the leadership?

While EEOC employees suffer from the abovementioned poor management decisions, the public suffers more. With only so many hours in a day, the lack of leadership means that the public waits to be served - in most instances about a year. No customer is left untouched. Management recently notified the Union that in offices throughout the country, hearings cases will be transferred around the Districts. It is unknown how old the cases will be and whether witnesses have moved on or been lost to retirements or other jobs. Further compounding the problem is that apparently, no dedicated travel money will be transferred with the cases. While EEOC likes to say it is providing customer service, the waiting customers suffer service disruption when cases are transferred around the country without funds for the receiving AJ to travel and hold hearings. The lack of travel funds hits most of EEOC's programs, with the exception of management travel to conferences and meetings.

Employees needing to work on cases, depositions, hearings and mediations are extremely limited in their travel, while management seems to travel on a moment's notice, even when video conferencing is available. This means that at the end of the year, office supplies and copy paper become scarce.

Throughout the year intake is a bastion of bad decisions. Knee jerk responses result in management indiscriminately changing the rules. When employees who do the work notice a



*Gabrielle Martin, President Council 216,
President Local 3230*

problem and alert management rather than work with employees, management prefers to wait weeks and then declare an “emergency” that pulls employees off line to deal with the “emergency.” The other side of the spectrum – management taking years to study the Union's intake proposal then doing nothing - is equally bad.

Awards are a constant problem. Year after year, many EEOC offices give awards to employees and this is a good thing. However, management's reluctance to timely provide information about the availability of awards money, the criteria for which money will be awarded or any other basic information is one reason that EEOC receives such low ratings on OPM's employee satisfaction survey. Transparency and fairness are certainly called into question.

Another problem created by the lack of leadership is the push for numbers. While management continues to claim numbers are not the priority employees have a different experience. Conversations with management about promotions routinely hinge on numbers. No where is it more blatant than in Phoenix and San Francisco, where the manager keeps the running numbers posted on a wall, not so that managers can see them, but so that employees called to office will see them. But numbers don't matter.

Despite the lack of leadership and the poor decisions by management, EEOC continues to preach about customer service. EEOC has had the opportunity to use labor management forums to gain efficiencies in the work, during the past year little has happened. While some local offices have tackled the work processes and used labor management forums to streamline the work and improve service to the public, many have not. In the current political climate, more funding for EEOC is unlikely. The prospect of having to function with even less funding is very real. The lack of leadership is apparent in the threat of furloughs. We have seen no policies or programs which create efficiencies and save money. Real leadership would send a message that the Commission is open for business and can be counted on to continue its operation. Moreover, and in conclusion, such a message would encourage advocacy for adequate funding for EEOC's operations today and in the future.

Working Together Toward Success

By Omayra Rodriguez, Local 3599, Investigator

The Labor-Management Forum has given the Miami District an opportunity to build a positive and collaborative relationship between labor and management. The LMC members have used this unique platform to establish several different workgroups and to provide all staff members with an opportunity to participate in identifying workplace challenges and develop solutions.

The commitment from staff in Miami, Tampa, and Puerto Rico has been astonishing. Given the high number of volunteers, the LMC was able to establish workgroups:

1. Green Team,
2. Labor Management,
3. Internal Customer Service,
4. External Customer Service,
5. Standardizing Work Process,
6. Clerical Assistance for Investigators,
7. Special Projects,
8. Training, and
9. Charge Processing.

Each workgroup is developing an action plan and submitting a report with their recommendations and metrics for success.

I am pleased to say that all nine workgroups have submitted their detailed reports to the LMC. At this time, the LMC members are looking forward to finalizing our recommendations and beginning the process of implementing the solutions.

The LMC members and workgroup volunteers should be proud of their hard work and efforts to improve work processes, employee morale, productivity, and customer service within the District.

In the end, the Miami District LMC hopes to be one of the success stories in labor management relations.



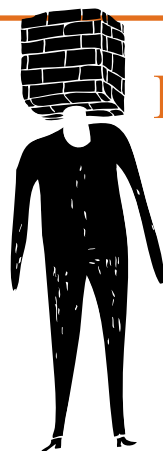
Miami District Labor- Management Council Union Members from L to R—Rachel Shonfield, Sharon Baker, Lillian Marti, David Hamilton, and Omayra Rodriguez.

HARMONY



LOCAL 3629 UNION MEMBER PATRICK HOLLIS

Since I have become a member of AFGE Local 3629, it has been my experience that Union Members and Officials focus their efforts on improving our work environment and relationship with District Leadership to ensure we efficiently work together to execute the EEOC's mission.



Brick Head Award

Awarded to Denver Intake Supervisor Myrna DeQuroga and Enforcement Supervisor Erica Gagne. Check out Council 216's Facebook page to find out what low was reached.

Hint – How inappropriate would it be for a supervisor to tape a doggy poop bag on her door?

AIMS

LOCAL 3599 UNION MEMBER CLINTON SMITH



I am not only a Union Member but also a Union Representative. The average American

is under attack by an epidemic disease, called greed, by the top two percent. They have chosen greed over love of country, asking not what they can do for their country but what their country can do for them. This occurs while ninety-five percent of all Americans earn less than one hundred thousand dollars a year. I believe the union is the medicine of knowledge, which will wake up Americans, to understand that our interests, regardless of political party, are the same. A few days ago, a Republican employee requested to join the union because he realized that his job security and interests were the same as mine. Americans as well as my country are more important than greed and this is why I am a union member.

LEVI'S OUTLOOK: DANGER AHEAD



*Levi Morrow,
Chief Negotiator*

*By Levi M. Morrow, Council 216
Chief Negotiator,
Local 3667*

For the last 45 years, the Equal Employment Opportunity Commission has served this great nation as the leading federal law enforcement

agency dedicated to eradicating employment discrimination in the workplace. That status is now in jeopardy because of several factors including the rising backlog charges of employment discrimination, and the failure of the Agency to implement a vision for the coming years. These circumstances are compounded by there not having been an initiative or plan implemented to help reduce the growth of the backlog, restrictions imposed by the hiring freeze of January 2011 that is currently still in effect and is scheduled to remain in effect for all of FY 2012 and the failure to develop and implement a human capital succession plan. The result – danger lies ahead! If these issues are not addressed, the public's confidence in the Agency's ability to carry out its mission

and to bring justice and equal opportunity to the workplace will be irreparably eroded. We must come up with a long term strategy to address the backlog of private sector charges; the Agency must address the backlog issue with a strategic systematic plan.

Because the Agency has so far failed to propose any type of plan to address the issue, the National Council of EEOC Locals # 216 submitted to the Agency a cost efficient Intake plan. The plan would provide

resources at the front end of the process and allow Investigators to have more time to investigate and resolve charges.

The Council is concerned that there seems to be a lack of leadership and vision by the Chair, Commissioners and the General Counsel, and a unwillingness to deal with these problems because they are not being addressed, and the Agency has hamstrung any efforts to meet its mission and mandate to promote equal opportunity in the workplace.

CAMARADERIE

LOCAL 3637 UNION MEMBER NORMA WARNER

In 20 years of federal service, I had never been a member of the union. I always said that I did not need the union. I followed my father's example and always dealt directly with my supervisor when issues arose.

That changed in 2011. I had to get off the sidelines and support my Union. Recent congressional activity seems to indicate that the federal budget will get balanced on our backs.

If all of us say "I can take care of myself" and don't support the union, our benefits will continue to dwindle. Let's give the Union the tools it needs to fight pernicious attacks that say we are overpaid and underworked.

WHAT DO YOU DO?



What do you do when you see union workers protesting budget cuts like these nurses?

- A. Speed up so you don't have to stop at the light and hear them being loud and noisy.
- B. If a light catches you then play with your phone or radio so you appear too busy to be concerned.
- C. Honk the horn a couple times and wave as you speed by.
- D. Honk, wave, and circle the block and ask if they need supplies.
- E. Park the car, pick up a sign and protest with them.
- F. D and E

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COHESION

LOCAL 2667 UNION
MEMBER STEPHANIE
AIKEN MURPHY



As a tenured federal employee, over the years I have watched incompetent management treat employees unfairly and be disrespectful. When I was approached to join the union I was delighted. I don't know why I waited until I was asked but I signed up and decided to be an active member not just a member paying dues. I decided to join and be active because employees need a voice and unions are vehicles for this. I believe in fair treatment and helping my fellow co-workers find their voice. Many employees feel their negative workplace situation can not be changed. This is not true and that is what labor unions are for to change your negative workplace into a positive one and enforce labor laws employers should adhere to. We live in a democracy and employees have a right to have fair treatment in every aspect, whether it is better wages, hours, someone to represent them with grievances, and other workplace issues. This is what labor unions do and I am a firm believer in democracy and fair treatment for all and I am glad to be a part of this important entity.

EEOC: 'Telewhat?'

The Federal government is saving money on rent by expanding telework. Significantly, given the polarizing times, there is bipartisan support in Congress for Federal employee telework. However, telework is another example where EEOC talks the talk, but refuses to walk the walk.

The President issued an executive order "The Telework Enhancement Act of 2010" and Headquarters sent out an email on telework, which stated: "The Equal Employment Opportunity Commission (EEOC) understands that allowing employees to work flexible arrangements, such as telework, improves the quality of life for employees, increases productivity in the workplace and promotes a cleaner environment." A complete disconnect from these messages is occurring because within EEOC the reality in the field is that management is hostile to telework, prevents employees from participating, micromanages their take home work, and pulls them off the program at whim.

Moreover, while the rest of the Federal government is saving money, by allowing expanded telework, the EEOC insists on bricks and mortar. Since 2003, the EEOC has had space allocation guidelines and a national memorandum of understanding with Council 216 to reduce square footage by creating shared offices occupied on a voluntary basis by employees, who would telework the majority of days in a pay period. Unfortunately, the agency has shown no commitment to turn this agreement into



Hi Boss...ahh, yep, still teleworking since you last checked 5 minutes ago.

a reality.

Here's the catch-22. When it is time to cut a new lease, Headquarters and Field management determine the space requirements, i.e., the projected staff and square footage based on brick and mortar. In other words, field management, who are hostile to telework, stop there from being more than a token shared telework office. The bidding process and lease are then based on not having these offices. At the earliest point the Union is involved in the relocation process, the argument for the shared telework offices is undercut, because it won't save square footage. Not only does this backwards process need to change, but management also has to be committed to the program. The Senate is proposing to cut EEOC's salaries and expenses by \$7M. Salaries are employees and expenses are brick and mortar. So in today's budget crunch will EEOC finally start saving money and improve flexibilities with expanded telework? Or will EEOC choose bricks over staff.

Council 216 Reacts to 'Occupy Wall Street'

EEOC Council 216 represents government workers from the Equal Employment Opportunity Commission, an agency dedicated to protecting workers from unlawful discrimination that costs jobs. The Council is mindful that millions of citizens have lost their jobs, their homes and their life's savings. They live in despair and fear about how their families will survive. Our members see the damage first hand that is being done to Americans who lose jobs, because of discrimination, but cannot receive timely assistance at the EEOC because of budget cuts. We also see the impact to our own workforce, who as a result of the cuts gave up their pay raises for two years straight and now are being asked to pay more for retirement and health care. These frustrations over jobs and essential health and retirement benefits are at the root of the Occupy Wall Street campaign. Council 216 urges the nation's leaders to tackle this jobs crisis and to avoid vilifying Federal employees like us who are trying to help keep Americans on the job.

Administrative Judges Advocate EEOC Adopt Administrative Procedure Act To Protect Employee Rights

On August 9, 2011, AFGE members Wayne Kimball and myself who are



by David Norcken Local 3614 Administrative Judge

Administrative Judges and board members of the Administrative Judges Association (AJA), made a presentation to the AFGE Council of EEOC Locals 216 at its meeting in Las Vegas, Nevada. We urged the Council to get

AFGE and its membership to convince the EEOC, Congress, and the President to adopt the Administrative Procedure Act (APA) for EEOC federal sector hearings. We explained there are many deficiencies in the EEOC federal sector process that undermine employee rights. It's our opinion adopting the APA would correct these deficiencies and provide important rights to federal employees.

Among them are: 1. Subpoena power to ensure access to complete and fair hear-

ings, including all appropriate witnesses and documents; 2. Attorneys would have to report to other attorneys; 3. AJ independence to ensure the scale of justice is not weighted in favor of managers worried about performance ratings; 4. Procedural protections would be provided such as the right to discovery and cross examination of witnesses; 5. The current practice of one-sided conversations with judges would cease.

These safeguards are needed because federal employees do not get an independent investigation - Federal agencies investigate themselves. And unlike non-federal claimants, the EEOC cannot sue other federal agencies. EEOC hearings process is faster, less formal, and a less expensive resolution of disputes than the federal court system: EEOC hearings process keeps a flood of litigation out of federal court. Adoption of the APA not only secures due process rights, but ensures that those rights are not subject to internal budget cuts. The Commission has been statutorily authorized since 1978 to hire ALJs with powers granted by the APA, but this authority has not been exercised.

The American Bar Association (ABA) adopted a resolution supporting adoption of the APA in EEOC federal sector hearings in early August.

We asked the Council to support detailing an AJ to Headquarters to conduct an initial study to help determine the feasibility of adopting the APA. In response the Council discussed having the General Accountability Office (GAO) conduct the study on feasibility and costs. We do not oppose a GAO study, but feel that it would take too long. The detail of an AJ to participate in the study would get this process moving. Following our presentation, the group discussed the model followed in the Social Security Administration (SSA) disability adjudication system. The SAA uses clerical, administrative and paralegal support staff to assist ALJs in adjudicating about 500 cases a year. Although it is my opinion that EEOC cases are more complicated, such a system could assure due process and enhance EEOC's ability to adjudicate far more cases in a year than at present, thus, guaranteeing quick and sure justice.

Council 216 Member Danny Lawson is Retiring

Danny Lawson has dedicated more than 35 years of his life to working for the EEOC, and he will retire at the end of this year. Danny began his employment with EEOC in May of 1976 as an Equal Opportunity Specialist and those positions are now commonly referred to as Investigators. At the time EEOC only enforced Title VII but soon got Age and Equal Pay Statutes from DOL and several of DOL's former employees. Danny recalls the Dallas Office's Investigator staff grew to 40 Investigators and 2 clericals. Danny laments that today they have 18 Investigators and no clerical support despite having additional statutes to enforce. Danny believes in the EEOC mission but states "I have been totally frustrated with the Agency and Congress, e.g., reduced

budget, dwindling staff, heavy case load, case backlog, and the Agency's refusal to raise Investigators (the backbone of the Agency) to the GS-13 level." In total Danny has been a federal worker for 44 years. With respect to the Council he states, "I've been a member of the Union since its inception at EEOC. I grew up around unionism. My Dad, before he retired, was Vice President of his Local at Great Lakes Carbon in Port Arthur, Texas. Levi Morrow, President of Local 3637, got me inspired and involved. He once told me that I could put my complaining to better use. So, I became the Steward for the Dallas office.

I currently hold the position of Steward in the Dallas Office, Chief Steward of Local #3637 and Secretary for the

National Council EEOC Locals, No. 216. I am often in awe and left speechless by the dedication and commitment exhibited by each member of the Council." Danny says he wants all EEOC bargaining unit employees to be aware that "[i]f you have not joined the Union, do so now. In numbers there is strength. In strength there is power. If you have power, you can control the outcome." Council 216 wishes Danny continued success.



Council 216 Member Danny Lawson



COMMONALITY

LOCAL 3504 UNION MEMBER DONALD R. LAKE

I am a 4 year federal employee, with 2.25 years at the EEOC, and 11 months in Detroit. Here at EEOC, as elsewhere, we all enjoy the benefits of a workplace environment cultivated through the efforts of organized labor. I believe that if I am going to enjoy such an environment, I have a

responsibility to contribute to the benefits of it. So to say, if I am going to reap the harvest, I feel I should help sow the seeds. Also, here in Detroit we have a management team that generally works hand in hand with its employees and their organizers. I do believe that the solidarity created by all of us doing our part cultivates and promotes even better cooperation. So when the chips are down, the employees, their union, and management come together to pick the chips back up. The result –a fair, responsible, cooperative, efficient, and welcoming work environment, all of which I believe are feasible through the efforts of our AFGE Local, the member employees, and willing management.

Answer “F”

Join your Union Brother and Sisters in the fight! We may need them to support us one day in the near future. So make your presence known. Be smart, stay safe, and out of harms way.



David W. Skillman Council 216 2nd Vice President and Member of Local 320 at a California Nurses Association Protest.

POINTS TO PONDER

- Why EEOC offices are not increasing telecommuting for eligible employees?
- Why are federal sector cases being transferred without funds earmarked for travel to cover the transferred cases?
- Why Awards are such a mystery at an agency that proclaims transparency?
- Why it is taking more than three months to discuss protocols to follow during power outages, given the agency's inability during outages to send e-mail or make and receive telephone calls?
- Why EEOC violates the reasonable accommodation laws it is supposed to enforce?
- Whether EEOC will train its managers and staff for National Disability Month?
- How much money did EEOC waste paying for an outside evaluation of its PCHP procedures that it was not using?
- Instead of reviewing 1995's PCHP, why doesn't EEOC plan an initiative for this millennium?
- How will furloughs help employees to do more with less?
- Why EEOC is wasting resources on the claims process instead of just settling the overtime case?
- Why the public's 1st point of contact, the IRRs, remain isolated from the office staff, intake and training?
- Why does EEOC allow managers to travel extensively within the expanded districts, but tell workers that their travel is limited?

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