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President's Report: The Good, Bad, and the Ugly

By Gabrielle Martin, Council President



The coming year holds many challenges and our struggles continue.

The Good – the Chair has indicated that she cares about morale and has been involved in training

managers to ensure that they understand her expectations and is providing skills so that they get there. There is the opportunity to change things but will it happen?

The Bad – Federal Employee Viewpoint Survey responses are in, but the agency refuses to release the all important district results. Hiding district FEVS

scores prevents fixing issues of concern and reinforces employee's view that nothing will change.

Morale still stinks. The valley of distrust in which employees work is taking its toll. The opportunity to get employee participation and input through labor management forums was wasted.

Space mash-up. The administration is pushing smaller footprints. The agency must plan and invest in smaller space that works, rather than dumping employees into small space that doesn't work. Smaller space is everyone's burden. We are asking for your input on design, tools, and flexibilities you need to make smaller space work.

Continued on page 3

EEOC Labor Management Relations Circling the Drain

Labor-management relations without labor is just "management relations." This describes the "Model Employer's" current disregard for the Union. Violations of the CBA and the statute are rampant. Issues the parties used to attempt to resolve, the "Model Employer" now pushes to formal forums. Agency communications to the Union are dilatory and non-responsive

Emblematic of "management relations" is this example. The Director of Employee and Labor Relations visited a district apparently to conduct labor management relations training without including or even visiting local Union representatives. Despite her claims that she has visited other offices, the Union is unable to confirm she has held any meetings in the field with the Union and employees.

The agency made unilateral changes involving Union dues that are union busting at its worst. After the Union made numerous attempts to resolve this with manage-

ment, we filed an unfair labor practice.

The Agency made unilateral changes to the Staff Development and Enhancement Program (SDEP) requirements, ignoring its own procedures. The Union has filed a national grievance. The Union successfully pushed the agency to implement unscheduled telework, to help those who do not regularly telework avoid huge crowds in cities visited by the Pope.

The agency continues to support the most outrageous conduct of its supervisors and managers. As Step 2 and 3 grievances reach Headquarters the actions are routinely rubber-stamped. Where the agency won't resolve grievances that must be addressed, the Union has invoked arbitration.

Negotiating MOUs is a painstaking process: refusal to bargain at all, e.g., OPM data breach; last minute bargaining rather than having procedures in place,

Continued on page 3

Thanksgiving



Samantha McKinney and Robyn Conley collecting for Atlanta area homeless

Thanksgiving is the time to be thankful for our families, our jobs, our health and our health insurance. Here at EEOC, we live each day seeing the differences that having a job makes. Charging parties who come to us for help often have lost their jobs or had work hours reduced based on illegal discrimination. We get the calls asking how long it will take to finish our investigation as money gets tight, mortgages are on the line and even buying groceries becomes difficult. We know from our work how life can change in an instant. As Unionists we are inspired to support those who need a helping hand. We fill the food bins in the office, collect toiletries for area homeless, provide school supplies to children, hold bake sales for the CFC, and run or walk to raise funds for the sick or needy. Send your pictures to prezc216@gmail.com for our "Helping Others" collage. As we celebrate, let's continue to remember those in need in our communities.

Kicking the Can Into a Dirty Barn

By Rachel Shonfield, AFG 3599

Fiscal year 2016 has served up some high budget drama. We were very close to a Government shutdown on October 1. Congress stayed busy with everything but passing a budget until the last minute. This left “kicking the can,” by relying on a continuing resolution (CR), the only option.

Competing factions wanted a “clean” CR to avoid a shutdown, while others wanted to attach provisions to the CR that would sink it.

Speaker Boehner’s surprise resignation liberated him to broker a clean CR. So with a shut-down averted, we came to work as usual on October 1.

Speaker Boehner saying he did not want to leave a “dirty barn,” then negotiated a two year spending deal. The good news is that the deal relieves sequestration by lifting top line spending caps for FY16 and FY 17. The bill also doesn’t attack our benefits. Bad news is it kicks the can down the road, extending sequestration two

more years until 2025. Also, even with this deal, Congress still has to pass a budget by December 11, 2015. So a shut-down is still a possibility.

If Congress can pass a budget, we have a pretty good guess what EEOC will get. Both the House and the Senate have recommended \$364.5M for EEOC for FY16. This will be the third year of flat-funding. No inflationary increase. In fact, the amount is less than FY10’s \$367M.

The real drama for EEOC employees is how the agency will prioritize its limited resources.

Any available hiring in FY16 should be focused on frontline positions. EEOC is way too top heavy, with a 1:5 supervisor to employee ratio. In FY15, an SES hiring spree could have been better used to fill more frontline field positions and implement the Union’s dedicated intake plan.

The agency should allocate resources to immediately provide requested accommodations. The agency must reserve funds for the overtime claims process that will finally wrap up in FY16.

The agency should ensure a Staff Development and Enhancement Program (SDEP) for FY16. This is a small commitment to provide career development to six employees, usually longtime support staff who aspire to be investigators.

If the agency wants to save on space, it must plan, expand workplace flexibilities, and invest, e.g. telework centers, privacy partitions, reconfigured layouts where shared offices are consistent with space guidelines. The agency cannot just avoid any expense by shoehorning extra folks into single occupancy offices or conference rooms, which are outside of secure space and needed to serve the public.

The EEOC can save money in FY16 by taking action to stop expensive turnover. The agency should incentivize directors to improve FEVS scores and remedy grievances at the district level by putting this into their goals. The agency must also address the problem of bully managers.

Will the encouraging words we hear from the Chair about improving employee morale be put into action or will she leave behind a dirty barn?

What Does MODEL agency really mean?

Sharon Baker, AFG Local 3599 and Council 216 Chief Negotiator



How does your office actually operate?

M -Morale Busters, **Q** -Oppressive, **D** -Denial (of internal problems), **E**-Engagement phobia, **L**-Lack of quality Leadership; or **M**- Motivating, **Q** - Opportunities, **D** - Developmental, **E** - Employee Engagement, **L** - Leadership by example.

When you have offices led by persons with diverse backgrounds and skills then what you get is a lot of different leadership styles. The lack of consistency on basic operations leads to morale issues in the office, grievances, unfair labor practices, staff leaving the agency, and failure to live up to the goal of being a “Model Employer.” Our Chair, Jenny Yang, has conveyed interest in employee morale and engagement. It is hopeful that the efforts of our Chair and her staff will address these concerns.

The workload that the enforcement staff has been subjected to over the past years has been oppressive yet they still manage. Now there are new initiatives on electronic filing, On-line Charge system, systemic investigations, quality control, to name a few, all of which fall in the laps of the investigators, our front line warriors. Yet, the agency has stalled in paying out the overtime relief, dismisses new investigators without providing them with quality training, and denies/delays reasonable accommodations. Our warriors work under intimidating supervisors, fear retaliation, and are pressured for quick case closures, which undermine proper investigations that contribute to the mission of eradicating discrimination.

Why are we still in discussions over “up to 5 days” when office managers are allowed to telework two weeks or more? Why are the processes that were in place between Labor and Management in Headquarters now being ignored? Why are ineffective supervisors/managers allowed to be promoted, relocated, and retained?

Why is it that two years after the negotiated CBA that included a pilot Maxi-flex program only two Districts requested to participate in that pilot? Why can’t the Districts (Indianapolis, Phoenix, New York, St Louis, Miami, Birmingham, Los Angeles, Memphis, San Francisco, New York) that have a signed MOU on Hours of Work and Telework be directed to participate in the Maxi-Flex Pilot?

Then there are offices without signed MOUs: Philadelphia District Office (Baltimore/Pittsburg); Headquarters: OGC, OCLA, OIT, ORIP, OFP; Charlotte DO (Norfolk/Richmond); Chicago DO (Milwaukee/Minneapolis). Why?

My goal as Chief Negotiator is to get answers and resolution to the “Why.”

Reasonable Accommodations Piled Up

It is the 25th Anniversary year of the American's With Disabilities Act. EEOC crisscrossed the country touting the law and the cases it pursued on behalf of the public. Yet EEOC's record is abominable when it comes to reasonable accommodations of its own employees.

EEOC's Reasonable Accommodation Policy claims the entire process should take about 30 days, barring an extreme case. Instead it takes months or years to get an acknowledgement of receipt and a decision from the Disability Program Manager (DPM).

Per the EEOC's policy if the request goes to another manager, the manager is to provide it to the DPM. In practice managers often do not advance the request. In fact, in a webinar with the former DPM she said that managers should call her first to see if she thought it was a legit request. Pre-screening before talking to the employee makes a mockery of what we require from public employers.

Medical documentation has languished in the DPM's office for the better part of the year. Too often, supporting medical documentation was submitted several times, but the former DPM would claim that she could not find it. Employees would not receive notice that the request was pending that documentation. Instead when an employee called to check the status of the case, the same lame response was given – who are you, I am waiting for medical documentation or I am waiting for updated documentation, often exacerbating the employee's condition.

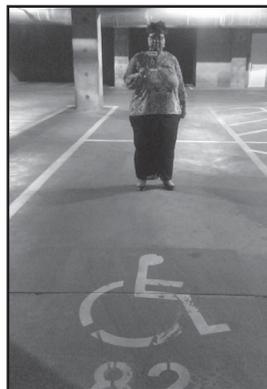
Efforts to engage in the interactive process have been ignored. For the most part, the parties have not sat down together or engaged on the same phone call which has frustrated the process. Commonly an

employee would hear back that their supervisor did not agree to the request. The DPM, despite being attached to OHR, is supposed to work for the process, not for management.

The agency has even balked at paying for a parking spot to accommodate a disabled employee in Las Vegas: "It is not in EEOC's policy to arrange POV parking in GSA GOV parking spaces."

As a result, EEO complaints have been filed as employees' attempts to work around the formal process, failed. The answer should not be that employees have to file an EEO complaint or that the Union has to publish the agency's mass failings to get these requests timely acted upon. What Model Employer enforces the law for America's workers, but ignores the law for its own employees?

Disillusioned employees resign or are forced to leave the agency because they are actually penalized for allegedly not working efficiently without accommodation. EEOC has a new DPM who has his work cut out for him. Years of neglect mean that cases have piled up and await decisions. With a new DPM and an assistant who can help, maybe EEOC will do for its own employees what it trumpets doing for the public - vigorously responding to the requests and providing appropriate accommodations.



Will EEOC accommodate this employee by securing her this available spot?

President's Report

Continued from page 1

The Ugly - Improving the long non-functioning reasonable accommodation program should be a priority to help address the disillusionment employees feel when they vigilantly protect other's rights to reasonable accommodations, while their requests routinely are ignored.

"InSite," our internal website, should be the first place to go for information. Instead, it is poorly organized and has a crummy search engine. Why hide important programs like the Employee Assistance Program (EAP), yet prominently feature HQ shuttle bus schedules on the homepage?

Workloads continue to be out of control and driven by numbers and publicity.

Transparency must matter for employees and the public. Questions that don't get answered live at the Town Hall should be answered publicly and promptly.

Attacks on federal employee salaries, benefits and due process are ongoing. Our collective efforts have helped us stave off the attacks, but we must remain vigilant.

We invite all of our members to help us make this a better year.

Sad State of "Management Relations"

Continued from page 1

e.g., the shutdown MOU; regressive bargaining; delays providing responses to the Union's proposals; or all of the above.

The agency fights simple requests for information. The information the agency does provide to the Union, it often simultaneously e-mails to all-staff or gives notice that it has been dropped on InSite. The agency bypasses the Union, directly meeting with employee groups to formulate workplace policies without the Union.

The CBA states that "the Parties agree to discuss the allegations and attempt informal resolution of the disputes." The Union will continue to abide by this productive principle to the extent that one party can. Where the "Model Employer" attempts resolution it will find a willing partner. Where the agency wants to pick a fight- then the Union says: how unfortunate, but "bring it on."

I appreciate the ability to telework. It really allows me to focus on a case file without the outside distractions that occur in a normal office environment. I find that when I am working from home, analyzing a case file, I am able to tear through my work faster than normal. This helps me to maintain timeliness of my inventory and to continuously produce a quality work product. Also, I live two counties away from the office, so when I finish my telework day it is nice to spend more time with my family and less time in my car.

—Investigator Max Feige



AFGE Convention



AFGE officers being sworn in

A FGE's 40th National Convention this August in Orlando, Florida was an upbeat and productive conference. Each day 1,500 delegates filed in to the catchy video 'AFGE and Me, We are Family' which shows our Federal employee community at work for America.

Your AFGE community has grown each year for more than two decades. AFGE now has a record 300,000 members. AFGE won't stop there, it has a goal of 500,000 members by 2020.

The convention also connected AFGE with our brothers and sisters in other unions. Sharing each other's fights to improve working conditions lets us better support each other. To that end we heard from lead officers of AFL-CIO, the National Association of Letter Carriers Union, the Association of Flight Attendants, American Postal Workers Union and the American Federation of Teachers.

National officers were re-elected to a second term: J. David Cox, President;

Eugene Hudson, Secretary-Treasurer; and August National Vice President of Women's and Fair Practices.

An issue that Delegates took particularly seriously was dues. AFGE has not had a dues increase in six years. Ultimately the body passed a \$1.16/ month dues increase to support training and mobilization. This breaks down to .53 cents a pay period. That's far less than the proverbial cup of coffee a week.

This is a most critical time as a Federal employee to ensure that your Union is strong and can mobilize its strength. We are fighting sequestration, attacks on official time, and efforts to strip away termination rights at the Veteran's Administration. First it's VA then it is the rest of us.

Check out the convention speeches and 'AFGE and Me' music and videos at www.afge.org. Join, recruit, get involved, become a leader. Each one of us makes AFGE stronger. A stronger AFGE can fight back harmful cuts and usher in improved working conditions and benefits. Solidarity does make a difference.

216 Works Newsletter Wins Again!

That's right- you are not just catching up on important Union news, you are currently reading an award winning newsletter! For the fifth consecutive convention, the AFGE Communications department and its judges have recognized Council 216's newsletter which is written by our members. The Council submitted our April 2015 issue "The 50th Anniversary Edition" for consideration in AFGE's communication contest. At the August AFGE convention, *216 Works* was the recipient of two prestigious awards. For our division, we won "Best Layout and Design." We also won "Best Article" for "EEOC Pioneers: Profiles in Courage." We particularly thank the brave and hardworking employees featured in the article. Their courage extends beyond opening offices to helping us win. Their journeys help us spread the word on the importance of civil rights 50 years later.



Rachel Shonfield accepting the newsletter awards on behalf of Council 216



The Council met August 15-16, 2015 in Orlando, Florida. The Council provided training to assist employees with reasonable accommodation delays and the MSPB process. Council Delegates updated the strategic plan to address an influx of labor management disputes.



Glenda Bryan Brooks with keynote speaker, Rev. Dr. Barber

AFGE – Big Enough to Win!

By Stephanie Perkins, AFGE Local 3504

Over 1,000 AFGE leaders and activists converged on Orlando, Florida for AFGE's 40th National Convention this past August – Big Enough to Win was the AFGE's rallying cry! The "Big Enough to Win" slogan originated during the 2013 Leadership Conference, which was held in Orlando in 2013 and represents the efforts that arose out of that conference and fueled the convention. J. David Cox, Sr., our re-elected AFGE National President, led the cry to generate the unity and power needed to fend off attacks by a hostile Congress. These goals can be reached by us, the membership, by adhering to four fundamental strategies: our Vision, which would ensure fairness and equality for

federal employees and their families; our Mission to build a powerful and effective union for the federal workforce; our Core Values of diversity and inclusion and integrity, honesty and service to our union; our Guiding Principles to build the union, mentor new leaders and energize potential members; and our Strategic Objectives of organization, mobilization, education, communication and strong local unions. Our efforts to focus on our future have and will help us continue to grow. Our efforts so far have resulted in AFGE being rated in the top ten largest unions in the House of Labor. So, yes I think we can honestly say AFGE IS Big Enough to Win! And the efforts to continue our growth continue.



(L-R) Council Delegates with AFGE President Cox; Local 2667 met in Orlando.



My First AFGE National Convention Experience...

Toni Barnes, Local 2667

I really did not know what to expect when I attended the 2015 National AFGE Convention in August. Well... "Phenomenal" is the word to describe it!!!

Although it was a national convention it was also a platform for training and learning. The experience I gained from attending the convention was an essential learning tool and investment. It provided a wide spectrum of how the election process is conducted, what it entails and how very important these national convention elections are.

I have attended several conferences before, that shared a common goal - training, but this was my first experience to witness and take pleasure in "unity" and to frequently hear the common greeting "my brother's and sister's" throughout the entirety of the convention. Our purpose for being there was evident, but I was grateful for the opportunity to attend because I gained greater knowledge and insight of my role and responsibility as a delegate for my local.

AFGE Convention Passes Resolutions to Improve and Protect the EEO Process

Council 216's legislative program has long advocated for improvements to the Federal sector EEO process, including subpoena authority for administrative judges (AJs). The Council has fought back Agency proposals that interfere with judicial independence and the Federal employee's right to discovery and a hearing. Most recently, the Council worked with AJs, AFGE's Women's and Fair Practices Department, Legislative Department and the General Counsel's Office to determine the best approach to advance these long running priorities and to ensure that any proposed improvements do not strip the right of Federal employees to go to Federal court.

David Norken, AFGE 3614

Last month, I attended the National AFGE Convention for the first time as an elected delegate from AFGE Local 3614. I am an Administrative Judge (AJ), Treasurer of my Local and President of the Administrative Judges Association (AJA). The Local's membership met and adopted two resolutions, which were filed with the AFGE convention.

The first resolution adopted the Administrative Procedures Act (APA), to improve Federal sector processing by providing for

subpoena power in order to compel former Federal employees, contractors and private citizens to testify to prevent damage to a complainant's case. Public hearings, strict rules against ex parte communications with judges and making EEOC AJs Administrative Law Judges (ALJ) was thought to improve the process.

The Parallel Legislation was an alternate way to significantly strengthen the EEO process by providing subpoena power, public hearings and rules against ex parte communications, without adopt-

ing the APA. The benefit of this approach is that federal employees retain the right to a trial de novo.

At the National Convention, Local 3614 President Regina Andrew and I met with AFGE's Legislative and Political Affairs Department who recommended substitute resolutions to support AJ subpoena power and to protect the rights of complainants who do not have attorneys to obtain adequate discovery throughout the process.

The two amended resolutions were adopted by the Convention as part of the Legislative Political Advocacy Workshop Report. These amended resolutions demonstrate the National Union's continued support for substantive Federal Sector Reform.

Smaller Space in New Guidelines buys TVs for Directors

EEOC's new space guidelines include a requirement to provide all office directors with a 45 inch flat-screen television for their offices. EEOC has 53 field office directors and about 12 HQ Directors, so that's a lot of TVs.

While the agency first could not provide a purpose for the TVs to the Union, it feebly suggested that directors might want to watch CNN to keep up with the news. When asked if money also would be spent on cable TV subscriptions, the agency finally admitted, it would.

Meanwhile, the Union could not get the Agency to include in the guidelines any safety protocols for keeping up with batteries in wireless panic buttons for the intake rooms or to include more space for the control file rooms.

Other safety matters have stretched on allegedly due to the lack of resources. These include intake doors in Tampa without the required windows needed to protect investigators. After many years,

the Agency says the doors finally will be addressed; as of the writing of this article, the old unsafe doors remain.

Also in Tampa, Information Intake Representatives were relocated to partial cubicles in a busy hallway abutting the breakroom and sharing a wall with a copy machine. The Union has repeatedly raised this concern with management. EEOC's answer: assign more IIRs to Tampa.

In Louisville, for several years mediators were assigned to what had been conference rooms, which unsafely opened to the public without required locks. The Union has finally gotten this corrected.

EEOC's Las Vegas office has more employees crammed into the space than it should. Attorneys use file cabinets as improvised partitions between their sub-cubicle sized workspace. The legal staff is now being moved to another floor without secured doors.

Another area that EEOC has done on the cheap to the detriment of efficiency

is sound proofing. EEOC fails to pay to sound proof intake, mediation, training, and other conference rooms. It is troubling that the public can hear activity in the room next door and distracting for employees.

For questions about the July 22, 2015 space guidelines, posted on InSite in September, please direct them to the agency. While a draft was shared earlier this year with the Union for comments, the agency ducked and dodged the Union's ongoing requests to complete discussions or to share any revisions. The agency claim that the Union reviewed the final document cannot be believed.

It is unfortunate that EEOC's priority when it comes to office space guidelines is to codify the right to a 45 inch flat screen television with cable service for each of its directors. Hopefully, the directors' offices will be soundproofed so that working employees and the public are not distracted by the channel surfing.

EEOC: The Dog Ate My EVS Results

What is a Model Employer to Do? Results are in, but only managers have the full report. OPM and articles in online newsletters confirm their availability. Nevertheless, efforts to obtain comprehensive district by district results, continue to be met with resistance. It makes no sense to claim feedback is important and then to hide the results. Why keep the full results a secret? The district results will not change just because they are withheld from employees. Why not fix the districts with bad results, rather than covering for them?

The limited results show that the number of employees who responded increased, but more substantive improvements in areas critical to employees are harder to find. Where EEOC does well on the survey has to do with how people feel about the importance of the work, exclusive of the supervisors or tools and equipment. When we add leaders and supervisors to the mix, the picture is less rosy. For example, in this Model Employer's workforce, employees still fear disclosing

violations of a law, rule or regulation without fear of reprisal. The scores are lower in the field than in HQ.

Slightly more than 50% feel their skills and talents are used well. Again, the scores are lower for the field than HQ. Less than 50% overall feel that training needs are assessed. Maybe that explains why just over 40% of staff feel that their work units recruit people with the right skills and less than 40% feel that promotions are based on merit. No matter where employees work, less than 50% feel their workloads are reasonable. When we look at sufficient tools and equipment, our scores run in the 30 percentiles in the Field and 40 percentiles in HQ.

Another negative trend is seen when looking at the work unit. In the absence of assessments of training needs and using employee's creativity and talent, most employees do not feel that awards are based on how well employees perform their jobs (44%) or that the skill levels have improved (only 56%). Moreover, barely 50% of employees are satisfied with their

involvement in the decisions that affect their work. Satisfaction with the policies and practices of senior leaders remains low (46.4%).

Trends remain the same in other areas that impact morale - less than 50% of employees feel that arbitrary actions and favoritism are not tolerated. Likewise, barely more than 40% feel that senior leaders generate high levels of motivation and commitment. That likely explains why people do not feel the survey results will be used to make the agency a better place to work. These are key areas which affect employees' day-to-day work and must be addressed. The absence of trust remains problematic - Given the mission of EEOC, the question is why EEOC cannot seem to address the lack of trust and the problems it creates?

Until EEOC addresses these critical areas and substantially improves these scores, the cloak of being a Model Employer merely covers up its failings.

Hispanic Heritage at Work

By Claudia Molina, Local 3637

Every year as we celebrate Hispanic Heritage Month from September 15th through October 15th, I swell with pride at the richness of my heritage. On the other hand, I get frustrated with the xenophobia and unapologetic racist sentiments. Beyond the taco and enchilada lunch, with a keynote speaker, I also want to see more Hispanics and Latinos on the job.

This year's theme was "Hispanic Americans – Energizing Our Diversity." The contributions of Hispanic and Latino Americans are far beyond food and entertainment. We are the ones who keep, in large measure, this country's economy afloat through hard labor on construction sites and in agricultural fields. We serve in great numbers in the military. We are Nobel laureates, doctors, lawyers, astronauts, entrepreneurs, judges (and Supreme Court Justice), and lawmakers.

We are the largest minority group in this country. According to the 2010 census, there are 50.5 million people who identify themselves as Hispanic/Latino, 16% of the population. As President Obama stated in his 2011 Hispanic Heritage Month Proclamation, "the future of America is inextricably linked to the future of the Hispanic community."

However, Hispanic and Latino Americans are the most underrepresented

minority group in Federal government. A 2013 OPM study found only 8.2% of the more than 2 million Federal employees are Hispanic/Latino. In comparison, 15% of all private sector workers are Hispanic/Latino.

The government workforce should reflect the diversity of our population. When will EEOC and the government change recruiting to ensure that job opportunities are posted so qualified Latinos candidates "outside of the current workforce and USAjobs access points" are no longer excluded from opportunities?

AFGE formed the Hispanic Coalition (HISCO) to help address these problems. According to the AFGE website, "HISCO supports professional advancement, leadership development and educational opportunities for AFGE members of Hispanic origin and the expansion of AFGE's political influence legislative and political action."

We can work with our allies and Union/HISCO to focus on professional development training. We can work with our Union/HISCO to reach out to universities and high schools to advertise government service, create mentorship connections, and organize the next generation of Hispanic/Latino government workers. With our Union, we can be the instruments of change.

Turkey Trot Time

It's that time of year. Thanksgiving. Besides the popular events of eating and football marathons, more people are running in "Turkey Trots" or other Thanksgiving races. Here at the EEOC lots of folks are also on the move. Have you noticed managers moving from district to district? Have you seen all these new SES positions in HQ where managers are finding new homes? What about SES positions that were vacant for decades but are now getting filled? Anyone see the irony that when our bargaining unit employees are having difficulty in their positions they are bounced out- not up, or around? At best, there is a double standard when employees are often denied hardship transfers but

managers are routinely accommodated. Likewise, the Agency fights telework for employees but managers work remotely from around the country. The EEOC promotes work-life balance including telework for new and expectant mothers, but typically denies the same to our own employees- though manager moms at the agency often do telework. Time for the "model employer" to trot out fair practices that are applied fairly- whether you are an employee or a manager.



Putting on a Good ACT

The Union could get behind going green and saving staff time. But the roll-out of Action Council for Transformation to a Digital Charge System (ACT Digital) has revealed that the agency did not provide the necessary resources and dumps more work on front-line staff.

EEOC told offices when the ACT pilot was hitting their offices, but did not provide scanners that are needed to do the required work. While some offices have determined to use digital signature pads to help the process, the ACT project also does not provide these or other funding.

According to eoc.gov, "The first phase of this system allows employers against whom a charge of employment discrimination has been filed to interact online with the EEOC thru a Respondent Portal." The agency tells the public that this will be more efficient and "saves resources, including staff time, paper and money using digital documents and communications rather than copying, mailing, phone calls."

In reality this all spells more work for staff. For R to get an electronic copy of CP's hardcopy charge, intake staff has to scan it in and upload it to the ACT system. Staff also has to scan and upload any other documents that do not get submitted electronically by R. There are no plans to hire more staff to do this extra work.

The ACT system causes staff other busy-work. There have been problems with requirements for staff to print hardcopy duplicates of electronic files, which doesn't save paper or staff time. This is supposed to stop. Please let your Steward know if this practice continues. There is also the back and forth with Rs to figure out what's going on if they do not log onto their portal, confirming Rs email, getting HR's direct email, etc.

The next phase of this plan is to "add a secure portal for individuals who file a charge of employment discrimination." This represents a new opportunity for the agency to plan for needed resources, fund those resources, and minimize activities that add extra work for staff. Whether these things occur will determine whether the agency is just putting on an act about efficiency and saving staff time or actually putting up a good ACT.

EEOC Still Blocking Telework

Three years after the current collective bargaining agreement (CBA) went into effect, employees employees are still waiting for the opportunity to telework five days in a biweekly pay period. The 2013 CBA upped the number of telework days from the previous four days a pay period.

However, as offices began to negotiate local memoranda of understanding (MOU), the “Model Employer” blocked the extra day from going into effect. Management came up with a tortured explanation of the CBA article on telework claiming that the only way to get to five days was if the fifth day was a compressed

day off.

This nonsensical revisionist history does not pass the smell test. Nothing changed from last CBA to this CBA regarding the number of available days, except that four days was upped to five days. Five days means five days. Nothing confusing about that.

The Union has filed a grievance so employees can finally see the first expansion of telework at the “Model Employer” in thirteen years. The grievance opens with a quote from EEOC demonstrating the agency’s hypocrisy in dealing with the public versus its own employees.

“[The law must respond to the advance of technology in the employment context . . . and recognize that the ‘workplace’ is anywhere that an employee can perform her job duties.” -EEOC, Press Release regarding favorable ruling by the Sixth Circuit Court of Appeals in *EEOC v. Ford*, www.eeoc.gov, 4/23/14.

It is baffling that the “Model Employer” has picked this fight. Telework enhances work life balance, helps the environment, saves on commuting time and costs, offers an uninterrupted work environment, done right can save space costs, and is a key tool for continuity of operations plan (COOP) for weather and emergencies. If EEOC would embrace telework it would improve its dead last ranking for work-life balance for midsize agencies in the 2014 Best Places to Work in the Federal Government.

The Union has attempted to resolve this issue with the agency. A resolution would be a win-win for all. We had hoped to report good news of an agreement in this newsletter. However, thus far attempts at resolution have not been successful.

We will press forward in any and all forums necessary. The Union has pushed telework since it was a pilot. The Council fought to get the extra day in the new CBA. Local Presidents pressed for it in local negotiations. Employees have put in work schedule requests for the five days that management rejected. The Union will not give up the fight until the “Model Employer” makes this option available for employees.

Overtime Update

While this case started in 2006 and we received decisions in 2008 and 2009, the agency has fought in every way it could not to have to pay employees for their overtime work. Despite substantive rulings from the arbitrator, the agency continued to object. Unfortunately, the agency continues to pretend that employees do not take work home and night, over the weekends, skip lunch, work on holidays, etc.

It is now late 2015 and the arbitrator continues working to complete the decision on damages. Whatever damages are awarded will be doubled. The arbitrator notified our attorney that he will complete the project by December 11, 2015. While the wait is lengthy and frustrating, we should remember that our attorney asked for extensions to be sure that she had sufficient time to review and capture each claim submission. We want no less from the arbitrator who already has ruled for employees on two occasions. We look forward to his decision.

POINTS TO PONDER

- How long will it take EEOC to put safety windows in Tampa intake doors?
- Why did EEOC ignore the CBA’s SDEP plan when making SDEP selections?
- Why do EEOC’s annual goals come out in December when employees are put on standards in October?
- What kind of labor management training doesn’t include the Union in any way?
- Why EEOC terminates “bad” employees and transfers/promotes “bad” managers?
- Why EEOC is just getting Windows 7 when the rest of the world is getting Windows 10?
- How bad are the district by district FEVS scores that EEOC is hiding?
- Why did EEOC’s 50th anniversary HQ event only honor managers and dignitaries?
- What became of “50th Anniversary Project” that was to honor coworkers who opened offices and do the work?
- Why does the “Model Employer” continue to block the 2012 CBA’s extra day of telework?

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