

EEOC Tries Patience of House Oversight Subcommittee – AGAIN!

On March 20, 2007, three years after its last budget oversight hearing, EEOC Chair Earp repeated the contentious performance of her predecessor. The Commerce Justice and State (CJS) House Appropriations Subcommittee oversees EEOC's budget. The Subcommittee called EEOC Chair Earp to task on EEOC's intent to continue the ill performing call center, as well as on its intention to keep down staffing levels.

Present for the hearing were Chairman Alan Mollohan (D, W. VA), Ranking Member Rodney P. Frelinghuysen (R, NJ), and members: Representatives Michael M. Honda (D, CA), and C.A. Ruppertsberger (D, MD). For the second time in as many hearings, an EEOC Chair challenged the Subcommittee's request for information. For the second time in as many hearings, the Subcommittee directed the EEOC

See 'Committee Hearings,' page 8



Council Keeps On Truckin'

The National Council of EEOC Locals, No. 216 (the Council), AFGE, AFL-CIO held its biannual meeting in Washington, D.C. on February 24 and 25, 2007. The Council meeting, presided over by National Council President, Gabrielle Martin, was planned to coincide with the annual American Federation of Government Employees (AFGE) Legislative Conference. The Council's

agenda included important on-going topics including the Call Center, status of hiring, federal sector and promotions. President Martin updated Council members on the latest developments on these topics and the Council then discussed next steps.

EEOC Chair Earp

President Martin also reported on her February 22, 2007 meeting with EEOC Chair Earp. Martin had been seeking a meeting with Earp since Earp's September appointment as EEOC Chair. Finally, six months later, Earp agreed to a meeting date but only for a one hour meeting. Earp also submitted no agenda items she wished to discuss. Topics covered in the meeting included discussion of the Call Center, the NAPA evaluation of the NCC and the cost of bringing that function back to EEOC and the Union's proposals for an in-house alternative to the Call Center. Martin inquired about the status of a HQ reorganization and the July '08 move of HQ and the Washington Field Office to a new location. Earp indicated a reluctance to request additional hiring authority from Congress. Martin assessed the Chair's responses as a "general unwillingness to deal with the issues that impact EEOC."

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Pictured left: President Martin gets the message out on AFGE's radio program during the 2007 AFGE Legislative Conference.

Inset: EEOC National Council 216 at work.

PRESIDENT'S VIEWPOINT

With One Voice

The AFGE Legislative conference was held February 25-28, 2007. The purpose of this annual conference is to have AFGE activists come to Washington to meet with and lobby their Congressional representatives. The Activists address issues faced by our AFGE members in the workplace. The theme of this year's conference was "With One Voice".



*Gabrielle Martin,
Council President*

Working for You

Council 216 Union activists conducted very successful lobbying efforts on your behalf. We all should be proud of them. Although the conference ended several weeks ago, we continue to follow-up with Congressional representatives from the districts where we live, have offices and work. "With One Voice", we were able to impact more Congressional Representatives on more issues that are important to us.

What We Do

On your behalf, your activists lobbied for more funding so we can hire staff to address the workloads and backlog. Your activists lobbied to get rid of the call center since it costs so much and performs so poorly. Your activists lobbied to use money typically spent on the call center to hire staff. If you have not seen the materials, you should contact your Local President and/or Council Delegate. You can also take a look at the lobbying materials on the Council's website, www.council216.org.

On our website, you can see your elected union officials at work for you. The follow-up will be ongoing. If you have not already done so, contact your Local President to sign a thank you letter to your Congressional Representatives for supporting our issues. In addition, in that letter tell your Congressional Representatives first hand and "With One Voice", about the problems in your office.

Take Action

There is something else each of us can do, "With One Voice". If we sign up for AFGE Action News, from the comfort of our homes, we can receive e-mails alerting us to dangerous or harmful legislation. With the click of a button, each of us can send e-mail to our Congressional Representatives to let them know how we feel about an issue. With that same click and "With One Voice", each of us can request that the representatives take a particular action on pending legislation.

Volunteer

Each of us also can sign up on AFGE's web site to volunteer for various legislative activities during the upcoming election cycle so that "With One Voice", we elect members of Congress who vote the right way on our issues.

If we speak "With One Voice", we make our voices heard loud and clear. If we speak "With One Voice," Congressional Representatives vote the right way on our issues, we build our Union, we protect our workplaces, and we protect our families.

Are you a part of "With One Voice"? If not, work with your union representatives to make, strengthen "One Voice" and make your voice count!

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

Ricardo Cuevas
Local 3555

Michael E. Davidson
Local 3504

Patricia Floyd
Local 2667

Gabrielle Martin
Local 3230

Levi Morrow
Local 3637

Joseph Wilson
Local 3629

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Council 216 Visits Over 100 Congressional Offices



By Rachel H. Shonfield, Miami DO, Local 3599

The National Council of EEOC Locals, No. 216 (Council 216), AFGE, AFL-CIO once again participated with gusto in AFGE's Legislative Conference, in Washington, D.C.

Rachel Shonfield, Legislative Coordinator

from February 25-28, 2007.

We are a small Council, representing an ever shrinking workforce, but we make our voices heard to our fellow AFGE members from other agencies and in over one-hundred visits to members of Congress.

It is important that Council 216 participate in the AFGE Legislative Conference, because it is an event that political leaders, who can influence the budget and policies of Federal agencies, do not ignore. U.S. Presidential contenders, Sen. John Edwards, Gov. Bill Richardson and Rep. Dennis Kucinich addressed the conference, as did Majority Leader Steny Hoyer (D-MD), newly elected Rep. John Sarbanes (D-MD) and political contributor Eleanor Clift.

Council 216 got out our message about the dismantling of the EEOC to hundreds of conference participants through our briefing paper, which was included in the "AFGE Issue Papers 2007." Members can view the Issue Papers at www.afge.org.



Council Delegate Rhonda Ellison (Nashville Office) with Representative Jim Cooper, D-TN



U.S. Presidential Candidate John Edwards Speaks to the AFGE Legislative Conference as AFGE President John Gage looks on.

org. The Council also had an opportunity to explain the problems with EEOC's outsourced call center on the Privatization Panel, where Council President, Gabrielle Martin, and two other Council 216 members were featured along with other 2006 AFGE Legislative Action Award winners.

The most important part of the conference by far was when Council 216 members visited Capitol Hill for over one-hundred meetings with lawmakers and their staff. We made visits to Representatives and Senators whose districts include an EEOC office, as well as to lawmakers who are on EEOC's oversight committees or who hold leadership and caucus positions.

In these meetings, Council members told Congress that we are in desperate

need of more frontline staff. EEOC can no longer hide its staffing crisis, based on its terrible FY06 statistics, i.e., exploding backlog, longer processing times, fewer resolutions, and \$100 million less in benefits. Unfortunately, with a request for level funding in FY08, the fourth year of no increase, EEOC's administration is trying to tell Congress that we can enforce discrimination laws on the cheap. Even if there is no appetite for civil rights funding to keep pace with inflation, it is important that EEOC uses its budget wisely, i.e., on frontline staffing; not the wasteful call center.

The Legislative Conference got the ball rolling. Lawmakers are very concerned about the dismantling of the EEOC. Throughout the year, as in the past, we will need the help of all Union members, civil rights groups, and other stakeholders to keep attention focused on EEOC's issues. Please be sure to help out when the Union asks you to call your Representative, sign a letter, or send an email. If you don't speak up, the belt will only continue to tighten on civil rights enforcement resources. EEOC managers are now on the defensive; your voice will make a difference.

See more photos from the 2007 AFGE Legislative Conference page 6



Sharon Baker, President, Local 3599 meets with North Carolina Congressman Melvin L. Watts (D-12th)

Disingenuous DDs Don't Do Right Thing

Have you heard your District Director make statements critical of the National Contact Center (NCC)? Some criticism by District Directors of the NCC appeared in the EEOC's OIG evaluation of the call center. Despite that, the National Council of EEOC Locals (the Council) recently learned that the 15 District Directors were solicited to sign onto a letter to EEOC Chair Naomi Earp supporting the continuation of the call center pilot. The District Director's letter, in part, states:

We, the undersigned District Directors, agree that the continuation of the National Contact Center for the remaining two-year period is in the best Interest of the EEOC and the public we serve. . . we agree the Contact Center has helped to ease the burden of the field in handling the large volume of incoming calls and the other communications to the Agency while preserving the quality of our customer service. We believe that during the past two years significant improvements have been made in the design and implementation of the National Contact Center.

Does any field employee agree? One can only speculate on the political pressure that was exerted on some District Directors who have been vocal in their opposition to the NCC to now kowtow.

In response, the Council has written to the Chair and Ranking Member of the Appropriations Committee to express the sentiments of the vast majority of bargaining unit members in their opposition to the call center as inefficient, wasteful and exposing the sham of the letter from the District Directors.

It is one thing for District Directors who have voiced support for the NCC to sign such a letter; it is quite another matter for District Directors who have been critical of the NCC to do so.

UPDATE ON COUNCIL LITIGATION THE FLSA GRIEVANCE

Many of you know about the grievance regarding overtime filed by the Council on behalf of Investigators, Mediators and Paralegals. While often referred to as the "overtime grievance", that moniker is somewhat misleading. This grievance concerns the fact that last year, EEOC changed the designation of Investigators, Mediators and Paralegals, making those employees ineligible for overtime pay. The grievance alleges that designation of the affected positions as exempt, meaning not eligible for overtime pay violates both the Fair Labor Standards Act and a 1995 settlement agreement. In the 1995 settlement agreement, the agency agreed that under the law, the investigators and paralegals were designated as eligible to earn overtime pay and meaning they cannot file a grievance to obtain overtime pay. Changes to the Fair Labor Standards Act do not apply to the affected positions.

The grievance is working its way through the process and the Union is seeking to have arbitrator Steven Wolf decide the case. The parties initially scheduled the arbitration for hearing at the end of March, 2007. The grievance arbitration dates have been changed to May 21-25, 2007. If you are an affected employee, please send information on the days and times you were required to work overtime – to the Union's attorney at bbhattync@aol.com.

Employees who have questions about their FLSA status should contact their Local President.



Council Discusses Call Center, A76, Overtime and Contract Negotiations at Biannual Meeting

'Council Meeting,' from page 1

Martin and Earp also discussed rising caseloads and backlogs and the slowness of the hiring process. Martin raised the issue of applicants not making cert lists. Awards were discussed and federal sector was discussed in light of the recent Federal Sector Report by an EEOC work group. Martin noted that Administrative Judges disagreed with the "Consensus Recommendations" in the report; Earp responded that there was less "consensus" on the report than the report would lead one to believe. Earp did not respond to an inquiry of whether or when the report recommendations would be implemented.

While in DC, Martin met with other groups and reported to the Council on those matters which included: the laptop rollout, a Document Management System for attorneys, case transfers from field office to field office, the status of a PD for a GS13 Systemic "lead" Investigator and the problems in the hiring process.

Chief Negotiator Reports

Council Chief Negotiator Levi Morrow reported on a number of items. Among the most important was the status of the Overtime/Classification grievance filed by Council.

The grievance was filed after EEOC reclassified Investigators, Mediators and Paralegals from non-exempt to exempt status. Overtime work has long been a bone of contention. That grievance is scheduled for arbitration near mid-year. Morrow reported that he would be meeting with EEOC to discuss settlement. Council members were asked to remind all members that they may be called upon to produce proof of overtime worked without compensation.

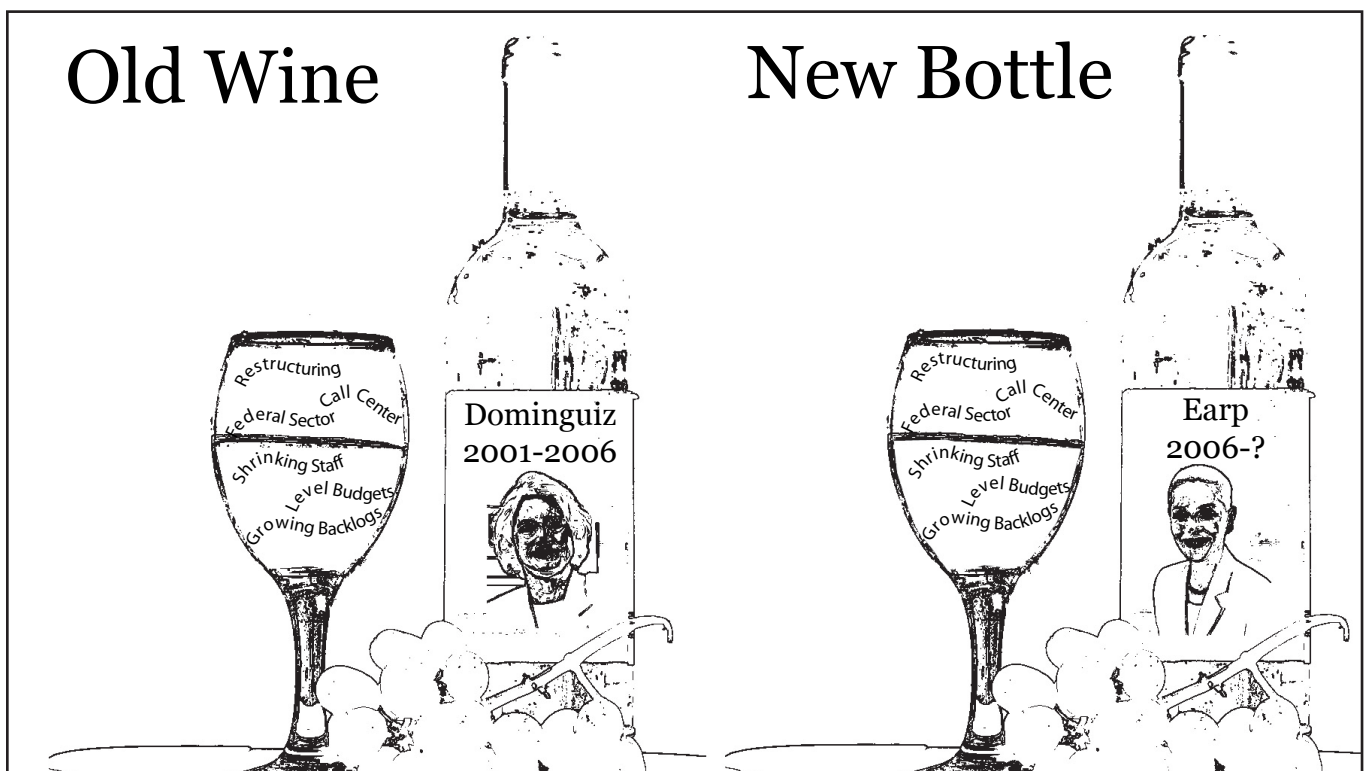
On other topics, Morrow reported that contract negotiations were still under discussion. He urged all members to submit contract proposals and provide the rationale for the proposal and include research supporting the proposal. Last, Morrow reported that GS14 for administrative judges promotions still languished in HQ for an unacceptable period of time. The Union

proposed that the GS14 become a Journey-men level. Discussions with EEOC will continue on this.

Contracting Out

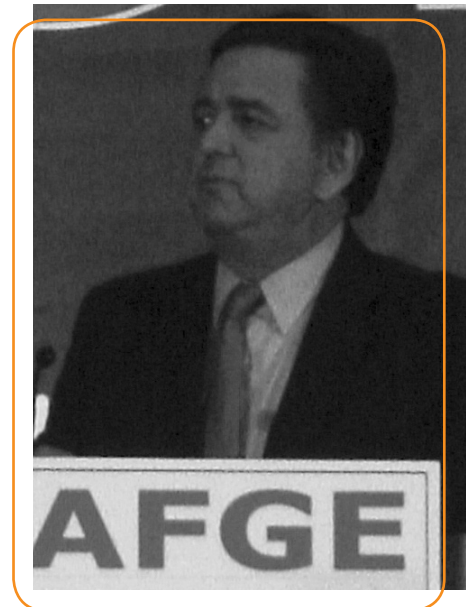
Council First Vice President Michael Davidson reported on a A76 job competition that EEOC was in the process of conducting. A76 is the process whereby, in this case, the FOIA and Section 83 functions, now performed by EEOC employees would possibly be subject to being contracted out. Davidson summarized the complex process for Council members. Davidson warned that although the prospect of having an onerous task taken away from employees may be attractive, it is dangerous because it is a foot in the door of contracting out federal jobs. The Council has appointed someone to participate on one of the A76 teams.

The Council meeting concluded with a briefing by Council Legislative Coordinator Rachel Shonfield. Shonfield reviewed the Talking Points and supporting material Council members were given to use in their appointments with Representatives and Senators during the AFGE's Legislative Conference.



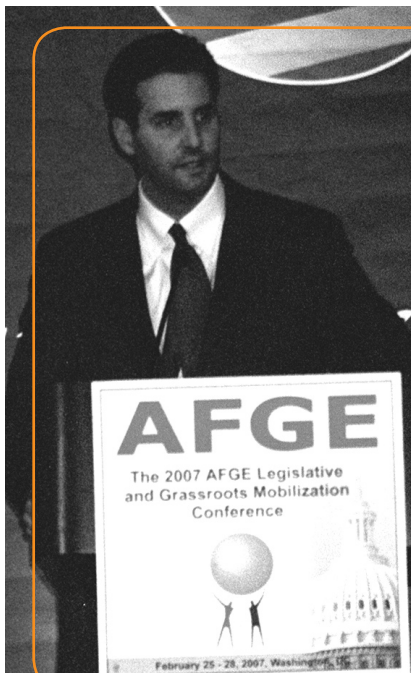


AFGE National Vice President of Women's and Fair Practices Andrea Brooks (lft), National President John Gage (ctr) and National Secretary-Treasurer J. David Cox (rt) speak to Conference attendees as one voice.



U.S. Presidential Democratic Candidate Gov. Bill Richardson, N.M. speaks to the AFGE Legislative Conference.

scenes from the AFGE LEGISLATIVE



Representative John Sarbanes, D-MD speaks to the Legislative Conference in General Session.

Right: AFGE Civil Rights Luncheon speaker Eleanor Clift (left) poses with Local 3555 VP Lillian Marti and Council Legislative Coordinator Rachel Shonfield. Clift is a nationally known columnist. Below: National Council delegates listen to luncheon speaker Eleanor Clift.





AFGE President John Gage on state with Transportation Security Administration Employees. Gage recognized the courage and tenacity of members of the Transportation Security Officers (TSO) union in their fight for their rights. Congress has recently passed legislation to allow these employees to engage in collective bargaining (see related article p. 8).

Below: Luncheon attendees listen as Eleanor Clift Speaks

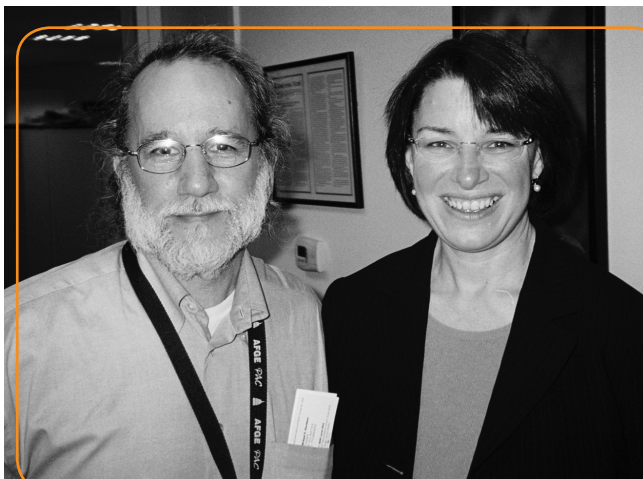


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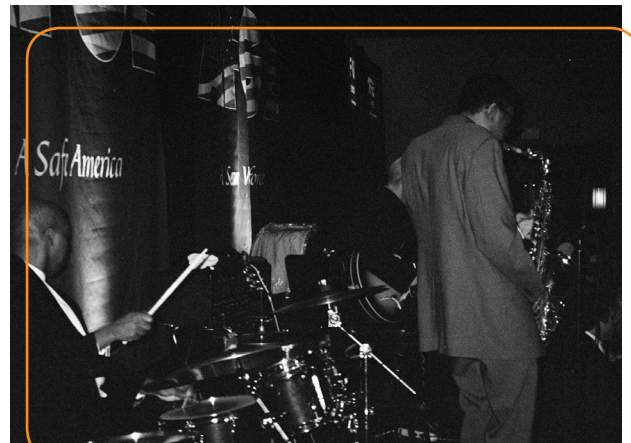


Left: (left to right) National Council Legislative Coordinator Rachel Shonfield, National Council President Gabrielle Martin and Council member Regina Andrew participate in an AFGE workshop panel on Privatization. The panel was moderated by AFGE's John Threltgel.

Below: The band plays on at the AFGE Legislative Congressional reception.



Left: Council 1st VP Michael Davidson and Sen. Amy Klobucher, (D-MN).



AFGE Efforts Successful As Senate Passes Bill Giving TSA Employees Bargaining Rights

TSA Workers One Step Closer to Better Working Conditions

Reprinted from AFGE Press Release 3/13/07

(WASHINGTON)—The American Federation of Government Employees (AFGE) today praised the Senate for passing S.4, its version of the 9/11 recommendations bill that includes a provision allowing Transportation Security Officers (TSOs) to have collective bargaining agreements, MSPB appeal rights and whistleblower protections.

“AFGE applauds the members of the Senate who voted in favor of fairness and justice,” AFGE National President John Gage said. “For too long, TSOs have been deprived of basic worker rights. With this vote, the Senate has voiced its support for TSOs to have the same rights as other federal employees, including those in the Department of Homeland Security.”

The next step is conference, where members of both the House and Senate

will work to create one bill to present to the president.

“As the only union representing the TSA workforce, AFGE looks forward to working with Conference Committee members to ensure passage of this essential bill,” Gage said.

“TSA leads the federal government in attrition, injury and lost time rates, and EEOC complaints,” Gage said. “Only by making this a law will TSOs see an end to unsafe working conditions, workplace discrimination and retaliation, and fear of speaking out on issues of security.

“AFGE has lobbied Congress for such rights since TSA’s inception,” Gage added. “While the passage of S.4 is cause to celebrate, our work is far from done.”

“As the only union representing the TSA workforce, AFGE looks forward to working with Conference Committee members to ensure passage of this essential bill,” Gage said.

AFGE thanks Senate Homeland Security and Governmental Affairs Committee Chairman Joseph Lieberman (I-Conn.), Committee members Sens. Daniel Akaka (D-Hawaii) and Claire McCaskill (D-Mo.), Majority Leader Harry Reid (D-Nev.), and Sens. Edward Kennedy (D-Mass.) and Arlen Specter (R-Pa.) for their leadership on this issue.

EEOC Oversight Committee Demonstrates Knowledge and Concern for Union/ Workers Issues

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Chair to respond. Specifically, Chairman Mollohan demanded to know how much money EEOC requested for FY08 from Office of Management and Budget (OMB), the first phase of the budget process.

Subcommittee Chair Mollohan recognized that EEOC’s workload has risen in the time since it began enforcing employment discrimination laws. Subcommittee Chair Mollohan then questioned why EEOC failed to request sufficient funding to hire staff in order to address the increasing backlogs and processing times. EEOC Chair Earp attempted to defend the level funding request based on what she labeled “efficiencies”, such as the reorganization of field offices, moving offices to smaller space and using new technologies. However, later in her testimony, Earp acknowledged that one of the efficiencies she had earlier cited, new technology, would have

to be put on hold due to the budget crunch at EEOC.

Chairman Mollohan and other members expressed serious concern about the poor performing call center and its impact on the public. The Chairman even read into the record, testimony from Representative Stephanie Tubbs-Jones, a former EEOC Trial Attorney, Representative Eleanor Holmes-Norton, a former EEOC Chair, and Representative Lois Capps, in support of a 2006 House floor amendment to defund the call center. Chairman Mollohan also criticized the faulty presumptions of the latest NAPA report, which bases a cost comparison of insourcing the call center on a stand-alone facility, instead of using current in-house space and infrastructure.

EEOC Chair Earp attempted to defend the call center as an “efficiency.” Earp also tried to explain that despite her vote last year against continuing the poor performing call center, now it is an effective use

of resources. Yet, when asked if there were sufficient votes to continue it, Earp conceded that she did not have the votes at this time.

Other major concessions from Earp included: the fact that the field reorganization increased the work in district offices; that she was locking in staffing cuts by reducing office space at the same time she acknowledged that EEOC’s performance deficiencies were related to the lack of staffing; that the 70 hires that previous EEOC Chair Cari Dominguez claimed would occur had not been completed; and that the 2008 funding request would not support additional hiring.

The good news is that Chairman Mollohan and the oversight committee demonstrated knowledge and concern for our issues. Hopefully, as the budget process proceeds, Congress will do what the EEOC won’t – provide more funds for hiring and defund the call center.

Arbitrator Decides EEOC Employees Worked Overtime; EEOC Agrees to Pay \$186,000

Regina Andrew President Local 3614

AFGE Local 3614 won a major victory in September 2006, when Arbitrator Joyce M. Klein found that a class of Equal Employment Opportunity Commission (EEOC) employees working in EEOC's Washington Field Office is entitled to years of overtime pay. The exact amount of unpaid overtime has not been deter-

mined, but the Arbitrator suggested the parties resolve the case by agreeing on fair compensation for the unpaid work.

Thereafter, on March 5, 2007, EEOC and AFGE Local 3614 entered into a stipulated order on a fair remedy of \$186,000 to be paid directly to employees who worked as investigators and support staff who were under-compensated between January 2000 and September 2006, and to the Union's attorneys' for fees and costs. The settlement allows the parties to avoid further litigation and appeals.

Several Union members testified that they worked in the evenings at home, on weekends and holidays without compensation. Attorneys from Snider & Associates, LLC, AFGE Local 3614's counsel

worked over three years on the case and proved EEOC's repeated and unflinching violations of the Fair Labor Standards Act (FLSA).

"The decision of Arbitrator Klein vindicates the right of EEOC employees to receive overtime pay as federal law requires," said Regina Andrew, President of AFGE Local 3614. "We worked with EEOC Chair Naomi Earp's office to determine a fair monetary amount to promptly compensate our class members for their overtime work." Affected Grievants should receive overtime money by April 5, 2007.

The decision does not affect EEOC attorneys and administrative judges, who are exempt under FLSA.

ROOT, ROOT FOR THE... ORIOLES

Remember the Baseball Strike in 1995? When players went on strike, most teams fielded "replacement" i.e. scab, players. The notable exception was the Baltimore Orioles. Orioles owner Peter Angelos announced that the Orioles would not use replacement players. Orioles' spring training was cancelled on March 20 due to the strike and the Orioles' refusal to use replacement players. The next day, the Maryland House of Delegates approved legislation to bar teams playing at Camden yards from using replacement players. Also, Detroit Tigers Manager Sparky Anderson was placed on involuntary leave after he refused to manage replacement players.

Its always refreshing when people act in accordance with principle. In contrast, see "Disingenuous DDs Don't Do the Right Thing", p. 4.



Regina Andrew, President of AFGE Local 3614 (Center), pictured outside of Snider & Associates, LLC, Baltimore office, with Union Attorneys Michael J. Snider (Right) and Jason I. Weisbrot (Left).

IS YOUR POSITION IN THE BARGAINING UNIT?

Your Position Description (PD) provides the answer. Each PD should contain a code. If your job is a Bargaining Unit position, the code "0020"; non-Bargaining Unit positions will bear the code "888"

NCC: No Task too Simple to Make Difficult

By Pam Edwards, Houston, Council Delegate

I was recently invited to visit EEOC Commissioner Christine Griffin while I was in DC. She had been on my Friday flight, recognized me and extended the invitation. The time was left open. So, on Monday I wanted to call the Commissioner to confirm and set a time. Not having her number, I looked in the DC telephone

directory for EEOC's HQ. It wasn't listed but the Washington EEOC Field Office was.

I called that number and a recorded message provided an "800" number (charge information) and an "866" number (for a specific person). I made the obvious choice and called the "866" number only to get another recorded message stating that I had "entered a number that could not be reached from your calling area. . ." So, I called the "800" number, got another recorded message followed by options.

I was now, I realized, connected to the NCC. I pushed "0" and was connected to a Customer Service Representative (CSR).

The CSR asked my name, whether I had called before and my zip code.

Although I attempted several times to explain that I simply wanted a HQ phone

number for a Commissioner, it was only after the CSR *asked me* the reason for my call did my simple request sink in.

I was placed on hold but then given a phone number. I dialed this number and – guess what? – got a recorded message!

This message stated that I had reached EEOC HQ, gave office hours, the NCC number, the TTY number and the website.

The message concluded by saying that if I needed a specific person I should leave a message. I did leave a message and included my name and contact number. As of this writing, some 10 days later, I have not received a return call.

But, I did meet with Commissioner Griffin and shared with her my NCC experience. I just could not afford her the courtesy of a call.

I now have her phone number.

Don't Buy Your Own Business Cards Just Yet

It looks like the EEOC is finally going to join the modern private and Federal sector business world by purchasing business cards for employees who interact with the public. Until now, EEOC employees either have had to pay for their own business cards or just look plain unprofessional when asked for a card at depositions, hearings, mediations, TAP's, and on-sites. The change is being brought about by a grievance filed in Miami, by Local 3599, alleging that the agency failed to provide appropriate workplace tools and equipment, pursuant to CBA article 5.10.

In Miami's case, the office was without working telephones, intake telephones, and copy machines. When the agency changed all of the Miami employees' telephone numbers, even those who had paid for business cards no longer had current information to provide. While the agency's step two grievance did deny the grievance, it stated, "the Chief Operating Officer is working with Commissioners and office directors to address the issue of business cards."

Management has led the Union to understand that employees who interact with the public can expect business cards, probably before the end of the fiscal year. So if you were about to buy your own, you may want to wait.

Local 3629 Kansas City Area Office Arbitrations Abound

By Joe Wilson, President Local 3629

Local 3629 has had a number of union-related actions in the Kansas City Area Office. We have a pending arbitration over the issue of an investigator being placed on a PIP, as well as a pending grievance over an unsatisfactory performance evaluation (and potential PIP) for another investigator. We recently settled another grievance in the Kansas City Office over an unsatisfactory performance evaluation given to another employee.

Most recently, changes to the National Contact Center protocols have all but stopped phone calls to both the Kansas City and St. Louis office numbers, and inquiry questionnaires received from the National Contact Center have put intake assignments at an all time high. The loss of staff in both the St. Louis and Kansas City offices has resulted in large case loads of charges to be investigated.



Just Say No—Contracting Out Comes to EEOC

By Michael E. Davidson, President 3504, Council 1st Vice President, Chicago

“A-76” is the shorthand reference for the process that targets federal jobs and functions for privatization review. The privatization review process starts with the FAIR Act Inventory (so named because EEOC is required to maintain this inventory by the Federal Activities Inventory Reform Act of 1998), which is a list of all functions performed by an agency, the number of full-time equivalent employees (FTEs) performing each function, and whether these functions are “inherently governmental” (i.e. can only be done by federal personnel) or “commercial” (i.e. can be done by a contractor). Those functions designated as “commercial” are at risk of being reviewed for privatization.

Until recently, EEOC had compiled the FAIR Act Inventory but had not done any privatization reviews. As of FY2007, that is changing. In October, 2006, EEOC announced that it would conduct a standard privatization review of Freedom of Information Act (FOIA) and Section 83 support functions. According to the announcement, 40 FTEs (which may represent many more actual federal employees if employees do this work but not full-time) in the 53 EEOC offices perform the various tasks associated with these functions.

Under this privatization review, private contractors are invited to submit a bid to perform this work, and those private bids are compared to an in-house bid, which is submitted by management on behalf of the affected employees.

An A76 Competition is a complex process and one that is not employee-friendly. Neither the employees nor the union has the right to protest the outcome of a review, even if the review is fraudulent or just done incorrectly.

The A76 process allows affected employees and the union to provide input during the privatization review process. To this end, the National Council of EEOC Locals has selected a representative to participate on one of the A-76 teams. This representative will be there as a voice for employees, but management retains for itself the right to make a final decision.

Space does not allow for a more in depth discussion of the contracting out process. What is important for members to be aware of is that contracting out has come to EEOC and that the Union is participating in the process.

More information can be obtained on the A76 process at www.afge.org or www.fbo.gov.

Over the years, AFGE has fought long and hard to make changes in the process to

make it fair to employees. But, we're not there yet.

In this instance, contracting out FOIA and Section 83 does not make a lot of sense.

Members can play a significant role by contacting their representatives and asking them to stop this privatization review.

Contact your representative online through AFGE's website at www.afge.org.

POINTS TO PONDER

- **How sincere is Chair Earp in professing that she wants to work with the Union when it took her six months from her September, '06 appointment as Chair to make time to meet with the Union and then allow only one hour for that meeting?**
- **Does the Chair have a vision for EEOC?**
- **Has the January, 2006 EEOC restructuring “. . .reduce[ed] operating costs, flatten[ed] overall management structure, and more logically align[ed] offices” as promised. Has the restructuring “. . . redeploy[ed] staff to front-line positions, fill[ed] additional positions, and ensure[d] that each office has the necessary staff. . .” as promised.**
- **How often do District Directors travel to Field, Area or Local offices? How many other staff travel with them? What is their mode of travel? What do they do in the offices they visit? What is the annual cost of such visits?**
- **Is there any objective criteria applied in determining how much staff is hired, which titles are filled and which offices get positions filled?**
- **Regarding the “Consensus Recommendations” contained in the Federal Sector Report, which parties reached “consensus”? Certainly not AJs! What does this “consensus” mean?**
- **Are Investigator Interns selected under the Staff Development Enhancement Program (SDEP) last year being promoted? Why hasn't a new intern class been selected for this year?**
- **Are Support Staff employees working overtime AND if so, are they being paid for it as required?**
- **How successful can an “unfunded” Systemic Program be?**
- **Why did the January, '07 NAPA Report ONLY consider the most expensive options for returning call center functions in-house? Why did NAPA fail to consider a cost analysis based on empty space at EEOC; why did NAPA fail to consider utilizing ISAs for call duties; and, why did NAPA fail to take into account improvements to existing technologies presently in place at EEOC?**
- **Is the current NAPA report of any value?**

EEOC's Failing FY06 Report Card

What happens when you send your kid to school without books or pencils and you say, "Just do more with less"? Well, don't be surprised when your kid comes home with a failing report card, even though she tried her best. The same lack of resources sums up the reason for EEOC's FY06 failing report card.

By Rachel H. Shonfield, Local 3599

Years of staffing cuts, office downgrades, and shortages of office equipment and supplies contributed to disappointing year-end results for the EEOC. The agency's backlog continued to rise, ending FY06 at 39,946. This is highest backlog since 1999. Just since 2005, average charge processing time went up from 171 days to 193 days. Also, fewer cases were resolved in FY06 than the previous year. Another very significant figure is that the benefits EEOC garnered on behalf of victims of discrimination plunged \$100 million from FY05 to FY06.

Wow! And, what is EEOC saying about these bad numbers? Pretty much what your kid would say if she got a failing

report card. If you're not asking, EEOC's not telling. First, EEOC sat on its year end numbers, by not providing them to requesting reporters or posting them on their website. Then in February, five months after the end of the fiscal year, EEOC finally posted its pitiful year-end data. A press release attempted to camouflage the deteriorating results, by just listing 2006 statistics, but not comparing them to previous years. Then, even if you want to go back and compare for yourself, EEOC has made that harder by deleting all historical data regarding backlog from the statistics page on its website.

So now that the grades are in, what is EEOC doing to turn things around? Nothing! Instead of asking Congress for

more money so that we can hire and buy resources, EEOC is requesting level funding. Likewise, EEOC continues to throw critical budget dollars away on the call center, rather than investing the money in-house.

As Albert Einstein said, the definition of insanity is "doing the same thing over and over again and expecting different results." Another year of following EEOC's do more with less mantra will only mean more bad results in FY07 and FY08. Unfortunately, it's not just EEOC's workers that suffer, but the nation's workers, who we serve.

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