

216

WORKS

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Council meeting discusses current issues

RACHEL'S REPORT:

Legislative Action—Taking it to the Next Level

By Rachel H. Shonfield, Local 3599, C216 Leg. Coordinator

Council 216 kicked off legislative action for the year by participating in the AFGE Legislative Conference from February 21-24, 2010. Every year we outdo the previous year's work on the "Hill." This year, not only did *all* eight Council Locals attend, but we had the largest total number of participants. We also once again shattered the number of lawmaker visits with over 140 scheduled appointments, plus many drop-by visits. This year the Council focused on four issues.

The number one "ask" is that lawmakers support the FY11 Budget Request, which increases EEOC's funding from

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Bi-Annual National Council Meeting

By Michael E. Davidson, Local 3504

The National Council of EEOC Locals (the Council), No. 216, AFGE, AFL-CIO met in Washington, D.C. on February 20 and 21, 2010. The Council meets two times a year. This meeting is typically scheduled to coincide with AFGE's annual Legislative Conference.

The Council meeting was convened by Council President Gabrielle Martin. The agenda included reports from Council officers and Committees. Throughout this issue you will read of those issues – new and continuing. A good number of the topics were updates on continuing matters. As reports were presented, Council delegates discussed the issues and a course of action was forged.

Upon adjournment on Sunday, February 21, 2010, delegates were then briefed by Rachel Shonfield, Council Legislative Coordinator and 2nd VP, on the AFGE Legislative Conference, the Council's Talking Points which would be given to Congressional staffers and tips for meeting with Congressional staffers were reviewed for the Council delegates participating in the Legislative Conference. Following that briefing, Council delegates went to register for the Legislative Conference.

The Council's next meeting will be held in August, 2010.



Council 216 Legislative Coordinator Rachel H. Shonfield moderated the AFGE workshop on EEOC with Acting Chair Ishimaru (middle) and Baltimore AJ David Norkin (foreground)

PRESIDENT'S VIEWPOINT: CLOSING THE DEAL



**Gabrielle Martin,
Council President**

The Council has long lobbied for additional money and oversight for EEOC. For Fiscal Year 2011, the President requested a sizable increase for EEOC. Now, we have to close the deal because we have a lot to lose. After all, many agencies got their budgets cut, so we have a target on our backs.

The Council recently returned from its February Legislative Conference, where we lobbied Congress to protect the President's budget request. The much needed money will allow us to address the backlogs in a meaningful way. We can hire staff, change the intake process, obtain space and training. In addition to supporting the additional funding, the Council is seeking oversight to ensure that the money is spent wisely on front line staff that can make a difference in the backlogs. The Council visited every Senate office and a large number of Congressional offices seeking support for a vote on the nominations of EEOC's Commissioners and its General Counsel.

The Council got some help with our efforts. For the second year, in conjunction with AFGE's Women's and Fair Practices Department, the Council put on a panel discussion on EEO issues, which was very well attended. In the first panel, I talked to participants about the hard work

done by employees here at EEOC, how investigations and litigation are threatened by the extreme backlogs and about how federal employees are shortchanged by unfairness in the current hearing process. I reminded everyone that mission related work is at risk. Augusta Thomas, the AFGE National Vice President for the Women's Fair Practices Department told participants about the work her department does to ensure fairness in the workplace. In the second panel, Acting Chair Stuart Ishimaru, EEOC Administrative Judge David Norten and AFGE Supervisory Attorney Patricia Randle spoke about what is happening in the federal sector, including the impact of the proposed changes to federal sector processing and the impact on federal employee complaints due to the lack of independence of the Administrative Judges. Many participants took and distributed our talking points to assist with our efforts.

We need to be the squeaky wheel and to speak loudly and

often to ensure that we close this deal. We have witnessed first hand, the misguided efforts of EEOC's leaders that have left employees struggling to do their work in the face of extreme backlogs, the absence of support staff, and the lack of training, space and other work resources. Our failure to close the deal means more of the same. More of the same is not an option. In the end, it is not only us who benefit from closing the deal, but the public we are sworn to serve.



Wayne Kimball, Dallas AJ, Council Sec. Danny Lawson, Local 3637, Baltimore AJ David Norkin, Local 3614, and Council Pres. Gabrielle Martin, Local 3230, attend the AFGE workshop on EEOC



LEFT: Local 3629 President Joe Wilson and Local 3629 Vice President Rebecca Stith, both from St. Louis, attend the AFGE Legislative Conference workshop on EEOC



AFGE members at the EEOC workshop. About 200 people attended.

Labor Management Forums='Partnership' II, The Sequel

Another Effort to Improve Delivery of Government Services

By David Skillman, Local 3230

In an effort to establish a cooperative and productive forum for labor-management relations throughout the executive branch of government, President Obama issued Executive Order 13522 on December 9, 2009. This is a return to Clinton era

policies that were trashed during the Bush administration. Under Executive Order 12871, Clinton recognized that Partnership would...“champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality services to the American people.” There was a recognition that

“labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people.”

If It Is Broken, Let's Not Fix It

By Gabrielle Martin, Local 3230

Hello and thank you for coming to see us at the EEOC. Before we begin, I want to give you a few facts. EEOC has over 90,000 cases backlogged. If you decide to file a charge with us today, numerous people in the world will conceive and birth a baby before we resolve your case because it may take at least 9 months or longer before we resolve your case. In the meantime, you may try to call or write to me. I will be required to contact you. You and others like you will hear back from me, but I may not have gotten very far with your case.

But getting back to the filing process. I will meet with you, ask you about what happened and when. I will ask you if you have any witnesses. I will ask you who is responsible for the discriminatory behavior, if you know. I will take all the information and draft a charge. Then I will notify your employer that you have filed with us. That is when your life and that of your co-workers will get interesting, in part because you filed and in part because of how long it will take me to resolve your charge.

Unfortunately, you may be subjected to retaliation in the form of hostile treatment or changes to your work schedule and assignments. You might even suddenly become incompetent. If you are trying to get a job, likely you can feel as though you have been blackballed. But, you can come back to file another charge, this time alleging retaliation.

As soon as I get out of intake, I can begin to return the numerous phone calls. But if you do not answer when I call, we likely will play phone tag for awhile, a long while, as there are many others like you. Sometime this month, I will actually get to work on investigations.

But the day is getting late and I have to go talk to my supervisor now. The supervisor is worried about how old my cases are getting. The supervisor will tell me I now have a new priority. I will return to my office and count the number of new priorities.

I will ask my supervisor whether management has responded to the Union's proposal to have a separate unit handle the front end intake work, so that I can concentrate on the investigations. The proposal would have support staff and paraprofessional staff handle this front end work, providing upward mobility for staff and aiding staff retention. The Union's proposal would give me and my fellow investigators maximum time to investigate the cases we have now. If I could do that, the backlog likely could go down. But every day, it seems, a new priority is added to the list of already lengthy priorities and I am expected to adhere to all of them.

Likely my supervisor will answer that management has not made a decision and has not made any change. Oh well, that's EEOC for you. I cannot think of any other law enforcement agency that allows much of its most critical mission related work to go unaddressed.

front-line employees who are doing the work have helpful ideas and information about delivering government services.

The current Executive Order directs the establishment of non-adversarial “forums” at various levels of government. President Obama believes that a return to these types of cooperative forums will promote “satisfactory labor relations and improve the productivity and effectiveness of the Federal Government.” Moreover, “labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people.”

In an effort to return to predecisional involvement and move away from bargaining over the impact and implementation of the predetermined solutions, the new forums:

- are complements to collective bargaining but not a replacement;
- will help labor and management jointly deliver the highest quality services;
- have a two year life span that can be extended;
- allow employees and their union representatives to have pre-decisional involvement in ALL workplace matters without regard to whether or not these matters are negotiable subjects of bargaining.

It is clear that once again, employees and their union representatives have the opportunity to work together with management to develop solutions to workplace challenges and problems. But will we see any real change? Stay tuned!

POINTS TO PONDER

- How come managers who came up through the ranks cannot figure out how to execute career ladder promotions for those they supervise and in a timely manner?
- How does EEOC expect its professional employees to whittle down caseloads when they are forced to do their own clerical work because EEOC is not hiring support staff in adequate numbers?
- Why does EEOC insist on retaining a failed call center model rather than providing substantive training to IIRs and incorporate them into the Intake process allowing them to serve the public?
- Why do some Directors work harder to circumvent their obligation to negotiate changes that impact the bargaining unit than it would be to actually negotiate those changes??
- Is Machiavelli's "The Prince" required reading for Directors?
- Is EEOC using sparsely trained interns to do bargaining unit work by reviewing and closing cases? Is this legal?
- Is it good planning to first force offices to reduce space, then resume hiring resulting in overcrowded offices requiring EEOC to pay for reconstruction or another office move?
- Are secretaries sitting in on investigator applicant interviews? If so, why?
- Does EEOC know the full cost of an office move prior to the actual move?

Know Your Council Members

Sharon D. Baker

President Local 3599

The National Council of EEOC Locals, No. 216, AFGE, AFL-CIO is comprised of eight Locals. Some Locals, depending on the number of members, get an additional delegate to the Council. Sharon Baker is President of Local 3599. –Ed.



Sharon D. Baker was born in Dayton, Ohio and was one of five female siblings out of seven children. Her parents had a great respect for learning and for sharing knowledge. Her father (Leemon Baker), was a self-taught electrical engineer. He shared his acquired knowledge with other young males in the neighborhood teaching them how to repair appliances and TVs. Sharon's mother, (Sarah Baker), was a federal employee for 44 years starting as a Secretary and rising through the ranks to become a Supervisory Procurement Specialist working for Defense Electronics Supply Company (DESC) in Dayton Ohio. Sharon also had a step-father (Melvin Jackson), who she described as an activist who, among other things, marched with Rev. Martin Luther King. She worked with her stepfather who served as the director of Dayton's Community Action Agency as part of the planning and development team.

Sharon's career as a federal employee started at Wright-Patterson Air Force Base for two years. She moved on to the VA for five years and the Army Corps of Engineers for eight years. She came to EEOC in 1993. Her federal career was interrupted by a stint in the private sector working for such recognizable companies as RJ Reynolds Tobacco Co., McNeil Consumer Products (J&J) and Gillette in a sales capacity. (Gillette moved her from Dayton to Louisville where Sharon currently lives.) In her federal service she worked as a statistician, pathology assistant, administrative assistant and in the Human Resources field doing training, staffing & recruiting, classification and other related personnel functions. Having

acquired a love of knowledge, Sharon obtained a bachelors degree in business administration from McKendree College and a Masters of Human Resources Development degree from Webster University.

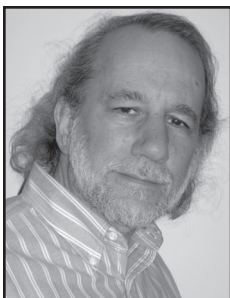
Another legacy of her upbringing, Sharon was, like others in her family, "always an activist." She felt a need to help others and be outspoken. She also realized that being outspoken could lead to problems and that she would need protection. So, when Sharon came to EEOC, she quickly became a union member. In a short time, Sharon became a Steward in the Louisville office. In July 2004 Sharon was elected to the presidency of Local 3599 – an office she currently holds. (Local 3599 is geographically the largest of the eight Locals that make up the Council with 14 offices under its jurisdiction.) Sharon was on the Council's negotiating team for a new collective bargaining agreement in 2001 and has been asked to serve again when contract negotiations begin. Sharon is also a mediator in the Louisville EEOC Area office.

In keeping with her family legacy, Sharon does a lot of volunteer work. She conducts workshops in leadership with a youth group called the YMCA Achievers; she teaches Sunday School and other special classes for her church; she mentors young girls; she regularly visits a 76 year old senior citizen and takes her out a day each month. Notably, Sharon has been an entry in Louisville's Who's Who in 2009 and 2008. Sharon has one son who is currently in Kuwait.

Sharon's talents and knowledge serve the Council and union members well. She spearheaded and is assisting the Council on their proposal for restructuring intake and possible upgrades for Investigators.

MIKE'S VIEW

We Are Family—Or Should Be



Michael Davidson,
Council 1st VP

The dictionary defines “Family” as a group related by a common cause or bond. Some are related by blood; some by common cause. In any case, family ties are symbiotic i.e. an as-

sociation that is of mutual advantage and interdependence. Families of either type offer support, solace, empathy, strength and other good things. Optimally, they make it possible to overcome adversity to an extent exponentially greater than facing obstacles alone. They should be the one port in a storm one can rely on no matter what!

Unions are a family—or should be. Like any family, each is unique. The bond engendered by unions is related to one’s working life. One’s working life is central to all of our lives. We probably spend more time at work than we do with blood family. Moreover, “work” makes other aspects of living possible. You know: rent/mortgage, food, entertainment, etc. So, we want “work” to be as tolerable an experience as possible. When problems arise at work, who ya gonna call?

Presently, union representation does not exist for the majority of Americans. But, a large percentage of American employees say that they would join a union if they could. Studies have revealed that it is unions that set the level of wages for all employees including managers.

Employees cannot rely on their employers to solve their problems. To the

contrary, employers create the adverse circumstances. Employees who work in a union environment should be ahead of the curve. If the problem is capable of resolution, unions should be at the forefront. Without the collective strength of some sort, employees’ fate is at the whim of the employer. The benevolence of an employer cannot be relied upon. That can change in a flash.

EEOC employees have had a union for about 35 years. Union membership in any federal agency is voluntary. Likewise, resigning membership is voluntary. When you join, you make the union stronger and make an investment in your own work future. When a member resigns, it weakens the union and has a ripple effect that puts all of your co-workers at risk of harsher working conditions.

My message is simple: join the Union—it’s an investment in your work life future; convince your co-workers to join—in numbers there is strength; stay in the union—resigning your union membership is not in your long range best interest no matter what the circumstance. If there is a decision or an action by the union of which you disapprove, the solution is staying in the union and attempt to change those things you think are in not in members’ best interests. The greater the union’s membership and stability, the greater is the ability of the union to have the leverage to be successful on behalf of its members. Getting involved and getting others to become *active* is the best contribution you can make for yourself and your co-workers. The union is your work family. Don’t quit on your family!

Going Green to Save Green

By Regina M. Andrew
President, Local 3614

If you are reading this article in the Council’s 216 Works Newsletter, you probably know you are reading stuff about events that happened a while ago. Look at the pictures of Council members with Representatives and Senators. What’s wrong with this picture?

Nothing, except it was taken at AFGE’s 2010 Legislative Conference on February 23-24, 2010, and you are seeing it much later. Most folks (myself included) in today’s high-tech world have opened one of the many social networking accounts and see the news contemporaneously on FaceBook, YouTube, Twitter, and flickr. And so, the good news is that the Council, like many organizations, will be rolling out FaceBook for its dues-paying members to get the happenings and full-color glimpses of those Vanity Fair-style pictures of your leaders in action. Also, I urge you to follow AFGE’s activities on Twitter and AFGE videos on YouTube. A bigger bonus in electronic news is saving the green—about \$10,000.00 in printing and postage costs—to go green by saving some trees for our grandchildren.

I don’t disagree with Regina that social networking is an avenue that could possibly enhance the Council’s ability to communicate with its members in a more timely manner. But, an open question is whether the the Council should move to an online newsletter in addition to using social networking. What do you think? Send opinions to the Council care of med3529@aol.com. - Ed.



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Local 3629 President Joe Wilson with Senator Ben Nelson, NE

RACHEL'S REPORT

Continued from page 1

\$367M to \$385M. The increase is justified by the projections that EEOC will reach a record high 100K charge filings in FY10 and a backlog slightly higher. EEOC is also enforcing three new laws. However, this will be a tough budget year because so many programs not slated for an increase will be looking for places to siphon off funding. What with the twists and turns of the budget process, until the FY11 budget is signed into law, it is not a done deal.

Second, this increase must replenish frontline staff lost during the several years of level funding and frozen budgets. We need frontline staff ASAP to tackle the backlog and increased charge receipts.

Third, a whirl of EEO pilot programs threatens the rights of Federal employees to an impartial investigation, discovery, and a full and fair hearing in front of independent Administrative Judges (AJs). The real key to reducing the Federal Sector backlog is to staff-up AJs (down 13% since FY05) and get them support staff. Currently, most AJs do not have clerical



Local 2667 President Patricia Floyd attends the EEOC workshop



Local 3637 members (l to r) Wayne Kimball, Levi Morrow, Pam Edwards and Danny Lawson of with Arkansas Rep. Vic Snyder

support.

Fourth, we informed lawmakers that the Council has a plan to overhaul the Intake process, so as to deal with a deluge of new filings, mail-in intake questionnaires, and e-mails. The plan commits personnel, e.g., OAAs, ISAs (GS 5-9) and investigators (GS-9), to the front end, who will handle the entire intake process. Unfortunately, the intake plan, which needed to have been implemented yesterday, is stuck in HQ. However, hopefully, after receiving calls from Congress, due to our visits, the Council's intake plan will become unstuck and will be implemented in some form. This should provide some relief for Investigators.

Taking the intake plan to Congress is an example of how our Council is becoming more creative at using legislative action to improve working conditions for our employees and service to the public. Another example from the conference is that one group of Council participants hit every Senate office with the message that we need a permanent EEOC Chair and Commissioners confirmed.

Like in past years, the Council re-



David Hamilton, Tampa, and Rachel Shonfield, Miami, Local 3599, with FL Rep. Kathy Castor

cruited more foot soldiers to get out our message on the Hill. The Council's issue paper was included in the materials that the hundreds of AFGE Legislative Conference participants received at registration. This was also our second year of cosponsoring with AFGE's Women's and Fair Practices Department an EEOC workshop, which featured Acting Chairman Ishimaru and our own AJ David Norken, from the Baltimore Field Office.

You can help get out the Council message without even traveling to Washington, D.C. Go to www.council216.org to download our talking points, visit a Congressional district office, or complete an action email at our soon to be re-launched www.protectyourjob.org. Legislative action works- and it works even better when Congress hears from even more concerned people who vote in their districts.

First Timers Impressions of the 2010 Legislative Conference

[David Hamilton, Tampa, Local 3599](#)

It was truly an eye opening experience to be part of all the hard work that is done just behind the scenes that translates into everyday benefits enjoyed by EEOC Employees. (AFGE Members) It is reassuring to know that many members of both the House and Senate are not only sincerely interested, but also well versed and knowledgeable about issues facing our Agency. Participating in the Legislative Conference has reaffirmed to me that our union is strong and has taken the time to develop ongoing relationships with legislators who are in a position to make positive change not only within our agency but with all Federal workers.

[Joe Wilson, Pres. Local 3629](#)

I attended the Legislative Conference this year from Sunday, February 21, 2010 through Wednesday, February 24, 2010. On Monday, February 22nd, we heard from a number of speakers, including various political and union leaders. I felt the most impressive speaker was Senator Mark Begich from Alaska, who spoke at the annual Civil Rights Luncheon. Senator Begich spoke in a personable manner about the importance of both the labor movement and the on-going movement for civil rights for all people, including the current struggle for equality for same-sex couples. On Tuesday and Wednesday, Council union representatives met with their respective Senate and Congressional offices to discuss current issues facing the EEOC, and in particular, we appealed for an increased budget to deal with our dwindling staffing levels and increasing case backlogs. Overall, the Legislative Conference was both an informative and enjoyable experience.

[Wayne Kimball, Administrative Judge,
Dallas District Office, Local 3637](#)

“I joined the Union because it has available statutory and other tools unavailable to individual employees to address employee concerns. I recently had an opportunity to attend the 2010 AFGE Legislative Conference, including the workshop on EEO issues co-hosted by members of the EEOC’s Union, as well as meetings with Congressional staff on Capitol Hill. The leadership of the Union productively discussed issues of interest to AJs and all EEOC employees with EEOC management, Congressional staff, and within the Union itself. I was particularly impressed that longstanding relationships with Congressional offices cultivated by Union leaders within the EEOC allowed the Union to be effective in presenting our views to Members of Congress and Congressional staff.”



Former EEOC Chair and current Congresswoman for DC Eleanor Norton-Holmes addresses attendees at WFP's Civil Rights luncheon



Council members Michael Davidson (left) Janel Smith (right), Local 3504 with Rep. Tammy Baldwin, WI



Alaska Senator Mark Begich speaks at the AFGE, WFP Civil Rights Luncheon.



Local 3555 President Donna Walcott attends the EEOC workshop;



IL Senator Dick Durbin addresses the AFGE Legislative Conference attendees. AFGE District 7 VP Dorothy James in the background.

MARCH IS WOMEN'S HISTORY MONTH

By Molly Murphy MacGregor, Executive Director and Co-founder National Women's History Project Reprinted from www.nwph.org

Local Celebrations

As recently as the 1970's, women's history was virtually an unknown topic in the K-12 curriculum or in general public consciousness. To address this situation, the Education Task Force of the Sonoma County (California) Commission on the Status of Women initiated a "Women's History Week" celebration for 1978.

The week March 8th, International Women's Day, was chosen as the focal point of the observance. The local Women's History Week activities met with enthusiastic response, and dozens of schools planned special programs for Women's History Week. Over one-hundred community women participated by doing special presentations in classrooms throughout the country and an annual "Real Woman" Essay Contest drew hundreds of entries. The finale for the week was a celebratory parade and program held in the center of downtown Santa Rosa, California.

Mobilizing a Movement

In 1979, Molly Murphy MacGregor, a member of our group, was invited to participate in The Women's History Institute at Sarah Lawrence College, which was chaired by noted historian, Gerda Lerner and attended by the national leaders of organizations for women and girls. When the participants learned about the success of the Sonoma County's Women's History Week celebration, they decided to initiate similar celebrations within their own organizations, communities, and school districts. They also agreed to support an effort to secure a "National Women's History Week."

Presidential and Congressional Support

The first steps toward success came in February 1980 when President Carter issued the first Presidential Proclamation declaring the Week of March 8th 1980 as National Women's History Week. In the same year, Representative Barbara Mikulski, who at the time was in the House of Representatives, and Senator Orrin

Hatch co-sponsored a Congressional Resolution for National Women's History Week 1981. This co-sponsorship demonstrated the wide-ranging political support for recognizing, honoring, and celebrating the achievements of American women.

A National Lobbying Effort

As word spread rapidly across the nation, state departments of education encouraged celebrations of National Women's History Week as an effective means to achieving equity goals within classrooms. Maryland, Pennsylvania, New York, Oregon, Alaska, and other states developed and distributed curriculum materials for all of their public schools. Organizations sponsored essay contests and other special programs in their local areas. Within a few years, thousands of schools and communities were celebrating National Women's History Week, supported and encouraged by resolutions from governors, city councils, school boards, and the U.S. Congress.

Each year, the dates of National Women's History Week, (the week of March 8th) changed and every year a new lobbying effort was needed. Yearly, a national effort that included thousands of individuals and hundreds of educational and women's organizations was spearheaded by the National Women's History Project.

National Women's History Month

By 1986, 14 states had already declared March as Women's History Month. This momentum and state-by-state action was used as the rationale to lobby Congress to declare the entire month of March 1987 as National Women's History Month. In 1987, Congress declared March as National Women's History Month in perpetuity. A special Presidential Proclamation is issued every year which honors the extraordinary achievements of American women.



AFGE President John Gage honored now deceased Women's and Fair Practices Department Vice President Andrea Brooks during the 2010 Legislative and Grassroots Mobilization Conference. AFGE commissioned a portrait of Brooks and presented it to Current WFP VP, Augusta Thomas. National Secretary-Treasurer J. David Cox looks on.



Levi Morrow,
Chief Negotiator

LEVI'S OUTLOOK

Is EEOC Management Ready For Change?

On December 9, 2009, President Obama issued Executive Order (EO) 13522, which established Labor/Management Forums in the Federal Government. Federal

employees who have been working for the government for awhile may recall a

similar EO issued creating "Partnership" under the Clinton Administration. President Bush, upon assuming the presidency, canceled that EO as one of his first acts as President. Now, after eight years under a hostile administration, we have come full circle.

This Executive Order offers a real opportunity for bargaining unit employees, union representatives and managers to work together to improve their workplaces and find better ways to deliver services to the public. In order to accomplish the improvements, it is going to mean that management will be required to allow employees and their union representatives to be involved before decisions are made while we can still shape and improve the decisions or stop a bad decision. The Executive Order says this involvement will be on all workplace matters, not just those involving working conditions and not just those that are mandatory subjects of bargaining. The National Council has been negotiating with EEOC to set up a

National Labor/Management Forum and Individual Office Labor/Management Forums. These negotiations are currently stalled. The National Council believes that the forums will help identify problems and propose solutions to better serve the public and the mission of EEOC. Are managers in EEOC ready for this change? That is the question! Time will tell.

Other issues:

It has been a routine occurrence that promotions have often not been granted in a timely matter. That had been a problem of major proportions in the cases of Attorneys, AJs and Mediators. The reason for the delay was due, in large part, to the fact that the career ladder for Attorneys and AJs was to a GS13 and GS 12 for Mediators. In all cases, the Council had negotiated a means to reach the GS14 and GS13, respectively. Invariably, long delays occurred. The good news now is that Attorneys, AJs and Mediators have career ladders to the GS14 and GS13, respectively. But, each employee should inquire about promotions that are imminent and *not* depend on supervisors to execute the promotion. After all, it is your promotion and your pay increase.

Investigators have long been interested in a career ladder to a GS13. Recently, EEOC announced that Investigators would transfer series from the current 1810 Series to the 1860 Series. The Council inquired of EEOC whether it saw a GS13 career ladder in Investigators' future. The

EEOC answered in the negative. However, the Council will continue to pursue this issue. The Council believes the 1860 Series could support a GS13. Investigators, particularly GS12s should assert their independence in conducting investigations and not rely on directions from supervisors.

One factor in obtaining a GS13 will undoubtedly look at the degree of independence Investigators exercise.

The Council has had on-going discussions with EEOC concerning Information Intake Representatives (IIRs) regarding their conditions of work. The IIRs have expressed dissatisfaction on a number of fronts. The Council will continue to talk with IIRs and to negotiate a more equitable situation for this group of bargaining unit members including hiring into other positions at EEOC.

In September, 2009 the Council submitted to EEOC a Proposal for revamping Intake by staffing it with paraprofessionals, administrative and clerical staff as well as the current IIR employees. The Council discussed the Proposal with HQ. The Council received positive feedback. Despite management's promise to provide a response, the Council has yet to receive one. The Council discussed this point with members of Congress during the AFGE Legislative Conference.

The Council negotiated a Memorandum of Understanding (MOU) with EEOC which would govern the rollout of Blackberries to Attorneys. The Council also was party to an MOU which made minor revisions to the Cost Accounting Sheets employees now use.

Resolution of the overtime issue that an Arbitrator decided in the Council's favor is still pending. EEOC has presented obstacle after obstacle to prolong a resolution. Current EEOC leadership has done little to facilitate the resolution of this issue.

The Council is on the job. The above represents a fraction of the issues the Council is working on.



Local 3637 members (l to r) Wayne Kimbal, Dallas, Pam Edwards, Houston, Levi Morrow, Dallas, and Danny Lawson, Dallas meet with Rep. Silvestre Reyes, TX

Justice For Federal Employees

By Gabrielle Martin, Local 3230

Federal employees are at risk. EEO rights for federal employees differ from those of the rest of America's workers. In the federal employee process, the fox owns the hen house. Also, like the wolf in disguise beckoning Little Red Riding Hood, the current process is full of danger for federal employees.

Agencies alleged to have discriminated in the first place, investigate allegations against themselves. Although the regulations provide time frames, the Government Office of Accountability (GOA) has found that most often, those time frames are not met. The investigators for the agency who investigate the claims often have other duties and must also satisfy supervisors whose interest may not always be in finding the truth or in conducting a full and fair investigation.

At some point the agency notifies the claimant that the investigation is complete. When the complainant requests a hearing,

EEOC's Administrative Judges hear these cases.

EEOC's Administrative Judges are not independent. They operate under management driven case resolution goals, often unrelated to the merits of the cases before them. EEOC's Administrative Judges cannot subpoena witnesses who no longer work for the alleged discriminating agency. EEOC's Administrative Judges cannot subpoena necessary documents. Yet, the complainant has a burden of proof that assumes that she/he had the access to such information. Where is the fairness?

EEOC, in order to assure federal employees of fair and independent hearings, should make its hearing officers Administrative Law Judges who are covered by statute, not subject to an agency's case resolution whims, and are ensured training for their jobs. EEOC continues to refuse to employ Administrative Law Judges thereby denying real justice. Fair hearings cannot be subjected to the whims of supervisors vying for recognition for

closing cases or checking a box. Fair hearings cannot depend on the inability to obtain evidence or provide relief. Fair hearings cannot depend upon a system that would force hearings into categories so that management can control case resolutions. Fair hearings cannot depend on facts that the Administrative Judge cannot find because the witnesses/evidence cannot be subpoenaed.

Federal employees toil long and hard in support of this country. How long must federal employees wait to receive hearings that are truly fair and impartial? When is EEOC going to make the changes necessary to provide justice for federal employees?

Street Corner Hustle?

By Gabrielle Martin and David Skillman, Local 3230

Ever watch the shell game played by street hustlers? It is a game that goes something like this. You are shown a ball that is placed under one of three shells. The hustler moves the shells with great flurry and flash in an effort to confuse you as to the shell containing the ball. You concentrate, trying to track the ball. The hustler slows the movement, then stops and you are given a chance to demonstrate that you can identify the shell containing the ball. You are confident you know where the ball is because you were watching closely. You wait anxiously as the hustler slowly turns over the shell you are certain contains the ball. But, the ball is not there.

EEOC has its own hustle: promotions for its employees are often delayed, sometimes extensively. In 2009, EEOC increased the journeyman grade for Mediators to GS-13 and for Attorneys and Administrative Judges to GS-13. There is no longer a need for a hustle since these

are now career ladder promotions which should be easy. Although a great number of EEOC's senior supervisors themselves came up through the career ladder promotion process, and the CBA provides easy to follow criteria, this is EEOC and nothing is ever easy. The shells continue to be moved—supervisors, who are responsible for promoting employees, the Human Resources Department, the Director of EEOC's Field Programs and then the Finance Department. Can you guess which shell hides your promotion? The ball is hidden by EEOC whose Supervisors claim that they do not know the process for career ladder promotions.

Making matters worse, EEOC's investigators still are looking for the ball to go into the shell for their increased journeyman career ladder promotion. The justification for other career ladder promotions is not under any of the investigator shells. Next time you see the street corner hustle, look to see which EEOC staff are doing the hustling; maybe you can track the ball. The odds of identifying the shell with the ball likely are greater than receiving your promotion on time.

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A DAY IN THE LIFE

Feeling Great About What You Do

By Moira Butler, Local 3637, ADR Mediator Houston District Office

In the 2010 State of the Union Address and during recent White House Press Conferences and other conversations about the 2011 Federal Budget, President Obama has mentioned his vision for federal employees. He has stated that we are "honorable men and women doing important work that helps our country prosper." This is a great compliment and my colleagues at the EEOC have earned and deserve it.

That being said, our daily reality closely reflects the President's frank comments about his frustration with the lack of resources that challenge our abilities to do our job in the 21st Century. For example, last week he referred to the fact that our children have better computer equipment in our homes than the outdated equipment that we are given here on the job. We also have been asked to do "more with less" for so long that this has become a cliché and its outcome has weakened our ability to provide an important service to those who look to us for our knowledge and skills.

How do we stay inspired and empowered to continue to keep sight of the EEOC's Mission; "Eradicating Employment Discrimination in the Workplace" during these exasperating times?

As the newest EEOC ADR Mediator in the Houston District Office, I am inspired daily by the professionalism and talent of my colleagues and AFGE brothers and sisters. My admiration for the EEOC Mediators, Support Staff, Enforcement and Legal professionals, with whom I had the opportunity to interact. For many years leading up to my new role, has grown exponentially now that I do what they have done every day and see the conditions in which they continue to be successful and thrive. I admire the work of our office Steward and Local President, who look out for the well-

being and best interest of us all. This is where I gain my daily rejuvenation and positive spirit.

My colleagues and teammates remind me as I watch them do their jobs daily, that EEOC employees have the opportunity to positively affect the lives of individuals every day and there is no other job where this is more true. They work with an air of knowledge and dignity that is truly impressive. So, as you work toward resolutions during mediations, toward finding the facts during investigations, preparing cases for trial or providing clerical or technical support, remember that you, as an EEOC employee, could be making a difference in someone's life. You will feel great about what you do when you compliment and appreciate the hard work of your peers, which will inspire and strengthen others!

IIRs: I'd Like to Help You, But...

By Gabrielle Martin Local 3230 and Donna Walcott Local 3555

"Hello" and thank you for calling the EEOC. I did not commit a crime, but I did apply for a job answering the phones at EEOC. I now have a sentence for hard labor.

I accepted the job and now work here answering the phones. I am only allowed to read to you from scripts and refer you to the internet or take a message. If you want me to have a real conversation with you, please understand that is not allowed. I have to be off the phone with you in nine minutes or less. That includes the time I take to write up notes of our conversation. Having fewer than 60 people answering the phones for a nationwide business that used to have, at a minimum, 159 people in 53 locations answering calls each day is difficult.

Should you desire to speak to someone, I can make sure you get to an extension where if no one answers you can leave a message. If you want to know

who is handling your case, I can tell you. Depending on the time of day, I am answering the phone for an office in another part of the country. I may not be familiar with all of the rules governing the location from which you are calling. But, I can forward a message or look up a script.

If the office is having training, I cannot go. I will get special training for people who answer the phones, sooner or later. If there is a celebration or party in the office, I cannot attend, so I should be here to speak with you.

I work in an area separate from others in the office. I am required to log into a phone system that monitors every aspect of my life including when I went to the restroom.

There are supposed to be regular trainings to assist us with handling the calls, but mostly I just get pushed to answer more calls faster, rather than trained how to provide better substantive service to you. And the e-mails that you send, I never get to them. Right now, there are about 7,000 of them backlogged. Some of us are allowed, at most, two hours a day to respond. Often, people give up by the time we respond to the e-mail.

If the office has to close, I have to stay. Even when no one is here at work, our phone system will make you think your call might be answered. Rather than allow you to leave a message or tell you that no one is available until the next day, the system will loop you around until you hang up.

Maybe tomorrow, I can recall when I signed up for this harsh sentence, or what I did to deserve it. In the meantime, I am here to read scripts to you.

What is your day like? Send your story to the council in care of med3529@aol.com —Ed

The Road Frequently Traveled

David Skillman, Local 3230 Chief Steward

Some years ago, a management official stated in a staff meeting on morale that if an employee is unhappy “[they] can go find another job.” Obviously, things had been brewing in that office for a while. Consequently, and as a whole, EEOC employees give the agency very low ratings on the Office of Personnel Management (OPM) employee satisfaction surveys.

Against this backdrop, it is not surprising that morale in offices is poor. It is also not surprising that employees continue to be skeptical that a positive outcome can occur.

There have been three recent instances where offices participated in facilitated sessions to address office wide issues. While two offices, Seattle and Albuquerque, report some good outcomes, in San Francisco the jury is still out.

Certainly, Alternate Dispute Resolution (ADR) and facilitated sessions have a place and can be effective problem solving tools. But, the success of any facilitate session requires that the mediator/facilitator have the skills to manage the process and to prevent break down. A process is only as good as those responsible for its implementation.

There are common themes to any facilitates sessions: The facilitators collect issues and concerns from all employees—bargaining unit and management to structure the session(s).

Topics may include, fairness/favoritism, retaliation, performance measures, meeting numbers, micromanagement and the lack of uniformity among supervisors and managers. A discussion of the topics submitted by the office follows, sometimes in small groups comprised of supervisors, managers and line employees. Other times, the issues are discussed in a large group. In the small group sessions, specific topics may be assigned for the group to define and propose solutions and processes for achieving the solution, which go to the Union and management prior to any implementation.

While the facilitators may have worked hard with the employees to build trust and cohesiveness during early sessions, there may come a time when that trust will be tested and possibly battered and tossed recklessly aside by defensive behavior or the personalizing of comments. When trust is assaulted, things seem to spiral out of control, the tenor of the session is deeply altered, the air may become thick with

tension and participants may feel violated for having been honest within the rules of the facilitated session. Employees are left feeling that the facilitators, who were supposed to guide and direct the process, failed them. The facilitator must possess an ability to re-capture the group, refocus on the issues and deal with the disruption. A wound will fester in the absence of an ability to properly treat.

Whether or not a facilitated session is deemed successful, it is important that there be follow-up to any session that focuses on how to go forward to implement any agreements reached and that builds skills for the participants and trust for the workplace. Management cannot decide to bail at this point. Lack of follow-up sends a message that this was just an exercise.

EEOC likes to call itself a “model employer”. Resting on the failure of a facilitated session is not the stuff from which a “model employer” operates. But, facilitations are a sign of the state of things. Many offices need them and some offices have tried them. Unless something changes the road we travel leads back to reports of poor employee satisfaction in surveys.