

National Council Meets In DC

The National Council of EEOC Locals, No. 216 (the Council), AFGE, AFL-CIO met in Washington, D.C. on February 9 and 10, 2008. This was one of two annual meetings of the Council and was scheduled to coincide with the American Federation of Government Employees (AFGE) annual Legislative Conference.

Many topics of the Council meeting were updates on long-standing issues. Issues discussed included the EEOC's sluggish Call Center transition, federal sector, HQ reorganization and move, hiring/staffing and EEOC's budgetary process.

Gabrielle Martin, Council President gave a President's report that touched on pending issues and highlighted the overall successful year for the Council and the beating taken by the EEOC.

Martin also brought to the Council's attention a new OPM Classification draft for 1800 series federal employees. The 1800 series is the job family in which Investigators are currently placed.

Levi Morrow, Council Treasurer and Chief Negotiator, provided a financial report and updates on federal sector issues and progress towards negotiating a new Collective Bargaining Agreement.

Rachel Shonfield, Council 2nd Vice President and Legislative Coordinator gave a legislative report and, upon adjournment of the Council meeting, conducted an orientation session that discussed tips on meeting with Congressional representatives.

Michael Davidson, 1st Vice President, provided updates on policy questions, the tracking of EEOC vacancy announcements and the next issue of *216 Works*, the Council's newsletter.

A special update on the arbitration hearing still pending on the EEOC's unilateral reclassification of Investigators, Mediators and Paralegals and on the denial of overtime pay was given by the Council's attorney, Barbara Hutchinson". The Council was also visited by former Council President, Ed Watkins. Watkins had been a founder of the Council in 1976 and served as its president until 1998.



Council attorney Barbara Hutchinson, far right, reports on the reclassification/ overtime arbitration.



National Council members attend the Civil Rights luncheon where speakers that day, Reg. Weaver, President, National Education Association and Cecil Roberts of the United Mine Workers roused the group.

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PRESIDENT'S VIEWPOINT

United We Stand

If EEOC is a “Model Employer” as it likes to claim, then all workers are at risk! Especially at risk are EEOC’s own employees. We are locked in a battle concerning overtime. Why? Because EEOC refused to seek additional money to hire adequate staff. As a result backlogs continued to mount. EEOC needed to address the mounting backlogs. EEOC decided that since it would not seek additional money, the easiest way to find money for other things was to exploit its employees by making them work overtime without paying them. EEOC decided to designate its line employees in such a way that the employees would not be entitled to overtime pay.



*Gabrielle Martin,
Council President*

Your Union went to bat for affected Investigators Mediators and Paralegals. The Union filed a grievance on behalf of the affected employees. The grievance is in the arbitration stage. While the arbitrator has not ruled in this case, hearings are under way to determine the whether punitive damages will be assessed against EEOC and what amounts of backpay are owed to employees.

As unionists, you have counted on your Union to address this matter for you. Now it is your turn as unionists to help your union get the job done. The Union designated employees as witnesses. Witness testimony is necessary to help establish damages. The witnesses will help make the case for backpay and establish the claim for punitive damages. If named, you must do your part by attending the hearing. There are three remaining locations with hearings spread throughout the next three months.

The Union has made arrangements for your travel, hotel and per diem. In addition, those of you who are witnesses will receive notice from the attorney advising you of the date and location where you will be called to testify. The notice you receive will advise you how to contact the attorney with any questions that you have.

While the process has been long, it is coming to a close. It is with the help of our members that the case will be made. With your help, we were able to get the call center closed. With your help, and by each of us doing our part, EEOC will no longer be able to exploit its workers.

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RACHEL'S REPORT

Council Thanks Congress for Killing Call Center: *Fight Moves to Increasing EEOC's Budget and Staff*



Rachel Shonfield,
*Legislative
Coordinator*

By Rachel H. Shonfield,
Miami DO, Local 3599

What a difference a year makes! At last year's AFGE Legislative Conference, Council 216 fanned across Capitol Hill in a last ditch effort to prevent EEOC's privatized call center from becoming permanent. At this February's 2008 Legislative Conference, Council members had the special opportunity to thank our friends in Congress for getting rid of the call center. The Council made over 100 such thank you visits!

Also, AFGE Vice President for Women and Fair Practices, Andrea Brooks recognized the achievement of killing the call center at the General Session of the 2008 Legislative Conference. This was a victory for EEOC's workers and for America's workers, who need to talk to experienced EEOC staff when they have a question about the EEOC. The "little Council that could" (as we have been dubbed by AFGE), did it again!

With the outsourced call center behind us, this year the Council is able to focus more energy on finally getting the budget, staff and resources we need to get our work done and reduce the skyrocketing backlog. We will also keep an eye on how the internal call center operates.

Unfortunately, despite all of the Union's hard work last year, EEOC did not get a raise for FY08. Even though the House recommended a \$5 million increase and the Senate recommended a \$50 million increase, in the end EEOC only got a \$600,000 increase. This is because EEOC got bundled into an omnibus bill that faced a veto for exceeding overall White House spending limitations. Undermining the case for an increase was the fact that EEOC had only asked for level funding for FY08.

The good news is that this year everyone, including the EEOC, now believes that a

budget increase is in order. For the upcoming FY09, EEOC has finally had a reality check and is asking for a budget increase of \$12 million. Unfortunately, the EEOC's figure only amounts to a 4% increase after five years of level funding. Therefore the Council is letting our friends in Congress know that in order to repair all the recent years of neglect, the \$50 million increase recommended last year by the Senate hits the mark.

A real budget increase would mean that we could finally replenish staffing after the loss of one quarter of our workforce. Imagine once again seeing new faces in all the empty offices. Imagine having support staff to help with copying and mailing. Imagine caseloads, which have grown as high as 250 per investigator, returning to normal levels, with more investigators to divide the work between.

The first place we need staff is for our new in-house call center. There is absolutely no excuse that although the Commission voted in July against extending the call center, it had not hired and trained permanent in-house staff until 2008. While the Council was on "the Hill," we alerted members of Congress of these delays. We also warned that if the EEOC simply clones the NCC, (which it appears they are) it will get the same failing results.

It took four years to kill the call center. So even though everyone is stretched to the limit, don't lose heart. Increases to budget and staffing are within reach. We just have to keep letting Congress know the help that we need in order to help their constituents.

AFL-CIO UNION-INDUSTRIES SHOW

AMERICA @WORK '08

UNION MADE in the USA MAY 16-18, 2008 DETROIT, MI

UNION MADE in the USA

Save the Date
May 16-18, 2008 Detroit's Cobo Center

The advertisement features a collage of images including a paper shopping bag with the 'UNION MADE' logo, a box of 'NEW! 2800 Mini-Wheats' cereal, a silver convertible car, a washing machine, and a tire. The text is prominently displayed in bold, sans-serif fonts.

Marathon Arbitration Hearings Begin

Employees Give Strong Testimony

By Levi Morrow, Council Chief Negotiator

Do you remember that EEOC unilaterally changed the classification of Investigators, Mediators and Paralegals from non-exempt to exempt? This occurred in Spring, 2006. This change meant that Investigators, Mediators and Paralegals could never be paid for working overtime. Your Union filed a grievance on the reclassification.

Do you also remember that your Union, in that same grievance, also grieved the fact that large numbers of Investigators, Mediators, and Paralegals commonly work hours over and above their tours of duty and that their supervisors were aware of it? This is called "suffered and permitted" overtime. The issue on this phase of the grievance is whether those employees who worked extra hours were fairly paid.

Finally, do you remember that the grievance on the reclassification and overtime was taken to arbitration? The arbitration was in two phases: the first to hear evidence on the reclassification; the second phase to consist of testimony regarding the overtime issue to determine whether EEOC is liable for the extra hours worked by its employees.

The first phase of the arbitration was completed months ago. However, the Arbitrator has still not rendered a decision on whether the reclassification of Investigators, Mediators and Paralegals was permissible. Nonetheless, the second phase, testimony regarding hours worked and whether EEOC is required to compensate the employees in question, began in Philadelphia on January 27 - 27, 2008 and February 4 - 7, 2008. During the course of testimony, the issue arose as to whether EEOC maintained a practice of keeping excess work hours outside of official Time and Attendance records.

During this second phase, the Union selected witnesses to appear at this arbitration hearing based on pay records that the Union requested and obtained from EEOC. The Union has paid the travel and per diem expenses of all witnesses called by the Union, both bargaining unit

employees and managers. The witnesses are on duty time while they are on travel status in connection with the arbitration hearing. Barbara Hutchinson, the Union's attorney in this matter, feels that the Union has put on a strong case in both the reclassification phase and in this first of four hearings on the overtime issue.

The next hearings on the overtime will be held in St. Louis, Atlanta and Los Angeles. These hearings are expected to run into the summer.

With the St. Louis arbitration hearing on the horizon, witnesses should be aware of a couple of matters: If anyone from or representing the agency wishes to discuss your testimony you may state that you want your union representative present. You do not have to speak with the EEOC representative without a Union representative present. Moreover, any questions concerning a witness' appearance at the hearings should be directed to the Union's attorney Barbara Hutchinson. **REPRESENTATIVES OF EEOC SHOULD NOT PROFFER ANY OPINION ON MATTERS RELATED TO WITNESS TESTIMONY!**

If the Arbitrator rules in the Union's favor on the reclassification issue, I would expect those reclassified employees will be reinstated to "non-exempt" status. If the Arbitrator finds that the EEOC is liable for the extra hours worked by the bargaining unit employees, the final step will be to determine what the remedy will be. I would urge and caution any and all Investigators, Mediators or Paralegals to dig out documentation on the extra hours they worked going back three years.

The Union's attorney has asked EEOC if it was interested in discussing settlement. Although EEOC said it was interested, it has done nothing beyond that statement.

Barbara's assessment is that, "We are in good shape and I think things will turn out well. The agency does not want the hearing to proceed but the Union is going to go forward. We are not interested in postponing the process without a really good

reason. I will be pressing for an intentional violation.

The witnesses in the first hearing have been excellent. Our expert witness had many years of OPM experience and testified effectively in the first phase that none of the positions in question performed management functions and could not be classified as exempt from the payment of overtime. So, on to St. Louis!"

So, brothers and sisters, we are in good hands and in good shape.



POINTS TO PONDER

- When did leaving a "legacy" become more important than doing the job while you're here?
- Why hasn't the chair responded to the council's repeated requests to meet and discuss issues in over a year?
- Will the transition call center operate better than its NCC predecessor?
- Did you know that Vice Chair Leslie Silverman's term ends in July, 2008?
- Did you know that commissioner Stuart Ishimaru was confirmed for a second term at the 11th hour on about December 27, 2007?
- Are supervisors provided with any training in how to mentor, guide, coach or counsel employees?
- Does EEOC have a plan to train new employees?
- Why are proposed changes to federal sector being conducted in such a secretive manner?
- Which is a greater priority: hiring front line staff or contracting consultants?

MIKE'S MULLINGS

EEOC Case Backlogs Growing Exponentially 200,000 Predicted



*By Mike Davidson,
Council 1st Vice
President*

What happens when you lose 500 people doing a job even if work flow

remains the same?

What happens when you lose that many employees and the work flow gets greater?

The EEOC recently announced that it has a case backlog for FY 2007 of slightly less than 55,000. EEOC goes on to say that it expects that backlog to continue to rise precipitously so that by 2015, the backlog will be 200,000 cases. What is EEOC doing to reduce that backlog? Certainly not hiring! Or, at least not hiring in sufficient measure to a) bring agency staffing up across the board, or b) even to the level where there are more employees coming in the front door than are going out the back door. Let's look at the record.

There was a hiring freeze from 2001 to about 2005 courtesy of Cari Dominguez. Instituting the hiring freeze was one of her first official acts as EEOC Chair. During those years, hiring was scant. At the same time, employees leaving EEOC for the years 2001 through 2008 is many times that of new hires. For example: in FY03 EEOC hired 20 employees (the positions hired for are unknown) while at the same time, 197 employees separated from the agency; in 2007, EEOC hired 172 employees but 170 employees separated from the agency. A net gain of two positions! For FY08 through January, 2008, EEOC hired 52 employees at the same time that 61 separated from the agency. That left EEOC nine positions in the hole for that period. The staffing prospects for

the balance of FY08 are bleak given that EEOC received only \$600,000 additional funding after years of level funding. Would it be fair to say that EEOC is making no headway toward achieving any semblance of adequate staffing?

Based on the above stats, it should have been easy to figure out a long time ago that backlogs were heading toward Mt. Everest-esque proportions. Isn't it the job of leaders to forecast such events and take action to avoid calamity? What did EEOC's leadership do? What they did was everything that would all but assure the results we are now seeing against the advise of the Union. There was the hiring freeze; then EEOC did not request adequate funding. It is a story that still does not have a happy ending. And, Once EEOC did start to post vacancy announcement, it was in numbers too few to make any significant gain in the numbers of staff. And, while we're thinking about it, why are so many people leaving this "model" agency? Have our EEOC leaders asked themselves this question? Have they tried to do something to stem that outflowing tide?

There is some comfort to be taken. The FY09 budget will possibly include a \$12 million plus raise for EEOC. But, can EEOC be trusted to use those funds wisely? The National Council has called for strict oversight by Congress. EEOC's priority must be hiring, hiring, hiring. The hiring must also be done with greater efficiency and the process must be transparent. That's the formula for reducing the backlog. EEOC cannot be said to be meeting its responsibilities to the public with backlogs growing exponentially.

DOL Chair Slammed Online

Nearly 20,000 people have participated in an email campaign denouncing Secretary of Labor and Bush crony Elaine Chao's attacks on workers' rights, reports the Shame on Elaine website. The campaign and AFGE Local 12 - which represents Department of Labor (DOL) workers - are working to mobilize support from DOL workers, who recently beat attempts to outsource hundreds of jobs within the DOL (AFGE Blocks DOL Outsourcing 7/11/07 UC) and held an action to highlight Secretary Chao's anti-worker statements last July in Parade Magazine (DOL Workers Want Chao to Come Clean on Comments 7/18/07 UC). The site has also received "hundreds of visits from users inside the Department of Labor," reports Liz Cattaneo of American Rights at Work.

NATCA Warns of Unsafe Skies

The Air Traffic Controllers said 1 in 10 controllers, all veterans, could retire in the next few months, making safety in the skies a problem. They're retiring, the union wrote Bush Transportation Secretary Mary Peters, because the Bush FAA imposed a new contract with pay cuts and freezes and onerous work rules. Air traffic is already short-staffed, NATCA says.

Union Numbers Grow

The Bureau of Labor Statistics said union membership grew by 311,000 last year, the largest hike in years. Unionization edged up 0.1% to 12.1%. The median weekly wage for a union worker is exactly \$200 more than for a non-unionist: \$863-\$663. Big gains were in California, Arizona and Pennsylvania, and there was a loss in Illinois.

Legislative Co



AFGE members @ the AFGE Congressional Reception



Rep. Ike Skelton addresses the Legislative Conference.



Council member Mike Davidson discusses EEOC issues with Naila Awan, staffer for Rep. Tammy Baldwin, WI



AFGE officers greet Rep. Ike Skelton.



75 years: Proud to Make America

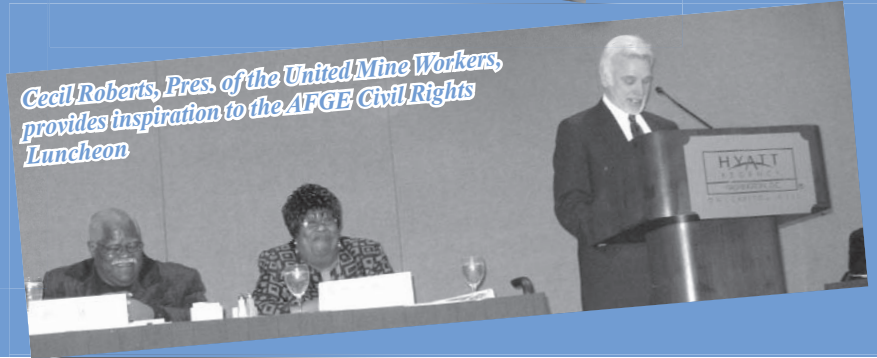
THE NATIONAL COUNCIL OF EEOC LOCALS, NO. 21



AFGE Pres. Gage welcomes Representative to the Congressional Reception



The band entertains AFGE members at the AFGE Congressional Reception

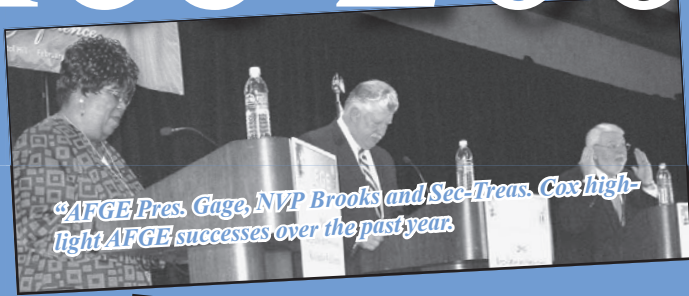


Cecil Roberts, Pres. of the United Mine Workers, provides inspiration to the AFGE Civil Rights Luncheon

Conference 2008



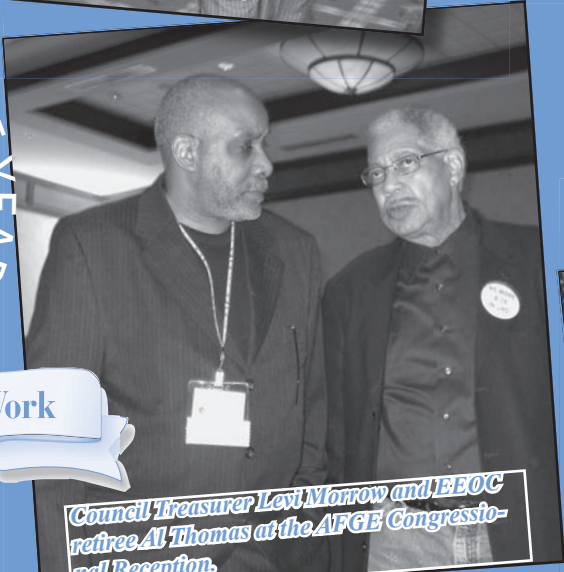
Council members Pam Edwards and Gilbert Hammond dance while awaiting the arrival of Congressional Representatives.



"AFGE Pres. Gage, NVP Brooks and Sec-Treas. Cox highlight AFGE successes over the past year."



Council members Stephanie Perkins (Detroit) and Michael Davidson (Chicago) met with and discussed issues with Brian Romano, a staffer for Rep. Thaddeus McCotter.



Council Treasurer Levi Morrow and EEOC retiree Al Thomas at the AFGE Congressional Reception.



AFGE Conference participants attend the AFGE Civil Rights Luncheon



AFGE District 7 Nat'l VP Dorothy James pledges her District's support in the election effort.



Council member Sharon Baker with Rep. John Yarmuth D-KY

75 YEARS

America Work

COUNCIL NO. 216

Juneteenth...

... Celebrates the liberation of black American slaves in Texas on June 19, 1865

by *Caitlin Helfrich*

On June 19, 1865, the Union General Gordon Granger rode into Galveston, Tex., to inform inhabitants of the Civil War's end two months earlier. Two and a half years after Abraham Lincoln signed the Emancipation Proclamation, Granger's General Order Number 3 finally freed the last 250,000 slaves whose bondage, due to the minimal Union presence in the region, had been essentially unaffected by Lincoln's efforts. June 19th—which was quickly shortened to “Juneteenth” among celebrants—has become the African-American addendum to our national Independence Day, for, as Juneteenth jubilees remind us, the Emancipation Proclamation did not bring about emancipation, and the prevailing portrayal of Independence Day ignores the ignominious incidence of slavery entirely.

Although initially associated with Texas and other Southern states, the Civil Rights Era and the Poor People's March to Washington in 1968, in particular, helped spread the tradition all across America—to the extent that Milwaukee and Minneapolis now host two of the largest Juneteenth celebrations in the nation.

The state of Texas made Juneteenth an official holiday on Jan. 1, 1980, and became the first to grant it government recognition. Several states have since issued proclamations recognizing the holiday, but the Lone Star State remains alone in granting it full state holiday status, a day when government employees have the day off. Nonetheless, supporters and celebrants of Juneteenth continue to grow in number and in diversity; today, Juneteenth is promoted not only as a commemoration of African-American freedom, but as an example and encouragement of self-development and respect for all cultures.

March is Women's History Month

The History of Women's History

by *Borgna Brunner*

When I started working on women's history about thirty years ago, the field did not exist. People didn't think that women had a history worth knowing.

—Gerda Lerner, *Women and History* (1986; 1993)

Before 1970, women's history was rarely the subject of serious study. As historian Mary Beth Norton recalls, “only one or two scholars would have identified themselves as women's historians, and no formal doctoral training in the subject was available anywhere in the country.” Since then, however, the field has undergone a metamorphosis. Today almost every college offers women's history courses and most major graduate programs offer doctoral degrees in the field.

Two significant factors contributed to the emergence of women's history. The women's movement of the sixties caused women to question their invisibility in traditional American history texts. The movement also raised the aspirations as well as the opportunities of women, and produced a growing number of female historians. Carroll Smith-Rosenberg, one of the early women's historians, has remarked that “without question, our first inspiration was political. Aroused by feminist charges of economic and political discrimination . . . we turned to our history to trace the origins of women's second-class status.”

Women's history was also part of a larger movement that transformed the study of history in the United States. “History” had traditionally meant political history—a chronicle of the key political events and of the leaders, primarily men, who influenced them. But by the 1970s “the new social history” began replacing the older style. Emphasis shifted to a broader

spectrum of American life, including such topics as the history of urban life, public health, ethnicity, the media, and poverty.

Since women rarely held leadership positions and until recently had only a marginal influence on politics, the new history, with its emphasis on the sociological and the ordinary, was an ideal vehicle for presenting women's history. It has covered such subjects as the history of women's education, birth control, housework, marriage, sexuality, and child rearing. As the field has grown, women's historians realized that their definition of history needed to expand as well—it focused primarily on white middle-class experience and neglected the full racial and socio-economic spectrum of women.

The public celebration of women's history in this country began in 1978 as “Women's History Week” in Sonoma County, California. The week including March 8, International Women's Day, was selected. In 1981, Sen. Orrin Hatch (R-Utah) and Rep. Barbara Mikulski (D-Md.) co-sponsored a joint Congressional resolution proclaiming a national Women's History Week. In 1987, Congress expanded the celebration to a month, and March was declared Women's History Month.

“Freedom is never given; it is won.”

—A. philip Randolph

Articles contained in the Labor Corner originated from www.infoplease.com. Visit the website to learn more about Black History, Women's History and other topics.

February is Black History Month

The History of Black History

by *Elissa Haney*

Americans have recognized black history annually since 1926, first as “Negro History Week” and later as “Black History Month.” What you might not know is that black history had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America at least as far back as colonial times, it was not until the 20th century that they gained a respectable presence in the history books.

We owe the celebration of Black History Month, and more importantly, the study

of black history, to Dr. Carter G. Woodson. Born to parents who were former slaves, he spent his childhood working in the Kentucky coal mines and enrolled in high school at age twenty. He graduated within two years and later went on to earn a Ph.D. from Harvard. The scholar was disturbed to find in his studies that history books largely ignored the black American population—and when blacks did figure into the picture, it was generally in ways that reflected the inferior social position they were assigned at the time.

Woodson, always one to act on his ambitions, decided to take on the challenge of writing black Americans into the nation’s history. He established the Association for the Study of Negro Life and History (now called the Association for the Study of Afro-American Life and History) in 1915, and a year later founded the widely respected *Journal of Negro History*. In 1926, he launched Negro History Week as an initiative to bring national attention to the contributions of black people throughout American history.

International Women’s Day

March 8th commemorates women’s rights and peace

by *Borgna Brunner*

The United Nations’ theme for International Women’s Day in 2008 is “Ending Impunity for Violence Against Women and Girls”

In its various incarnations, ranging from a communist holiday to a U.N.-sponsored event, International Women’s Day has been celebrated for over 95 years.

Inspired by an American commemoration of working women, the German socialist Klara Zetkin organized International Women’s Day (IWD) in 1911. On March 19, socialists from Germany, Austria, Denmark and other European countries held strikes and marches. Russian revolutionary and feminist Aleksandra Kollontai, who helped organize the event, described it as “one seething trembling sea of women.”

Womens Rights and Peace

As the nascent annual event developed, it took on the cause of peace as well as women’s rights. In 1915, Zetkin organized a demonstration in Bern, Switzerland, to urge the end of World War I. Women on both sides of the war turned out

Russian Women and the February Revolution

Both Zetkin and Kollontai took part in the most famous International Women’s Day—the March 8, 1917, strike “for bread and peace” led by Russian women in St. Petersburg. The IWD strike merged with riots that had spread through the city between March 8–12. The February Revolution, as it became known, forced the Czar Nicholas II to abdicate. (Russia switched from the Julian to the Gregorian calendar in 1918, which moved the dates of the February revolution [Feb. 24–28, old style] to March.)

The “Heroic Woman Worker,” Soviet Style

Kollontai, a minister in the first Soviet government, persuaded Lenin to make March 8 an official communist holiday. During the Soviet period, the holiday celebrated “the heroic woman worker.” Today it is still a Russian holiday—celebrated in the fashion of Mother’s Day with flowers or breakfast in bed—in which men show appreciation for the women in their lives.

International Women’s Day, the U.S., and the U.N.

IWD was commemorated in the United States during the 1910s and 1920s, but then dwindled. It was revived during the women’s movement in the 1960s, but without its socialist associations. In 1975,

the U.N. began sponsoring International Women’s Day.

International Women’s Day is now an official holiday in Armenia, Azerbaijan, Belarus, Bulgaria, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Mongolia, Russia, Tajikistan, Ukraine, Uzbekistan, and Vietnam. In addition, events are held all over the world.

Some of the issues the U.N. and International Women’s Day have focused on include the following:

About 25,000 brides are burned to death each year in India because of insufficient dowries. The groom’s family will set the bride on fire, presenting it as an accident or suicide. The groom is then free to remarry.

In a number of countries, women who have been raped are sometimes killed by their own families to preserve the family’s honor. Honor killings have been reported in Jordan, Pakistan, Lebanon, Syria, Iraq and other Persian Gulf countries.

According to UNICEF, 100 million to 140 million girls and women have undergone some form of female genital mutilation. Today, this practice is carried out in 28 African countries, despite the fact that it is outlawed in a number of these nations.

Rape as a weapon of war has been used in Chiapas, Mexico, Rwanda, Kuwait, Haiti, Colombia, and elsewhere.

Know Your Council Members



Danny Lawson

Danny Lawson is a long-time EEOC Investigator in the Dallas office, union member and has been both a Council delegate and officer. Danny was born in Opelousas, Louisiana but moved to Port Arthur, Texas, when he was about 9 years old. Port Arthur is a seaport town that has a high concentration of oil refineries. It is a union town. From his Louisiana roots, Danny acquired a fondness for Cajun and Creole food. He loves Gumbo, crawfish, crabs boudin (Cajun sausage made with rice). But, those of us who know Danny, know he loves a good steak.

Danny's father, Wiley, now deceased, was an Electrician and a union officer and activist. That was Danny's initiation into the world of unionism. His mom

Leatrice was a beautician and still resides in Port Arthur. According to Danny, "My mom is the greatest mother anyone can have. She also makes the best fried pancakes (similar to New Orleans beignets of no-hole doughnuts). No one, including myself nor my three sisters have been able to duplicate her recipe."

From 1967 through 1971 Danny served in the army with tours of duty in Panama and Thailand. Upon his return to civilian life, Danny started working for the federal government through the Veterans Readjustment Act in January, 1972 as a mail clerk for the General Services Administration. He came to the EEOC in 1976 as a GS-5 Investigator. Danny has racked up 32 years of service at EEOC and 40 years total government service. "Because of my familiarity with Unions in my home town and my father's involvement, I became a member of Local 3637 in the Dallas office. I was appointed Local Steward in 1977; from 1990 through 1998 I was a delegate to the National Council of EEOC Locals; in 2000 I was elected Chief Steward of

Local 3637. It was also 2000 that I was elected Council Secretary – a position I presently hold."

Danny received his Bachelors degree in 1977 after five years of night school.

Danny is currently single, has one daughter and granddaughters Casey, 19, a college student, and Aleja, 10, a 7th grader taking advances classes. "I'm extremely proud of my grandchildren."

In music, Danny loves jazz "but I am a blues fanatic." Danny has traveled all over Texas and Louisiana to various blues and jazz festivals and concerts.

As a long-time Council activist Danny reflects that "When I came to EEOC, there was no flexible hours of work and no telecommuting. GS-11 was the career ladder promotion for Investigators; GS-12 for attorneys; GS-13 for AJs. Because of the Union, we got flexible hours of work, telecommuting and positions were upgraded. We are currently fighting to upgrade on those and more. I remain active to continue the fight for employees' rights and benefits."

Justices Give Agency, Workers Wide Leeway In Job Discrimination Charges

WASHINGTON (PAI)--By a 7-2 vote on Feb. 27, the U.S. Supreme Court gave workers and the federal Equal Employment Opportunity Commission, a top government anti-discrimination agency, wide leeway in deciding what constitutes an employment discrimination "charge" the EEOC must probe.

The ruling was in a case by 14 former FedEx workers on Long Island who went to the EEOC--and also want to sue FedEx--for age discrimination. It was a win for workers because it said the agency's "intake questionnaire" could be used as a charge, thus triggering an EEOC probe. The justices returned the case to lower courts for trial.

Business groups conceded the ruling was a "defeat." They wanted the term "charge" to be narrow, to keep workers from complaining.

A narrow definition, as FedEx sought, would also have required the

agency to identify companies of complaints in all instances, thus chilling many workers' rights to complain about sexual or racial discrimination, Associate Justice Anthony M. Kennedy wrote for the court majority. EEOC handles some 175,000 complaints of racial, sexual and other job discrimination every year.

"The agency's interpretive position--the request-to-act requirement" in its "intake questionnaire," which the FedEx workers used, "provides a reasonable alternative that is consistent with the statutory framework," Kennedy said. "No clearer alternatives are within our authority or expertise to adopt, and so deference to the agency is appropriate," he added laconically.

"In addition to the information required by the regulations, i.e., an allegation and the name of the charged party, if a filing is to be deemed a 'charge' it must be reasonably construed as a request for the agency to take remedial action to protect

the employee's rights or otherwise settle a dispute between the employer and the employee," Kennedy explained.

"Under this permissive standard a wider range of documents might be classified as (EEOC) charges. But this result is consistent with the design and purpose of the Age Discrimination in Employment Act. Even in formal litigation," citizens "are held to a lesser pleading standard than other parties," such as companies, the justice wrote.

"The ADEA sets up a remedial scheme in which laypersons, rather than lawyers, are expected to initiate the process... The system must be accessible to individuals who have no detailed knowledge of the relevant statutory mechanisms and agency process-ses. It thus is consistent with the purposes of the act that a charge can be a form, easy to complete, or an informal document, easy to draft," Kennedy concluded.

NEA President A Rousing Speaker

Reg Weaver, President of National Education Association, fired up attendees of the Civil Rights Luncheon during the AFGLE Legislative Conference in early February. Weaver told stories and recited poems while walking through the crowded room at the Hilton Hotel. Three of the stories he related to the attendees are printed below.

THE MOUSE TRAP STORY

But we cannot afford to be under any illusions about the challenge we confront – and the importance of our staying strong, unified, united. So let me tell you a cautionary tale. It's a story about a mouse trap. You heard me right – a mouse trap.

Once upon a time, a mouse looked through a crack in his farmhouse wall to see the farmer and his wife opening a package.

“What food could it contain?” the mouse wondered.

He was shocked to discover that it was a mouse trap!

Retreating to the farmyard, the mouse proclaimed the warning: “There is a mouse trap in the house, a mouse trap in the house”!

The chicken clucked and scratched, raised her head and said, “Excuse me, Mr. Mouse, I can tell this is a grave concern to you, but it is of no consequence to me. I cannot be bothered by it.”

The mouse turned to the pig and told him, “There is a mouse trap in the house, a mouse trap in the house”!

“I am so sorry, Mr. Mouse,” the pig sympathized, “but there is nothing I can do about it but pray. Be assured that you are in my prayers.”

The mouse turned to the cow. She said, “Like wow, Mr. Mouse. A mouse trap. Like I am in grave dangerNot!”

So the mouse returned to the house, head down and dejected, to face the farmer's mouse trap alone. And that very night a sound was heard throughout the house, like the sound of a mouse trap catching its prey.

The farmer's wife rushed to see what was caught. In the darkness, she did not see that it was a venomous snake whose tail the trap had caught. The snake bit the farmer's wife. The farmer rushed her to the hospital. She returned home with a fever.

Now everyone knows that you treat

a fever with fresh chicken soup, so the farmer took his hatchet to the farmyard for the soup's main ingredient.

His wife's sickness continued so that friends and neighbors came to sit with her around the clock. To feed them, the farmer butchered the pig.

The farmer's wife did not get well, and few days later she passed away. So many people came to the funeral that the farmer had the cow slaughtered to provide meat for everyone to eat.

So...the next time you hear that someone is facing a problem and think that it does not concern you, remember that when there is a mouse trap in the house, the whole barnyard is at risk.

ARE YOU AN ACTIVE MEMBER OR DO YOU JUST BELONG

Are you an active member
The kind that would be missed?
Or are you just contented
That your name is on the list?
Do you attend the meetings
And mingle with the flock?
Or do you stay at home
To criticize and knock?
Do you take an active part
To help the work along?
Or are you satisfied
To only just belong?
Do you work with your committee
And get right in and mix?
Or leave the work to just a few
And talk about the cliques?
Think it over, member — you know
right from wrong!
Are you an active member
Or do you just belong?
Things just don't happen — they are
made to happen.



DON'T QUIT

When things go wrong, as they sometimes will
When the road you are trudging seems all uphill,
When the funds are low and the debts are high,
And you want to smile but you have to sigh,
When care is pressing you down a bit,
Rest, if you must — but don't you quit!
Life is queer with its twists and turns,
As every one of us sometimes learns,
And many a failure turns about,
When he might have won had he stuck it out;
Don't give up, though the pace seems slow,
You might succeed with another blow
...
Success is failure turned inside out
The silver tint of the clouds of doubt
And you can never tell how close you are,
It might be near when it seems afar;
So stick to the fight when you are hardest hit
It's when things get worse that you mustn't quit!

By Edgar A. Guest

EDITORIAL

The Secrecy of Federal Sector Changes

For years, Administrative Judges (AJs) have been waiting for the “other shoe to drop” dating back to the early days of the Cari Dominguez administration. In 2001, the Washington Post ran an article revealing the Dominguez plan to eliminate EEOC’s federal sector. As a result of quick mobilization of forces led by the National Council, Dominguez abandoned that idea. The Commission then devoted a Commission meeting to examining what’s-good/what’s bad with the federal sector. AJs, Supervisory AJs, EEOC managers, civil rights groups and associations submitted recommendations and opinions on various aspects of federal sector. Several Work Groups were formed over the recent years to gather information, synthesize it and provide recommendations. A few years ago, Commissioner Ishimaru led one such group. No consensus has been reached in any of the efforts by any of the groups. However, the efforts geared toward federal sector changes over the past several years have served to only enrage AJs, who do not feel that they are part of the process or that the process itself was open.

The latest wrinkle in the federal sector change saga is an initiative by Commissioner Griffin. The Council learned, after

the fact, that Commissioner Griffin had discussions with some unidentified parties about changes to the federal sector process. The federal sector change proposals resulting from Commissioner Griffin’s efforts seem to be cloaked in secrecy: The National Council, the exclusive representative of AJs, was not apprised of those discussions. Obviously, not knowing about those discussions, the Council could not participate. Adding to the air of secrecy, no written proposal(s) have emerged from the Griffin initiative. The perception is that, again, AJs are left out of the process and that they are moving targets.

Rumors abound regarding what is being proposed. The grapevine information is that recent proposals will seriously limit complainant’s ability to engage in discovery and that the determination of whether a complainant would be allowed a hearing before an EEOC AJ would be decided by someone other than an AJ. Since no proposal has been reduced to writing and disseminated, it is hard to ferret out and evaluate the content of any actual plan. All this tends to heighten the perception of an atmosphere of secrecy and the fear that some plan will be arbitrarily decided upon without going through the rulemaking process.

We believe that any change to the federal sector needs to be open and involve all those affected by them. The National Council and AJs, in particular, should be informed of and involved in any such discussions. AJs need to be keeping their Stewards and/or Local presidents notified about information that comes their way with regards to changes to federal sector procedures. AJs need to be sharing their ideas with the Union and be willing to engage in an exchange to reach a consensus. The National Council has consistently had its ear to the ground regarding changes to federal sector and has been proactive in safeguarding the interests of AJs. Only by working together can both AJs and the National Council protect the federal sector.

As for EEOC, it has to be open and include all stakeholders in the process of seeking the best solutions to the federal sector process. Even the perception of operating in a clandestine manner is counterproductive. If there are to be changes to the federal sector, it must be done through the rulemaking procedure. If there are to be changes to the federal sector it only makes sense to achieve buy-in from the stakeholders. Top-down changes are always less effective than involving those who actually do the work.

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