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Help Stop EEOC from Breaking its Contract to Increase Telework to Five Days

EEOC, the hypocritical “Model Workplace,” strikes again. Despite the new Collective Bargaining Agreement (CBA) adding a day of telework for each biweekly period, the Agency is refusing to implement the expansion.

The current EEOC administration is on the wrong side of history when it comes to telework. President Obama signed the Telework Enhancement Act of 2010 to expand telework. Congress, embraces

telework for the efficiencies and cost savings it offers. According to Rep. Frank Wolf, Chairman of EEOC’s Appropriations Subcommittee, “Work is something you do, not someplace you go. There is no magic to strapping yourself in a metal box and driving – sometimes an hour or even longer – to our offices and sitting in front of computers all day.”

EEOC started its telework pilot in the early 90s. In its 1995 CBA, fueled by the

work of the agency’s National Partnership Council, EEOC piloted a nationwide program that took off in its offices. Following the signing of the 2002 CBA, every EEOC office had a telework agreement.

In the 2002 CBA, EEOC agreed to four (4) days of telework per biweekly period. For a dozen years, EEOC employees nationwide have been teleworking four

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Awards or Not, Your Good Work Matters

By Gabrielle Martin, Council 216 President

Public Employee Appreciation Month is here. In the Collective Bargaining Agreement (CBA), the Union solidified this important recognition. In May, the CBA provides an opportunity to take stock of the important work that Federal employees provide for our great nation. Yet, in many EEOC offices, this important benefit simply passes by unnoticed.

The past several years have seen Federal Employees incessantly targeted as lazy and uninspired lumps on the government dole. Nothing could be further from the truth. Here at the understaffed EEOC, employees are overworked, underpaid and under appreciated. Most investigators carry between 125-200 cases, with a good 20 or so on the target case list for their office. Mediators must have 90 or more successful resolutions, attorneys must come up with cases to litigate and administrative judges must close upwards of 80 cases.

The agency’s emphasis on labor intensive systemic and cause cases as it seeks to make the five o’clock news compounds



Council 216 at AFGE rally

the problem. The agency’s strategic plan declares we do not measure our work in numbers. So, where do awards go? To those who rack up numbers by simply closing cases.

In recent history and in this economic climate, EEOC has been stingy with money for awards. But this year, the Chair announced there will be awards. While

many Directors did not tell employees there would be awards, once the Union alerted staff about award money, the cries about unfairness of the distribution of award money, time off awards and Quality Step Increases have begun.

Too many people will go unnoticed for the important work they perform, which

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Model Workplace? Really?

Sharon Baker, Council 216 Chief Negotiator



Sharon Baker

The EEOC has committed to develop a “Model Workplace” as part of their Five Point Plan: “We (agency) would accomplish a “Model Workplace” to build an

organization committed to providing opportunities for EEOC employees to grow professionally through occupational and leadership development, performance management programs, the use of enabling technologies, **and a flexible, adaptable work environment that is conducive to teamwork....**” Instead, EEOC’s current leadership prefers an inflexible workplace and is still fighting the overtime case.

For twelve years we have been operating under similar provisions in this collective bargaining agreement (CBA) as were in the previous CBA for hours of work and telework. The only real changes were the designation of Wednesday as the single core day, one extra day to telework, and open hours of work options to all. These were steps toward providing a “flexible, adaptable work environment that is conducive to teamwork.”

Now that we are negotiating local memoranda of understanding, we are facing constant resistance by management to implement the modest CBA changes. After more than a decade, management should understand that telework is just a different place to do the same work. This is the future direction of the workforce. Nevertheless, I find most managers refuse to embrace the simple paradigm shift and fight the extra telework day that was negotiated.

Another area of management pushback is allowing employees to come to work at 6:00 a.m., per the hours of work contained in the CBA. I explained to one manager employees believe they can accomplish a lot of work between the hours of 6:00 a.m. and 8:00 a.m., due to lack of phone

calls and foot traffic. This is an efficiency. The manager’s response was, “thanks, but no thanks.” This makes me question management’s commitment to a “Model Workplace.” If employees evaluated the agency on establishing a “Model Workplace” would the rating be: Far Exceeds, Exceeds, Meets, Fails to Meet Expectations, or would the agency be placed on a Performance Improvement Plan?

Another component of the Model Workplace initiative is: **“The very principles and standards we promote to businesses and other federal agencies should be readily apparent in our own operations...”** When the Agency finds a violation of the law they pursue make-whole relief for the complainants. However, EEOC continues to block payment

of claims, pursuant to the March 23, 2009, arbitration ruling that EEOC willfully violated the FLSA by engaging in a practice of denying overtime pay to employees. Recently, President Obama has pressed for overtime “to ensure that workers are paid fairly for a hard day’s work.” Would the President approve of EEOC’s refusal to pay overtime? Will it take an executive order for EEOC to pay?

It appears the Agency has held their defeat in the overtime case against the Union and the bargaining unit employees, through attempts to thwart any progress towards a “Model Workplace.” If this charge came through the door, EEOC would call it retaliation. It’s time EEOC practiced what it preaches in its treatment of its own employees.

Tell EEOC to Telework 5

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days. The new CBA, which became effective November 25, 2013, expands telework to five (5) days per biweekly period.

Now that it’s time to implement the new CBA, through local memoranda of understanding, EEOC prefers to thumb its nose at progress. Through a tortured explanation, EEOC claims that *nobody* can telework five days, but if an employee teleworks four days he/she can be out a fifth day for a compressed schedule. So employees would be stuck at the same four telework days a biweekly period under the new CBA as the old CBA. This means no progress since 2002. It also means EEOC would rather employees be out a fifth day not working than teleworking. This is bad faith bargaining at its worst.

As government telework marches forward, today’s EEOC leadership wishes to take us backwards. EEOC says gas up your station-wagon, get to the office, and pull out a typewriter.

Even worse, EEOC brags to Congress that it will use increased

telework to cut space 20%. It is blatantly misleading for EEOC to block increased telework, but try to claim savings to Congress. EEOC cannot reduce space unless employees telework more. Otherwise, you just have a bunch of employees in cubes or sharing tiny offices, instead of alternating their office and telework days. This will harm EEOC’s productivity and morale, which is dropping according to Federal workplace surveys.

Your help is needed to make EEOC keep its word. Remember the successful Union campaign to block the second round of furloughs? You will be receiving details on how you can help the Union’s formal action with the **“Tell EEOC to Telework 5”** campaign with e-mails, Facebook, twitter, letters to Congress, and letters to the editor. Green is the color of the campaign and this newsletter to symbolize the environmental benefits of expanded telework that EEOC is blocking.

From the Hill to Home:

Getting the Hires We Actually Need



Rep. Ros-Lehtinen (FL) with Rachel Shonfield

By Rachel Shonfield, AFGE Local 3599

Council 216, once again participated with gusto in AFGE's Legislative Conference, held from February 9-13, 2014 in Washington, D.C. Six of our eight EEOC Locals united in Washington to make things better in your offices. Council members visited over 100 Congressional offices.

Even more of our Council 216 talking points were distributed by AFGE members, who received information in the AFGE issue paper books and at the Women's and Fair Practices workshop.

AFGE's Congressional allies were in town and eager to make time to greet their

Federal employee constituents. At a chilly rally on the front lawn of the Capitol, we heard from several key members of Congress, who have fought against recent attacks on Federal workers, including, Representatives Ellison, Moran, Hoyer, Edwards, and Democratic Leader Nancy Pelosi.

While we were on the Hill, the hallways were bustling with Representatives and Senators rushing to votes to deal with the debt ceiling before the impending snowstorm. This was a tremendous opportunity to talk directly to lawmakers about how badly EEOC was impacted in 2013, first by five days of furloughs and then by the sixteen day shutdown. Additionally, the continuation of the 2011 hiring freeze has left our offices with so many holes they look like Swiss cheese.

We told Congress that what our offices really need is frontline staff. But unfortunately, EEOC is using its limited hiring authority to post a slew of vacancy announcements for managers and supervisors. In FY13, EEOC dipped down to only 646 investigators nationwide, compared to a high 917 in FY00, when the EEOC had fewer charges and four less statutes to enforce. EEOC's FY15 budget shows that attrition will outpace the current meager

frontline hiring, leaving only 630 investigators in FY14. As a result, EEOC admits that the backlog will rise to 77,387 this year.

EEOC committed to a 10 to 1 employee to supervisor ratio in the 2006 field restructuring, but then never did anything to implement this goal. With the current hiring, EEOC could rebalance its top-heavy workforce. Instead it is doubling down on adding more costly manager positions. EEOC could get better bang for its buck by hiring frontline staff, who directly serve the public.

EEOC is only requesting flat funding for FY15. It is critical that EEOC use its limited resources wisely to hire needed frontline staff. Also, EEOC must work smarter by finally piloting the Union's dedicated intake plan, which will free up investigators to reduce the backlog.

Now it's time to bring our issues home. Work with your Union stewards to visit lawmakers during their District Work Periods to cement the connections made in Washington. Bring home the message to lawmakers that EEOC offices in their districts need help from Congress to plug up frontline staffing holes and to kick-start the Union's dedicated intake plan.



Rep. Edwards (MD) with Pat Floyd



AFGE's 'Shared Prosperity Not Austerity' Rally



(L-R) Rep. Duckworth (IL), Matt Albucher, Letric Chandler



Tonya Lennox with Rep. Van Hollen (MD)



Rep. Peters (CA) with Rebecca Stith



Glenda Bryan Brooks with Sen. Shelby (AL)



(L-R) Gabrielle Martin, Rep Young (AK), Rebecca Stith



(L-R) Gabrielle Martin, Rep. Roybal-Allard (CA), Tonya Lennox



Sharon Baker with Rep. David Price (NC)



Glenda Bryan Brooks with Sen. Sessions (AL)



(L-R) Lectric Chandler, Matt Albucher, Sen. Franken (MN)



(L-R) Glenda Bryan Brooks, Rep. Thompson (MS), Robyn Conley



(L-R) David Norcken, Sen. Cardin (MD), Regina Andrew



Rep. Hoyer (MD) and Tonya Lennox



Pat Morrow and Gabrielle Martin

Legislative Action is an Absolute Necessity

By Robyn Conley, AFGE Local 3599

This was my first experience attending the AFGE 2014 Legislative Conference. Legislative action is an absolute necessity keeping in mind furloughs, the 2013 government shut down and future sequestration. I was inspired by the camaraderie of the members, who referenced each other as “brother” and “sister” no matter what the agency or department.



Robyn Conley & Rep Johnson

I was engaged and called to action by the speakers, such as Rev. Terry Melvin, who discussed the history and future of the labor movement. Attending AFGE’s “Shared Prosperity, Not Austerity” rally held on the lawn of the Capitol was energizing.

Armed with the AFGE training, coached by President Sharon Baker, Treasurer Darrick Anderson, and my mentor 2nd VP Glenda Bryan-Brooks, I was off to speak to the members of Congress on issues affecting government workers and in particular those employed by the EEOC. Projecting a strong united voice is essential for our concerns to be heard and I’m sure we impacted our elected officials. To participate in this event was an amazing adventure and opportunity.

Council 216 Members Star in “I am AFGE” Campaign

The ‘I am AFGE’ initiative seeks to educate Americans on more than just the vital services government employees provide, but the decent, hardworking people who provide them. These dedicated public servants care for our veterans, defend our border, and keep our food safe to eat. They also provide for their families, coach the local tee-ball team, volunteer with the PTA, lead scout troops and engage in their communities. AFGE is filming every-day members to share their stories with the public.

At the AFGE Legislative Conference, Council 216’s own Stephanie Perkins was filmed speaking about the important work we do at EEOC enforcing civil rights laws. She also spoke about the struggles and resilience of her hometown of Detroit. Council President Gabrielle Martin and Delegate Mathew Albucher were also filmed for the campaign. Look out for AFGE featuring each of their interviews as part of the campaign.

Are you a proud government employee who wants to join the conversation? Submit a “selfie” photo using your smartphone to afgecommsquad@gmail.com (or just post it on social media with hashtag #IAMAFGE) and why you chose public service. For more information visit www.afge.org.

I Would Love To See As Many People Included As Possible

By Amy Garber, Local 3614

I appreciated the opportunity to attend the AFGE Legislative Conference this February. I was mostly unaware of the Legislative Conference prior to attending. It was an impressive effort and it was interesting to be together with government employees from so many different agencies and career paths.



Rep. Bobby Scott (VA) with Amy Garber

At the conference, I particularly enjoyed the enthusiasm of AFGE National President, J. David Cox, and the dynamic connections Rev. Terry Melvin (President Coalition of Black Trade Unionists) made between the statutes the agency enforces and organized labor. We do tend to forget that our very mission came into being largely as a result of the efforts of organized labor.

The visits with various representatives offered a close up look of what we see in the news: people in nearly every office frustrated and even demoralized at the present state of politics. The best words of advice came from a Congressional staffer who urged us to track the feedback we are getting from representatives and Senators—particularly those who do not clearly support us, and prepare a strong response for future visits.

As much as I would enjoy attending another Legislative Conference, I would also like other members to have the same opportunity that I had. I would love to see as many people included as possible and in these critical times to focus on getting people to Washington whose own representatives may not be supporting us right now.



Stephanie Perkins being interviewed for ‘I am AFGE’

Making Safety a Priority

By Matthew Albucher, AFGE Local 3504

As violent tragedies have recently made headlines, Union locals should work to establish emergency plans for each office. In Chicago, Local 3504 formed a health and safety committee, which alongside management, has implemented mechanisms to enhance office security.

An emergency intercom system is now in place to rapidly alert staff of a medical emergency or if a violent person gains access to our office. Staff will soon be trained on using the intercoms and responding to emergencies. The team has also organized volunteers to facilitate emergency evacuations, including helping those requiring special assistance. Safety mirrors are being installed soon in stairways to reduce collisions. We will also be having shelter in place drills.

Safety committees should solicit suggestions and consider local issues, e.g., differences in security screening between federal and leased buildings, local weather threats, and concealed firearms (the public may be unaware that firearms are not allowed at EEOC regardless of local law).

Employees should also be mindful of their rights under the collective bargaining agreement, e.g., under Article 25 an employee may leave his work station, if the employee reasonably believes he is in immediate danger of serious harm or death and there is insufficient time to go to management. Having emergency safety plans in place beforehand can help save lives if the unthinkable occurs.

Motivated to fight for our jobs

By Rodney Plummer, AFGE 3555

I found the experience of attending the AFGE Legislative Conference very educational and interesting. I now understand the importance of educating members of Congress about the challenges we face every day. While we do not have sufficient funding or enough staff, and there is more work than must be done by existing staff, we are expected to find a way to get it done. It seemed that most were unaware of the dire circumstances here at EEOC.

I found the speakers at the Civil Rights Luncheon informative. Equally important, I was able to meet Federal workers from around the country who are passionate about educating Congress on the plight of the “real Federal workers.” As I walked the huge halls of Congress, I felt small. However, the Council’s legislative boot camp prepared me to do the job of educating members of Congress and seeking help for employees at EEOC. I attended meetings with other Council members and took on meetings of my own. I look forward to continuing this work back in the offices in the Local. I am motivated and seek to motivate others to get involved in this fight for our jobs.



Matt Albucher with Rep. Jan Schakowsky

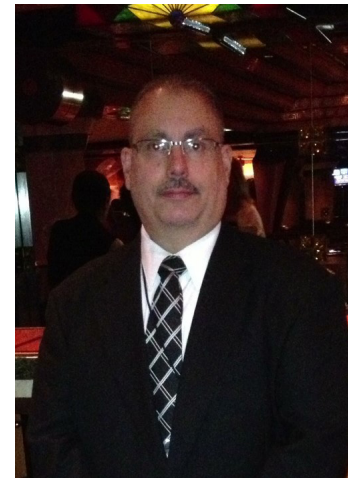
Meet the Council: Nelson Borges

By Nelson Borges, Local 3637

I am the newly elected Council Delegate for Local 3637. I attended my first Council meeting in February. I am an attorney from Puerto Rico, where I practiced for seventeen years. My specialty was labor issues. I joined the EEOC as an Investigator in August of 2008.

I feel that I have skills to help employees and the Union move forward. I am amazed at the work conducted by the Council. I see an opportunity to help provide more information so that employees get a better picture of their Union at work. I am an advocate for the use of social media and bring an interest in working with employees to get them to use social media. After all, the Union’s accomplishments have been won after hard fought battles. I have yet another interest - helping to sell the “benefits” of Union membership. Always wanting to help, I volunteer to help the Council and our locals with websites.

I am excited about the Council’s legislative program and the efforts we make to educate Congress about our issues. At the meeting, I saw that immense amounts of work go into the program. I am motivated to work with our legislative program in the future and use my position as Council Delegate to get more of our members involved.



Nelson Borges

Public Employee Appreciation Month

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has contributed a headline for EEOC. Too many people, who have taken on two or three additional jobs so that the headlines can be made, will be forgotten because they did not produce high numbers. Some will go unnoticed for spending the needed time on a case to the detriment of closing the quota of cases. Employees who made a difference in a person's life but did not score a headline will be excluded. Even when the month of May rolls around and the President issues his notice about the importance of Public Employees, many offices will do nothing in recognition of its employees.

With Public Employee Appreciation Month, we have the opportunity to

recognize the important work we do. We the public employees are not constrained by the Agency's numbers. We do not have to remain unrewarded, unnoticed or excluded. We should take this month to remember all the work we and our colleagues have done, all the people we have helped and all the people we can help in the future. We the workers, have made this agency, have performed the work in the news and speak to the thousands of people who come through our doors each month seeking justice. **Send me your stories for our Public Employee Recognition blog at prezc216@gmail.com.** I will post all the stories so that all of the work you do finally gets some public recognition.

The Waiting Game

Overtime Update

The Union's overtime case is winding down. The decision finding that the agency willfully violated overtime laws by failing to record actual time worked and allowing and accepting work performed in violation of the overtime laws is now five years old. In the five years since the Arbitrator's decision, the agency has filed numerous motions and pleadings, none of which change the finding of willfulness. At the agency's insistence, individual claims have been submitted. The agency recently submitted yet another re-gurgitation of its position. The Arbitrator has advised that he needs nothing further from the agency and that he is in the final stages of his review. For each claimant, the Arbitrator must review testimony and the claim documents. While that means we must wait even longer for his decisions, the process is coming to its natural close – decisions on the claims. The Arbitrator did not provide any specific time when he would be finished, but the Union attorney thinks that our patience will bear fruit. Monies are due to employees. Perhaps by the end of June, we will have a decision. Stay tuned.

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POINTS TO PONDER

"MODEL WORK-PLACE" EDITION

- On what basis does EEOC claim to be the model workplace?
- The President of the USA believes in paying overtime, why doesn't EEOC?
- Why does EEOC celebrate 50 years of Title VII by not hiring enough staff to enforce the law?
- Labor Management Councils what are those?
- Whatever happened to the District Diversity Councils?
- Why does HQ celebrate each "special recognition" month, but field offices don't?
- Why is management still pushing numbers if they were supposedly abolished by the Strategic Plan?
- Why EEOC targets cases as systemic cases before any investigation has occurred?
- Why EEOC refuses to live up to the 5 Telework days negotiated in the new CBA?
- How long will telephone wait times have to be before EEOC pilots the Union's intake plan?
- Does EEOC care about its sinking scores on Fed workplace surveys?

216 WORKS

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