

Incumbent Council Officers Elected by Acclamation

This was an election year for officers of the National Council of EEOC Locals, No. 216, (the Council), AFGE, AFL-CIO. The election of officers was the first order of business at the Council meeting held in Las Vegas, Nevada. Shortly after the Council meeting was called to order on Monday, August 20, 2007, National Council President Gabrielle Martin, turned the meeting over to the Council's Election Committee. The Election Committee members are Stephanie Perkins, Chair (Detroit), Kathleen Harmon (Richmond) and David Skillman, (San Francisco). The Election Committee is charged with running the election process.

The Election Committee opened nominations for office. Each of the incumbent officers was nominated and none faced opposition. As a result, and consistent with election guidelines, the Election Committee ruled that the incumbent officers were elected "by acclamation".



Incumbent National Council officers being sworn in for another 3 year term. (L. to R.): Danny Lawson, Secretary; Gabrielle Martin, President; 1st Vice President, Michael Davidson; Treasurer, Levi Morrow. Not pictured, 2nd Vice President, Rachel Shonfield. Rachel was sworn in via telephone. Rachel could not attend the Council meeting due to the imminent delivery of her child.

Council officers for the next three years will be: Gabrielle Martin, President; Michael Davidson, 1st Vice President; Rachel Shonfield, 2nd Vice President; Levi Morrow, Treasurer; and, Danny Lawson,

Secretary.

Election by acclamation of Council officers is a rare occurrence in the Council's 31 year history. This phenomenon has occurred on about three other occasions.

Council Meeting Happy with Progress, Girds for Future Battles

The National Council of EEOC Locals (the Council), No. 216, AFGE, AFL-CIO convened its biannual meeting in Las Vegas, Nevada on August 20, 2007 and was presided over by Council President, Gabrielle Martin. The first order of business was the election of Council officers. A three member Election Committee conducted the election process. Atypically, the election process, which normally takes an entire day, was completed within several hours due to the fact that there was no opposition to any of the nominated

incumbent officers. Therefore, nominated officers were declared "elected by acclamation". With the disposition of the election, the Council voted to immediately proceed to meet and conduct business.

President Martin gave her report and noted that, "In a lot of ways, this has been a banner year for the Council." The major accomplishment, she reported, was the demise of the National Contact Center (NCC). While a cause for celebration as a positive step for both the public and

employees, Martin cautioned that "It's not done yet!." She stated that we have to be vigilant and prepared to fight to make sure it happens and that the transition is implemented in a timely and correct manner. Martin posed the rhetorical question, "Will the EEOC do the right thing?" i.e. hire staff in adequate numbers to answer phones.

Martin went on to note other Council accomplishments: the growing of our

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PRESIDENT'S VIEWPOINT

New Fiscal Year

By Gabrielle Martin, Council President

A new fiscal year is coming. Typically, we meet the new fiscal year with mixed feelings hoping that next year will be better. Often, there is a mix of things in the New Year. For the coming year, we have many unanswered questions such as, what happens next with the call center and why hasn't the Commission publicized its transition plan; will EEOC hire any new staff, and if so, now or at the end of the coming fiscal year; will staff who retire be replaced now or at the end of the coming fiscal year? While it is sometimes difficult not having all the answers, the membership should feel proud of the accomplishments. This year, our efforts have brought us far.

As we take time to acknowledge our accomplishments, we must remember that the call center is symbolic of several wrongs we still have to fight. EEOC's Call Center boondoggle is hanging by a thread. In three months, this chapter will close. The negative impact of the call center on both charging parties and employees has become its undoing: the public could not reach an EEOC office or employee without first calling the call center. Here at EEOC, we remain buried under messages from the call center.

EEOC shortchanged us all. By contracting out work previously performed by federal employees, failing to hire and train staff, removing public access to local offices, letting the work pile up and failing to obtain adequate funding, everyone in the process was impacted. Short staffed offices have been unable to respond to either the messages or the charges already in process. The availability of travel money is questionable and funding to improve technology is non-existent.

To reverse the shortchanging, EEOC needs additional Investigative Support Assistants to handle the phone calls and intake mail, additional Office Automation Assistants to handle the volume of filing, data entry and other mail that must be processed. EEOC needs additional professional staff so that EEOC does not have to consolidate hearings cases and pretend we have less work to do than actually exists. Finally, EEOC needs additional staff so that the people who take up the mission of EEOC can proudly come to work to do a noble job and know that there will be adequate resources to get the job done.

So, despite closing the call center, our work and our fight continues. We must remain vigilant in our discussions and actions to ensure that the additional money and staff specified by our appropriators does not become lost in the end of year shuffle. After a moment of reflection, let us once again take up the fight to ensure justice for America's workers, including those at EEOC.



*Gabrielle Martin,
Council President*

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***

National Council of EEOC Locals No. 216

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Business Cards for EEOC Employees

In case you missed it, EEOC employees may now order business cards through and at the agency's expense. A Memorandum of Understanding (MOU) was agreed upon between the EEOC and the National Council of EEOC Locals, No. 216, AFGE, AFL-CIO in late June, 2007. EEOC employees who interact with the public or with other entities connected to their official duties are eligible to obtain business cards. Business cards can be obtained in minimum lots of 250 by filling out and submitting the appropriate form to their supervisor. Cards will normally be received within 30 days of ordering. The MOU is posted on InSite at the Human Resources link.

Congress Trumps Commission

Ishimaru, Griffin Votes Seal Fate Of NCC

By Rachel H. Shonfield, Miami DO, Local 3599

After a four year battle, good sense finally prevailed and the EEOC's contract call center is dead. The agency trumpeted the birth of the call center, but let it die with nary a whimper.

First, the agency canceled a public meeting to make the call center permanent because it did not have the votes of enough Commissioners to prevail. When the call center formally met its demise in a private notation vote on July 26, 2007, the agency sat on this information by not issuing a press release until August 13, 2007. At the time of the writing of this article, the agency still has not so much as sent out an all-staff e-mail to inform employees of the status of the call center or the specifics of how calls will be returned in-house.

EEOC employees knew from the start that calls from the public are not widgets that could be outsourced to script-reading telemarketers. Behind each call is a worker who needs assistance with an individualized issue requiring our trained expertise.

But what happens when our own agency doesn't think we are best able to perform our own work? Legislative Action! Since 2004, the Council has enlisted the support of Congress, friends in the civil rights community, and AFGE. Each year, the Council has stormed the Hill for the AFGE Legislative Conference to educate lawmakers about EEOC concerns, including the call center. We have worked with lawmakers on: sign-on letters opposing the call center and an amendment to defund the call center.

The Council got these efforts into the newspapers with our press releases.

This has been an exciting legislative year. Our National President Gabrielle Martin testified before a House Subcommittee advocating that no more taxpayer dollars be spent on the call center. Both the EEOC's House and Senate Appropriations Subcommittees conducted testy oversight hearings demanding answers from the Chair about the agency's backlog and the ineffective call center. Later in the year, both the House and the Senate included budget language defunding the call center. As a result of the Congressional language, EEOC was hardpressed to continue the call center.

Despite the budget language and the Commission vote, the agency tried to extend the contract first for a whole year and then for six months. They also tried to get a contractor to study options, but with the fix in to create a standalone "in-house" call center in Lawrence, KS. This would be the easiest model to try to outsource again in the future.

At EEOC's every sneaky turn, we have been keeping Congress informed. We

have also provided Congress with our transition plan and most recent call center survey, which demonstrate that the call center never improved and that it is not rocket science to bring the calls back in-house. As a result, EEOC canceled its public meeting to vote on a 6 month extension and is only extending for 3 months. Also, Congress has been firm that EEOC should insource the call center to our own offices and not a stand-alone center.

There is still more work to be done this year. We will need to stay on EEOC to make sure that they actually hire and train staff and do not just dump the call center work on our shrunken workforce. We also need to make sure that the language defunding the call center makes it through the full Senate and conference committee. Additionally, after 4 years of level funding, which has choked our hiring and resources, the House is recommending a \$5M increase and the Senate a \$50M

increase. A conference committee will have to come up with a compromise budget figure. We can help influence this figure by letting Congress know how critical the greatest possible increase would be to replenishing staff and resources. So please be responsive when we send out the call for action faxes and emails to Congress.

Thanks to everyone who kept up the fight for all these years to dump the call center, get us more staff, and increase our budget. With your continued efforts this may be the year we really see our work pay off!

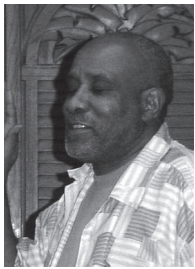


Rachel Shonfield,
*Legislative
Coordinator*



You Can Make The Difference

By Levi Morrow, National Council of EEOC Locals No. 216 Chief Negotiator



Before reading further, read the synopsis of the grievance filed by the Union on the reclassification of Investigators, Mediators and Paralegals adjacent to this column entitled "Reclassification, Overtime and EEOC:

A Review".

Having read the review, and having become reacquainted with the issues you know that the grievance is now in arbitration. You know that the Union's position is that the reclassification is illegal and needs to be changed back to "non-exempt"; that EEOC employees have worked overtime in the past and continue to work beyond their tours of duty yet have not been compensated. Arbitration hearings began on May 22, 2007. The Council's attorney in the matter, Barbara Hutchinson, has put on a strong case. Barbara has acted on the Council's behalf on many other issues and has done well. I testified as the Council's Chief Negotiator. Council President Gabrielle Martin testified. The Council retained the services of a Personnel expert who had worked for OPM and had direct experience with the classification at issue in this instance. This expert witness gave testimony on June 25, 2007.

It is likely that hearings will continue later this fall at these hearings EEOC employees will be called as witnesses. The Council believes we have put on a strong case to date and we will continue to put our best foot forward to the conclusion. But, we are at a point where you, the employees, can make the difference.

Our case will be bolstered by strong testimony from bargaining unit employees. Have you been given to understand that your cost accounting sheet cannot total more than 80 hours/pay period? Have you worked beyond your tour of duty with the knowledge of your supervisor? Have you received "comp" time for any extra time you worked? If so, was that time "off the books"? Have you performed "Outreach" in the evenings or on weekends? If so, did you receive any pay or compensatory time for the outreach? This type of information is vital to our case. Bargaining Unit members willing to testify or who believe

that they have relevant information should contact either me, Gabrielle or our attorney, Barbara Hutchinson if they have not done so already. Barbara's email address is bbhattnc@aol.com.

I know that many employees are reluctant to publicly oppose the agency for fear of retaliation. I understand that. However, despite that, I still urge you to step up. The Union will be beside you in the face of any retaliation. The Council, here, is doing everything it can on behalf of employees. Now, what is needed to push us over the goal line is your testimony. It is the right thing to do! It can be the margin between having fought a good fight and actually winning. Together we fought the call center. Together we can achieve another vic-

tory. Don't let the agency win by default with their fabrications. We look forward to hearing from as many of you as possible.

Finally, for your information, if a representative of the agency calls you or any of the Council's witnesses to discuss their testimony, you are not obligated to talk to them. Any such conversations are strictly voluntary on your part. If you agree to talk to them, you are entitled to have union representation. In most instances, I would guess that would end the attempted discussion. In any event, whether you talk to the agency representative or not, report that contact to your Steward, Local President, myself or Gabrielle.

Know Your Council Members

Lisa Powell is the newest delegate to the National Council of EEOC Locals. She was elected in 2005 as the Council delegate for Local 2667. Lisa has worked at EEOC's HQ for 15 years in State and Local, Office of Communication and Legislative Affairs, Equal Employment Opportunity, Office of the Chief Financial Officer (Budget) and Federal Operations. Her other government employment includes the Department of Education for two years and the Department of Interior for three years. Employment in the private sector included restaurant work and a brief period at the Kennedy Center for the Performing Arts. It was at the Kennedy Center that Lisa had her first union experience as a member of the Teamsters Union. Lisa then worked for a publishing company until she became a federal employee.



Lisa is the youngest of three other siblings. Her parents are still living. She has a daughter and a grandchild. She also "has a loving dog named Bruno".

Shortly after coming to EEOC, Lisa was recruited to union membership by the then president of Local 2667. Initially, Lisa simply paid her dues but had no interest in any greater involvement. Then, in 2005, Lisa went to a union meeting and was nominated as the delegate for Local 2667 and, to her surprise, won the election. After some time, she was the recipient of union training. Greater union responsibilities followed. Lisa tells it like this:

As time has gone on, I've felt I have become more comfortable as a delegate, and feel I can help a member if they came to me. I had a chance to meet some wonderful people on Council 216 and I was able to learn and become well informed about a lot of things I had no idea were going on right here in EEOC. I really started liking what I was doing and working to make sure all employees were being fairly treated. Actually seeing how many people get excited and really involved from the national to the council to the local - it's just a wonderful process to see happening. I guess I can understand how members don't know all that we do for them, because I was once one of those members.

Being involved, you will get it! Support your Local!

Another Council member will be featured in the next issue.

Reclassification, Overtime and EEOC: A Review

Background: Overtime at EEOC has been a controversial issue. The Agency agreed to settle an overtime grievance in 1995. The grievance was based on the fact that EEOC required employees to work and travel outside of regular work hours, but refused to compensate them. As a result of the settlement, the Investigators and paralegals were designated as “non-exempt”, and are entitled to be paid for overtime work.

What EEOC Changed: Effective April 1, 2006, the EEOC unilaterally changed the Fair Labor Standards Act (FLSA) designation of GS-9, 11 and 12 Investigators, GS-12 and 13 Mediators and GS-11 Paralegals from “non exempt” to “exempt.” The FLSA defines which employees are eligible to receive overtime compensation. The EEOC is responsible for making the correct determination under the law and is subject to severe financial penalties for making the wrong designation.

What This Means For Affected Employees: Once the designation changed, the affected employees are no longer entitled to be paid overtime pay and there cannot be a claim for “suffered and permitted” overtime. Suffered and permitted overtime occurs when employees stay late, come in early, work through lunch, work weekends or take work home. Managers know, but do nothing to stop or prevent it. As the agency has become increasingly lean, we see more and more employees working “suffered and permitted” overtime. Things will only get worse as the number of frontline employees continues to dwindle.

What The Union Is Doing For You: Under the statutory scheme, the Union filed a grievance to protect overtime and challenge the reclassification. The grievance addressed overtime pay for hours worked during the 3 years before April 1, 2006, as well as the overtime hours following the agency’s April 1, 2006 change of the affected employees to an improper “exempt” designation. The appropriate FLSA designation is part of

this grievance. The grievance is currently in arbitration. Arbitration hearings began in May, 2007 and additional hearings, will continue in the coming months in various EEOC District offices.

What Affected Employees Must Do:

- A. Compensatory Time After April 1, 2006:** The Union is asking affected employees to do several things. First, as of April 1, 2006, affected employees *must* request “compensatory time” when there is a need to stay late, come in early, work through lunch or on the weekends, either at the office or at home, or take work home to complete. Next, you *must* keep records of when you work or are required to work overtime hours, especially when management gives you the work, but not the time to complete it. There is a form on the Council website, www.Council216.org to assist you in keeping up with your overtime hours.
- B. Overtime Worked both Before and After April 1, 2006:** Further, affected employees must produce records of the overtime hours

worked. These may be your cost accounting time sheets or other records that were kept that reflect all hours worked. This is very important since the process for the grievances will take some time. It is also important to keep records of dates/times when you are directed to stay and complete cases or other work. Again, you can look at the Council’s website for a form.

Why You Must Make A Record:

Your records help us hold the EEOC financially liable for its actions that violate the overtime laws. It is up to us to prove the hours of overtime being worked. Your actions also keep EEOC accountable to Congress and the people EEOC told it would put resources on the “frontline.” If an action does result in some compensation, it is likely that only those who produced records will receive any compensation.

Finding Additional Information: If you want additional information on the FLSA, you can go to the Council website, www.council216.org click on the DOL button on the top right of the page and then type in FLSA. You also can see the CBA, Article 31.09.



'There is a Lot of Work Ahead of Us!'

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constituent base and the growing effectiveness of the Council's legislative program as demonstrated by the language in both the Senate and House Appropriations Committees' respective budgets defunding the NCC.

But, Martin cautioned, "There is a lot of work ahead of us!" Martin then reported on other continuing issues: the Commission's systemic program, training, membership, Federal Sector, the HQ reorganization and the HQ move next summer, support staff hiring, promotion and upgrading, EEOC's budget, a Government Accountability Office (GAO) investigation of the reorganization of the field initiated by Sen. Barbara Milkulski (D – MD), and, of course, tracking the manner in which the Commission handles the return of calls to the field offices.

Martin also reported on the status of the arbitration regarding the reclassification of Investigators, Mediators and Paralegals from "non-exempt" to "exempt". More arbitration hearings are scheduled in four District offices beginning this Fall to get testimony from employees. Martin stated that in the opinion of the Council's attorney in this arbitration, Barbara Hutchinson, the Council's case has gone well to date.

EAR

Council members participated in a training piece presented by Martin titled "The Ins and Outs of the Employee Accomplishment Report (EAR)". The EAR is employee input to supervisors of what the employee has accomplished during the evaluation period. The purpose of the training was to stress the importance of the EAR to employees. Martin encouraged Council members to present this information to members in each office.

HQ Move

Chief Negotiator Levi Morrow reported on the status of the HQ move next summer from its present location in downtown DC to One NoMa (North of Massachusetts Ave.). Bargaining Unit members from Local 2667 (HQ employees) and Local 3614 (Washington Field Office employees) are affected by the move. The Council and the two Locals are involved in negotiating an MOU on the impact and implementation of the move and addresses issues that include concerns of employees and problems that have been brought to light. The EEOC will occupy two and half of the six floors in the new space. EEOC occupies 10 floors at its current location.

Morrow also reported on the continuing problem of getting HQ to act on promotions for attorneys and AJs. Typically, promotions for these positions languish in HQ. The snag seems to be that they are "unbudgeted promotions" and EEOC's Chief Financial Officer will not easily authorize or budget the expense. Mediators also encounter this difficulty when seeking promotions. The Council is exploring means to eliminate this problem.

The Legislative Report summarized the activities that the Council has engaged in and looked to the future. The Council goals of getting rid of the call center and the reorganization, obtaining an adequate budget and increasing staff have not all been

achieved but progress is being made as a result of the legislative program. The Council's lobbying efforts are responsible for getting members of Congress interested in these issues.

The Council was informed that EEOC's A-76 Competition should be completed by early October, 2007. This competition will select whether the functions of FOIA and Section 83 requests will be performed by an outside contractor or by EEOC employees. At this time, bids for the work have been submitted including a bid prepared on behalf of EEOC employees.

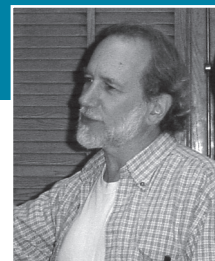
The Council has been tracking EEOC's Vancancy Announcements for the last several months as a means of determining the extent of potential hiring. The results of that tracking was reported to the Council (See hiring article, page 10 in this issue of 216 Works).

Awards & Upgrades

Other Council business included discussions of EEOC's Awards program, upgrades to the Council's website, the Council's newsletter, adoption of the Council's budget for the upcoming year and a review of the Council's Strategic Plan.

Congratulations Rachel

MIKE'S MULLINGS: Don't Be Fooled!



By Michael Davidson, 1st Vice President

One thing is clear: *The NCC would not be on the way out had it not been for the National Council of EEOC Locals.*

The Council opposed even the concept of a "call center" for the EEOC. The Council correctly predicted that it would not improve efficiency or customer service.

Once the NCC was implemented, the Council rallied forces that eventually and correctly led to the demise of the NCC: *civil rights groups, AFGE, Commissioners Ishimaru and Griffin, EEOC employees and Congress.*

The Council got consistent press which hammered away at the false statistics put out by the EEOC. The Council was responsible for seeking out and working with Congressional representatives on both sides of the Hill who sponsored sign-on letters, amendments and asked Commission representatives the hard questions about the NCC. Ultimately, this ground work resulted in Senate and House Appropriation Committee language that defunded the NCC and a 2-2 vote by Commissioners which ended the debacle of the NCC.

Presumably, the NCC will soon fall by the wayside after a three month "transition period". The Commission wanted a transition period of a year or six months. But, the Commission was told in no uncertain terms by Congress, ***"End this thing as soon as possible!"***

The Commission, fixated on a call center model, proposed an "internal stand-alone" call center.

Congress responded: ***"Forget this call center stuff and return the function of answering calls to EEOC employees!"***

Even though the handwriting had been on the wall for months, the Commission did little or nothing to develop a realistic plan. But, the Council has a plan which it submitted to the Commission and to Congress: ***Hire employees in adequate numbers to handle the calls.***

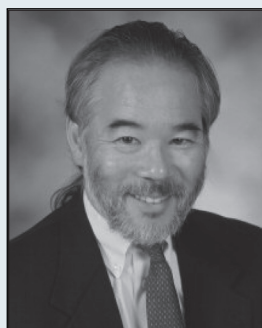
It will not be surprising if, once the NCC "transition period" expires, chaos reigns; if little or no hiring is done to assure that calls can be handled; if current employees are directed to add to their list of mounting tasks, answering phone calls. **DON'T BE FOOLED!** One reaction might well be to lay the blame on the Council. Certainly, that's what the Commission would like you to believe.

The Council proudly acknowledges that it played a major role in the demise of the NCC. Your ire should be directed at the Commission. You should be angry at the Commission for squandering vital financial resources on the NCC in the first place. You should be angry at the Commission for creating more and redundant work through its malfunctioning NCC. You should be angry at the Commission for fabricating statistics that praised the NCC. But, most of all, you should be angry at the Commission for not buckling down to face the reality that the

NCC was going by the wayside and working to develop a plan that would avoid chaos.

So, facing the possibility that chaos does ensue, what is to be done? Just as we have pulled together in the past, we must pull together in these circumstances: let the Council know what is happening in your office with respect to calls; write, call, email the Chair and the Commissioners with that information; write, call, email your Congressional representatives. This is the formula that has worked in the past. Once the Council receives information from you, it will act. The Commission would like nothing better than for you to "kill the messenger" i.e. the Council. ***Don't be fooled! Pull together and recognize where the fault lies.***

Ishimaru Nominated for Second Term



Commissioner Stuart Ishimaru

Commissioner Stuart Ishimaru was nominated for a second term as an EEOC Commissioner in early August, 2007. Ishimaru joined EEOC in 2003. His nomination was urged by the civil rights community and members of Congress. Throughout his first term, Commissioner Ishimaru was often the lone voice on issues. He was the only Commissioner to vote against the National Contact Center (NCC) in 2005. Commissioner Ishimaru has made himself accessible to EEOC employees at all levels.

Commissioner Ishimaru's nomination still needs approval by the Senate. If confirmed, Ishimaru would serve a five year term ending on July 1, 2012.

The National Council looks forward to continuing to work with Commissioner Ishimaru in the future.

Labor Day Perspective

By Michael E. Davidson, Chicago District Office

By the time you read this, Labor Day, the national holiday intended to recognize the contributions of working people will have past. Labor Day, like other holidays, has tended to lose the significance of its origin and purpose. It has become the last hurrah of summer and the tail end of barbecues, beach outings, shorts and tees, and warm weather. It is a day off and we never have enough of those. Providing more leisure time for employees has long been a goal unions strive to obtain for their members. In that sense, the fun activities of Labor Day are fully compatible with the origins of Labor Day. But, as we go about enjoying the day, let's give a thought to why and how we got this day off; why and how the eight hour work day and the five day work week has become the standard; why and how we enjoy other holidays, have health benefits, have a right to time and a half for overtime work, have the ability to grieve unfair situations and enjoy a slew of other benefits and perks. True, this is not so universally and we have a ways to go. But, those of us that do enjoy these things should realize that they were hard fought and that the fight to keep them must continue. Further, we must support the fight to extend those benefits to those who do not enjoy them as yet. We tend to take what we have for granted. We lose sight of the fact that lives were lost in obtaining them. We forget that they can be easily lost if they are not guarded and we are not vigilant and willing to engage those who would want to lower the bar.

So, I hope you enjoyed your Labor Day Holiday! But, as you did so, I can only hope that you gave a passing thought to the history and import of Labor Day. Remembering where we've come from renews the resolve not to go backward. Resolving not to go backward is a commitment to do what is necessary to protect what we have and seek greater progress. Each of us makes up the Labor Movement. We need each other to be successful.

The Union Difference

COMPENSATION: Workers represented by unions earn substantially more than nonunion workers even in low-wage occupations and are more likely to be covered by employer-provided health insurance and pension plans, study finds. *From the Daily Labor Report, 9-6-07, p. A-12.*

UNIONS: Gallup Poll's annual Work and Education survey finds that 60 percent of Americans approve of labor unions. *From the Daily Labor Report, 9-6-07, A-5*

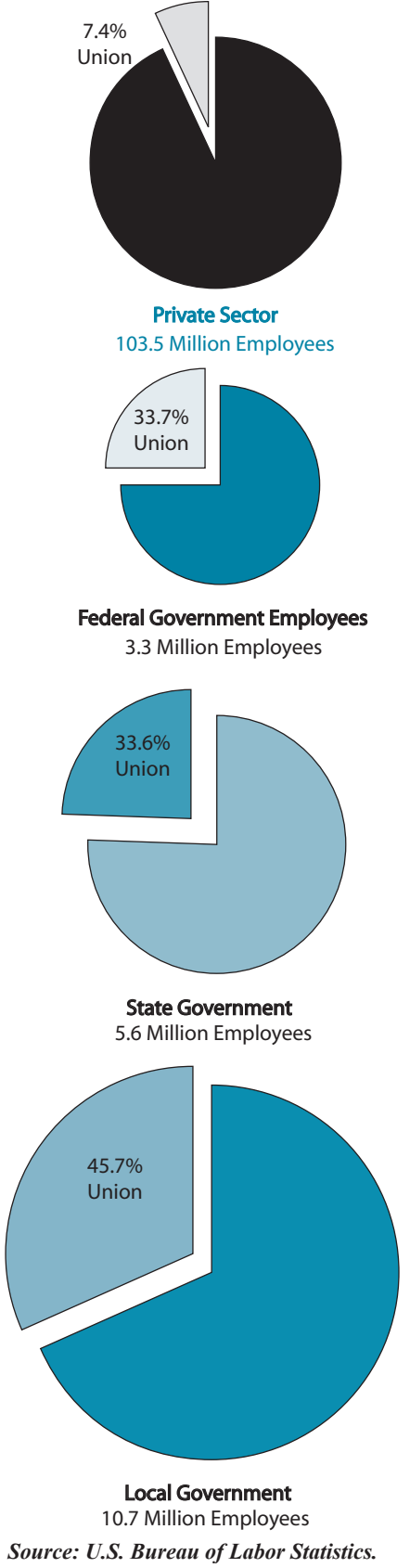
Want to Know More About the Union Difference

Read the article, "Unions a Powerful Force Lifting All Workers".

- What is the percentage of unionized employees in your state?
- What is the approval rating of Unions?

Learn more facts about union demographics at www.REAPINC.org; click on labor Movement/AFL/CIO.

Union Membership



Workers Make It Happen



Unions Set the Bar

Median Weekly Earnings Full-Time Wage and Salary Workers

All workers over 16 yrs. old	\$833 Union	\$642 Non-Union
Men	\$887 Union	\$717 Non-Union
Women	\$758 Union	\$579 Non Union
White	\$859 Union	\$659 Non-Union
Black	\$707 Union	\$520 Non-Union
Hispanic/Latino	\$686 Union	\$469 Non-Union
Asian	\$834 Union	\$774 Non-Union

Hiring Doesn't Keep Pace with Attrition

In 2001, one of newly appointed EEOC Chair Cari Dominguez's first actions was to institute a multi-year hiring freeze. That freeze accounted for the loss of more than 500 EEOC employees. The depletion of staff was an issue that the National Council of EEOC Locals (the Council), No. 216, AFGE, AFL-CIO focused on in the press and in lobbying Congressional representatives and continues to pursue.

Within about the last year or so, there has been some activity in the posting of

vacancy announcements. But, are those postings resulting in increasing staffing levels in the field?

Several months ago, the Council began tracking Vacancy Announcements for EEOC positions. Between late February, 2007 and the present, the Council found approximately 81 Vacancy Announcements had been posted for a variety of bargaining unit positions and 28 Vacancy Announcements for non-bargaining unit positions. The Council believes this is a

reasonably accurate breakdown. To date, the Council has not determined how many individuals have been hired to fill postings. Reports from the field indicate that the hiring process takes an inordinate amount of time.

A review of the Vacancy Announcements posted since late February, 2007 reveals the following: 43 postings for Investigator positions in 23 field offices. Of those, 18 have been for bilingual positions for Spanish and one each for Cantonese, Chinese, Mandarin and Polish; 14 for OAA positions in 10 field offices; 5 for Secretaries in 5 field offices; 5 for Trial Attorneys in 5 field offices; and, 6 for Administrative Staff Assistants all in HQ. The remaining 12 Announcements have been for Legal Tech (2); Labor Economist (2); Equal Opportunity Assistant (a Term appointment); Information Specialist; Paralegal Specialist (2); Legal Clerk; Program Assistant; and, Document Control Clerk.

Announcements do not necessarily equate to actual hires. Nor do hires alone paint an accurate picture of how EEOC is faring in achieving adequate staffing to conduct agency business, serve the public efficiently and not overburden employees. Does this breakdown reflect that any hiring EEOC does will provide enough employees in the right positions in adequate numbers?

To gauge whether staffing levels are rising at EEOC, one must know how many people are being hired and how many are going out the door. EEOC has provided information which, although sketchy, is telling. That EEOC information reveals that between August 1, 2006 and August 1, 2007, 132 new employees were hired. During that same period, 113 employees left EEOC—a net gain of 19 employees. The conclusion to be drawn is that EEOC is making virtually no progress in replenishing staff. Is this by design? On occasions where a field office moves, that move usually entails a reduction in space—a disquieting omen is that EEOC does not intend to bring staffing to a significantly higher, much less adequate level.

One of the legacies of the Dominguez era is that she left EEOC's workforce decimated. Will that also be the case with the Earp Administration?

Las Vegas Office Short on Resources

By Gabrielle Martin, President Local 3230

One Year Later. . .

The Las Vegas office of the EEOC opened in July of 2006. The alleged reason for opening the office was the population boom and the need to provide local service, rather than providing service from Los Angeles. The opening of the office followed the unapproved 2006 reorganization of EEOC. Opening a new office in Las Vegas was pure pandering as EEOC tried to gain traction from Senator Harry Reid's office as part of its reorganization plan. EEOC typically does not open offices in federal buildings due to the chilling effect this has on some of the charging parties and constituent groups. But EEOC seems to have forgotten that. The Las Vegas office opened with a staff of one. To date, the Las Vegas Office continues to suffer from all the problems associated with insufficient staff.

One year later, Senator Reid's office calls often to complain about things like the length of time it takes constituents to contact someone at EEOC, to get their cases investigated or for an answer to the question of why Las Vegas cases are being transferred to Los Angeles and San Diego. Perhaps the answer has to do with the fact that in the Las Vegas office

there is a filing cabinet holding about 500 unassigned cases. For an office opened to provide local service, EEOC once again strikes out.

One year later, the Las Vegas office has three Investigators. The lone Senior Investigator (GS-12) is retiring in September. Another is a GS-5 and the final one is a GS-7. The charge traffic is fairly high; investigators serve on intake about 10 days each month. These employees already carry a very large caseload and the director of the office also has a caseload. It seems there are no plans to replace the retiring senior investigator with either another senior level investigator or at least another investigator. One thing is certain – the junior investigators will get even more cases and the charging parties will continue to be upset as cases get older.

One year later, the receptionist position is filled by a (wonderful) temporary employee, when the office needs a permanent receptionist. One year later, the office needs a permanent office automation assistant and an Investigative Support Assistant.

And one year later, despite the valiant efforts of its few employees, the Las Vegas office is just another part of the EEOC's hobbled fleet.



National Council President Gabrielle Martin (foreground) and David Skillman, Chief Steward Local 3230 (San Francisco) visit with Investigator Ernie Dolores in the Las Vegas Office

HQ Move: EEOC's Continuing Failing Report Card

Pat Floyd, President, Local 2667

Stephanie Aiken Murphy, Representative

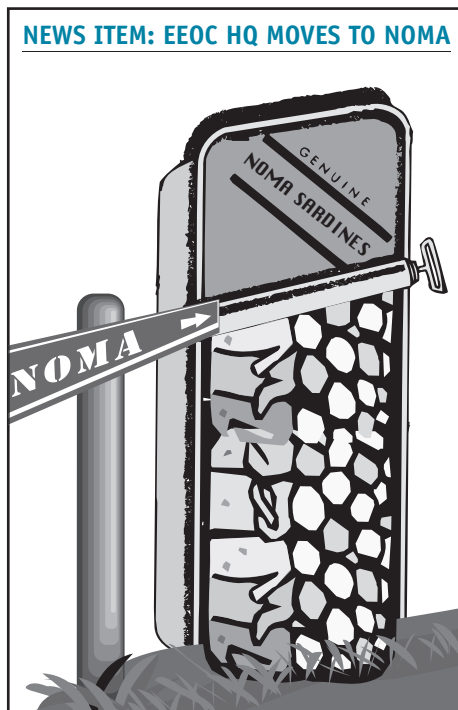
If we may piggy back on Ms. Shonfield's April Article, "EEOC's Failing FY06 Report Card", EEOC seems to be heading in the direction of yet another failing report card category.

Coming to work one bright sunny morning some months ago, a big green sign was posted on our headquarters building announcing to EEOC "Get Out!" The lease expires at 1801 L Street, NW, Washington, DC and the owners of that building want EEOC out by July, 2008.

A decision by Chair Earp to move EEOC headquarters and Washington Field Office to a desolate area of Washington, DC that is in transition or "redevelopment" has been met with strong opposition by the employees of EEOC working in the HQ building. Once EEOC employees got wind of the new address they bombarded Chair Earp with emails with questions and concerns about safety and security of the area, the lack of amenities, open parking lots and the presence of undesirable businesses (legal and illegal) operating in the area. They even provided pictures. You get the pop up thought of people jumping out their windows because they do not want to go to the new location. Chair Earp felt compelled by the uproar to hold two HQ employee meetings to address employee concerns. One of those meetings included representatives from GSA and the NoMa (NoMa is the acronym which stands for North of Massachusetts Avenue – the area to which EEOC will move next summer) Bid. The Union also held a separate meeting with DC's Department of Planning in an attempt to provide more accurate information to employees.

In May, 2007, Chair Earp and GSA signed the lease for EEOC's new location at 131 M Street, NE (NoMa). Alcohol Tobacco and Firearms (ATF), the only other government agency in the area, has a new building. The "new" Headquarters building is not quite new. In it's heyday it was a warehouse for a large department store. It also houses a historic water tower on the roof. It has been beautifully renovated inside with an open floor plan and lots of windows with rays of "natural light" for now. That's it! Will the Chair's

office also be an "open space" configuration? EEOC only leased 2 and a half floors of this six-floor building to accommodate the 600 plus employees who are presently working in a ten-floor building. Although EEOC has downsized in recent years, the question remains, is it feasible to stuff EEOC employees who are fighting



discrimination in tiny cubicles on just 2 ½ floors like sardines in a can? Who are the other occupants in this building? Employees will have to share ten bathroom stalls for two hundred and fifty employees on two of the floors. Maybe we should invest in Depends! EEOC wants to place the union office in a small visible area without privacy for employees. Employees will have to meet at the McDonalds where they know Management will not come. The NoMa area has no banks, no dry cleaners, no adequate restaurants, nor healthy eating facilities, etc. However, the redevelopment plan for this area claims that amenities are in the works and will include newly constructed office buildings. In short, by July 2008 EEOC will be in a building surrounded by massive construction projects but EEOC employees most likely are going to have to wait a few years for most of the planned amenities to surface.

In an attempt to raise that failing grade, Chair Earp committees were formed which were to generate suggestions and ideas about the move to 131 M Street, NE. Each committee submitted well researched recommendations to the Chair about safety, security, placement of offices, common areas, workstation furniture, and environment. How many of those suggestions will actually be implemented? EEOC has taken the additional step of establishing a Blog site to exchange thoughts and keep employees informed about various aspects of the unwanted move. Since the move affects both Local 2667 (which represents EEOC employees at HQ) and Local 3614 (representing EEOC employees of the Washington Field Office, the National Council has taken a role in this situation. Between the National Council and the two Locals, a Memorandum of Understanding (MOU) is being negotiated with the agency covering the logistics and terms and conditions associated with this move.

EEOC employees are already saddled with a failed Call Center, staffing shortages, office downgrades, and yet another fiscal year of continued increase of backlogged cases. Now, HQ employees have the additional burden of moving to a new worksite where they have to be guinea pigs in a "redeveloping area" and squeezed into a building like sardines in a can, not able to breath without inhaling other germs. It is obvious that this move has not been well thought out.

We know this move will happen and we accept that. We believe that EEOC should look carefully at the implementation of its plan now while there is still time to make adjustments. It is clear to HQ employees that more space is needed to accommodate EEOC employees and visitors. This should be apparent to the Chair or anyone else who objectively considers all factors. The concern of the Locals and the National Council is that the move be done efficiently and that measures are taken to assure the safety and well-being of EEOC employees and the public. The Locals, the Council and HQ employees will continue to raise issues of concern and safety in the hope that the new home for EEOC will be a good one.

POINTS TO PONDER

- Naomi Earp was appointed a year ago. How many times has she met with the Union?
- Has the HQ building move to One NoMa next summer been well thought out?
- Would the NCC be on the way out had the Council not taken up the fight?
- Why has the Commission initiated only one Staff Development Enhancement Program (SDEP) internship since 2002 when the contract calls for one per year?
- Why do AJs, Attorneys and Mediators have to wait months and years to receive promotions?
- Why doesn't EEOC plan or budget promotions for attorneys, AJs, mediators?
- Will EEOC attempt to sabotage the transition of calls from the NCC to field offices?
- Why is there a need to hire a consultant to figure out how to bring calls back into EEOC offices? Can't well-paid EEOC managers figure that out? How much are these consultants to be paid?
- Will EEOC ever achieve "adequate staffing"?
- Why is Management reluctant to post training opportunities as required by the collective bargaining agreement?
- Why has EEOC not announced a transition plan for the call center work?
- When and how many OAAs will EEOC hire to help address the backlogs?
- When and how many ISAs will EEOC hire to help address the intake situation?
- When and how many investigators will EEOC hire to address the backlog situation?
- What happens to the money the agency collects for "Revolving Fund" Activities?
- Why is it that EEOC can put on a training program for federal sector programs, but does not train its employees who oversee the federal sector programs and hear the federal sector cases?
- Why is it that EEOC does not spend money to train people all year and at the end of the year sponsors "training" on how to talk about things like the frustrations of not getting staff, equipment and tools necessary to perform our work?
- Does EEOC lead by example in providing reasonable accommodations?

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