

## EEOC's Reorganization Dooms Civil Rights

Three years back, EEOC advised employees that it was looking at its structure. EEOC hired some consultants to provide information. At the time, EEOC told employees not to worry. Not only did we worry then, but we also united around the theme of protecting our jobs and the public's right to be free from discrimination in the workplace.

Fast forward three years later. Now that the Chair of EEOC has announced her reorganization plan, the real question is whether there will be an Equal Employment Opportunity Commission left at all. If so, will it be effective? Not only are EEOC's employees worried, but civil rights groups and members of Congress also share grave concerns about the fate of EEOC.

EEOC's plan, so devoid of any details, leaves unanswered so many questions for employees, for civil rights and advocacy groups and members of Congress. It is as though the Commission is asking for a blank check to destroy the Commission.

The EEOC's reorganization plan and its response to stakeholders and civil rights groups asking for answers to basic questions, makes it clear that effective civil rights law enforcement is not a priority and that there are voices the Commission does not want to hear. Yet, enforcement is our mission and these are the voices of the people the Commission serves.

In order to be effective, EEOC must have sufficient numbers of trained and dedicated staff in local offices in the communities where people work. EEOC needs to partner effectively with its counterparts - the state Fair Employment Practice

Agencies (FEPAs). These FEPAs also investigate cases for EEOC under work-sharing agreements and are an integral part of the enforcement strategy. Have you ever heard of a law enforcement entity saying to the public and its partners, let us close up shop and disappear?

Questions include how EEOC will save

any money. How does one save money by keeping its entire current staff, while opening new offices and hiring employees? As it stands, EEOC has vacancies that have remained unfilled for years. During each of those years, EEOC claimed it did not have sufficient funding, so how will

*See, 'Reorganization', page 10*

## Labor-Management Meeting Whittled To One Day

The Collective Bargaining Agreement between the EEOC and the National Council of EEOC Locals, No. 216 provides for the creation of a Labor-Management Leadership Council to meet twice a year. After the demise of Partnership, it was considered important to have some forum to discuss issues. The Labor-Management Council fulfills that void. To date, about five Labor-Management

Council meetings have been held. The most recent Labor-Management meeting took place on May 3, 2005, a week before the Agency released some details on the restructuring plan.

Originally, this Labor-Management meeting was scheduled for May 3 and 4, 2005. But, the Agency, apparently

*See, 'Labor-Management', page 6*



*The National Council's Labor-Management team (l. to r.): Rachel Shonfield, Michael Davidson, Rhonda Ellison and Danny Lawson.*



*Gabrielle Martin,  
Council President*

### *Where is EEOC?*

The other day, someone asked me, what would become of EEOC? When

I questioned what prompted the query, the answer was that the individual was concerned that every person he knew that went to EEOC was unhappy with the results. The person explained that it was lawyers and workers who were unhappy. When pressed, I was able to discern that the unhappiness related to frustration with the number of times individuals had to call to get answers to the questions, the problems with getting the case investigated, the length of time it took to get a case investigated, and the fact that despite the fact that at least one person thought the investigator was “good”, the office where the employee worked wanted cases closed so the case was closed – but without a “no cause” finding.

Thinking about the conversation reminded me of something that happened to someone I know at another organization. The individual had been with the department for many years when a promotion became available. My friend says he was the best candidate, he had more practical and professional experience than the individuals selected, and he knew the department’s long term plans; my friend was not selected. My friend says he was not selected because of an administrative decision/political reason. After several years, the department was in disarray. By then, my friend decided to retire. A few months after my friend retired, he received a call asking whether he would agree to come back to work. When he questioned why he was being asked to return, he was told that no one there really knew about the overall institutional plans and department history since those promoted and hired into certain jobs did not care about the department. My friend said he was not surprised at the answer.

My friend agreed to return to the department to straighten things out. My friend knew he would work there for a

limited time. But he thought that returning was in the best interest of the department for which he had worked for so long to leave things in a place where someone else would know the plan and its mission.

I thought how my friend’s situation was similar to the situation we face at EEOC. Reorganization is coming, we have many temporary employees. We have an expensive call center that tells callers to call field offices where we work despite the fact that the offices at which we work still do not have enough people to answer the phone or do the work. Despite the fact that we are throwing almost \$5 Million at the call center, it too has neither enough staff nor sufficient technology to handle calls. Even more dangerous - think about this - if someone can read a script and advise the public about their rights, or transfer a call to another office or at least take a bad message about what is needed, what will prevent EEOC from hiring more temporary employees to check boxes in a matrix to determine whether or not job discrimination has occurred? What prevents EEOC from sending all of our jobs to privatized centers? The greater the number of us who leave and provide “separation savings” for EEOC, the less anyone seems to be concerned about discrimination. The EEOC could spend more money on the underlying technology so privatized investigators and attorneys and hearings judges and

mediators can read scripts from the “Privatization Express”. Since technology does not have a “benefits” component and since it does not have a family and does not get sick, EEOC can ensure continued savings. EEOC’s path leads down the road to contracting out all of our jobs. Down that road, neither civil rights law enforcement nor having discrimination free workplaces is important.

EEOC seems to be more concerned about having a good record of dumping many cases each year in the name of case processing, than effectively adhering to EEOC’s original mission. We hire temporary employees, who really want a permanent career position and who are feeling duped into doing work at higher levels but getting paid as if they were doing lower level work. We have career employees who are leaving because they see no emphasis on investigating discrimination. Resources are so limited for our real work that litigating cases requires stringing cases along, to get enough money to litigate properly.

The picture at EEOC is a lot like what happened to my friend. We believe in our mission and we do our work. And who knows, we may get lucky like my friend. But by the time we get the call, will there be anything left for us to worry about saving?

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### *Local Reports*

#### **Local 2667**

No Report Submitted.

#### **Local 3230**

This local still has offices without directors. Now that the Chair has unleashed her reorganization plan, we have an inkling as to our fate. Will the reorganization plan also provide for permanent staff? Not likely! Presently, temporary employees, like many permanent employees, are required to work at higher grade levels for lower pay. Will the reorganization allow qualified employees to be promoted? Presently, qualified employees are in HQ limbo about their pending promotions. They have been recommended at other levels and these promotions languish in HQ with

no work, whether positive or negative, on their promotions.

The San Francisco District Office, designated a “Mega Office” in the Chair’s reorganization plan is now acquiring additional office space, including window offices. Joan Ehrlich, the Director indicated that none of the new window offices will go to Investigators. Once again, the Local will take up the challenge of fairness in failing to designate window offices for Investigators.

As the result of recent elections, Local 3230 has a number of new stewards to serve our offices. In Denver, Gayle Holiday previously served the local as the Treasurer. Gayle has been employed in

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Denver since the late 80s as an investigator.

In Albuquerque, we have Brenda Trujillo, an Investigator and a true fighter for justice.

In Phoenix, we have Charles Rahill. Charlie is a long term investigator who works mainly on systemic cases. Charlie previously served as a supervisor but decided to return to the ranks and fight for the people.

Deborah Kinzel, a long term Commission Investigator is still the steward in San Diego.

In Seattle, Valarie Johnson brings her experience to the steward position. This will be Valarie's second term as steward.

Elections in San Francisco are ongoing, but expected to be completed soon. In the meantime, the current steward, David Skillman, is a paralegal who serves as steward for both the San Francisco District and Los Angeles. David previously worked in Los Angeles and serves as the second vice president of the Local working with the stewards. David is working on a training and development program for the new stewards.

As for Los Angeles, we are working with AFGE to participate in one of their metro initiatives in order to work with employees there and do organizing in that office with an eye towards electing a steward.

Members of Local 3230 welcome our stewards, thank them for fighting on our behalf we look forward to working with them on the myriad of issues we face.

**Local 3504**

Local 3504 was busy the week preceding the scheduled May 16 Commission meeting. Our effort was to obtain the signatures of as many Senators as possible on the "sign-on" letter initiated by Senator Ted Kennedy. One vehicle for this was through the Local's Legislative Committee. There is at least one Legislative Committee member from each of the seven offic-

es that comprise Local 3504. Information was fed to the Legislative Committee. The Legislative Committee then acted as the conduit to pass on the information to bargaining unit members in each office. We are proud to report that out of the offices in six states and twelve Senators in the Local's jurisdiction, ten Senatorial offices were contacted. Members in each office took time to make calls urging their Senators to sign the Kennedy letter which was addressed to Chair Dominguez. Michael Davidson, Local 3504 President, made follow-up calls to each of the ten Senatorial offices. Janel Smith, Local 3504 Treasurer, assisted in making those calls. Janel is interested in becoming more involved with the legislative activities. The Local is looking to achieve an even higher level of member participation in future legislative actions.

Currently, there are two grievances pending. Both challenge the PAS ratings received for the previous performance period. One is at Step 3 awaiting a response; the other is at Step 2. Arbitration was recently invoked regarding Production Standards.

During the first week in May, President Davidson led the Labor-Management team in meeting with representatives of the EEOC.

Davidson and Stephanie Perkins, Local 3504 Delegate and Detroit Stewart, participated in the interviews for the Staff Development Enhancement Program (SDEP) in Detroit. This SDEP selection was for Support employees to intern to become Investigators. Perkins and Janel Smith participated in those interviews in the Milwaukee office.

The Milwaukee, Detroit and Ohio offices are directly and immediately (i.e. upon implementation) affected by the "Repositioning Plan" recently promulgated by the Chair. The Cincinnati area office continues to struggle due to loosing staff and

not having them replaced (not that this is unique to Cincinnati). Chicago District Office Director now has the additional responsibility for Milwaukee and Minneapolis as well as Chicago. Rumor is that the Detroit Director will be moved. That director is in charge of Cleveland and Cincinnati. Minneapolis got an Area Director in late December and there has been a corresponding dip in office morale in that office.

**Local 3599**

Our Local has been facing challenges to the telecommuter program. There are some offices where management has removed bargaining unit members from the program for reasons not related to their performance. Yes, we are challenging those office managers thru the grievance process. Another concern among the offices of Local 3599 is the additional duties that have been placed on the staff as a result of the Chair's practice of not filling any vacancies. The reports I am receiving from the offices is that the NCC has increased the amount of work. There is no report of any significant decrease in the amount of calls. The Greensboro NC local office was down to two investigators, and an IT before they were able to get an increased staffing level which consisted of a Term Investigator and a temporary OAA. Guess what? The Term Investigator worked less than a month. The office still has only two Investigators with a Supervisor from the Raleigh Area Office assisting the staff in their intake and investigative duties. The management team has been open to suggestions from the staff and the union on how to effectively work under such dire staffing conditions. I do not believe that Term appointments are the way to go for the EEOC. We have an aging staff and within the next 5 years the majority of the workforce can retire. Term appointments were not intended to be used as the official hiring authority for an agency which shall be challenged if the agency uses this authority exclusively. Using Term appointments by the EEOC does not permit the agency to attract, develop, and maintain staffing that can fill the future staffing needs.

The Local is also monitoring how offices are treating cases that were aged when they were transferred from one

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office to another. It is an issue when the receiving office holds the enforcement team accountable for the full age in the receiving office of the charge receipt. It is the Local's position that the accountability should be for staff age only. We are waiting to see what impact, if any, this may have on the Investigator's year end review. In some offices the Investigators are directed to work on the new aged inventory as a priority while their local customer base charge receipts are put on hold. Most of the charges that were transferred to the office were 100+ - 200+ days old before they were assigned to the Investigator. There appears to be no guidance on the transfer of enforcement cases

**National Council of EEOC  
Locals No. 216 Officers**

**Gabrielle Martin,  
President**

**Michael Davidson,  
1st Vice-President**

**Rachel H. Shonfield,  
2nd Vice-President**

**Levi Morrow,  
Treasurer**

**Danny Lawson,  
Secretary**

**Kathleen Harman,  
Executive Assistant  
to the President**

**Local Presidents**

**Regina Andrew  
Local 3614**

**Sharon Baker  
Local 3599**

**Ricardo Ceuvas  
Local 3555**

**Michael E. Davidson  
Local 3504**

**Johnnie Louis Johnson, III  
Local 2667**

**Gabrielle Martin  
Local 3230**

**Levi Morrow  
Local 3637**

**Joseph Wilson  
Local 3629**

between offices. Because an office decides to be a dumping ground for other offices this Local will not be idle when the dump impacts the bargaining unit employees.

The Local has encouraged the bargaining unit employees to review their mid year performance review and ask questions in writing regarding their concerns now and not at the end of the rating period. They are to ask for feedback and if they want an outstanding review ask what it would take to get there from where they are now. If an employee has been advised in their mid-year review that they have produced a low number of cause cases, merit resolutions, on-site visits, then ask the reviewer what is an acceptable number.

**Local 3614**

No Report Submitted

**Local 3629**

In December 2004, Local 3629 settled a grievance on Investigator performance standards (filed on behalf of all Investigators in St. Louis and Kansas City). As part of the settlement, Management agreed to extend the processing time goals for inquiries, and to no longer reference "charge to inquiry" ratio (how many charges are taken per inquiry assigned) on

any Investigator performance reviews or evaluations.

Local 3269 was pleased that the St. Louis District was selected in January 2005 as one of the six offices participating in the Staff Development Enhancement Program, in which one individual will be selected for an Investigator Intern position. However, we are still facing an on-going investigator shortage, which may be exacerbated by the Chair's reorganization plan that calls for the St. Louis District to assume jurisdiction over two additional states. Due to extreme staffing shortages in the Kansas City Area Office, Investigators there have had to rotate as Acting Supervisor for nearly a year now.

Long time union member, George Marteen, retired from his Investigator position in December 2004. We will all miss him!

**Local 3637**

Stress is a detrimental factor in the workforce because it robs the individual worker of all his/her potential to excel. Stress is triggered by outside influences which affect the brain to release the adrenalin and other related chemicals that prepare the entire body to fight or run from danger. Stressors, when prolonged, are the stress producing forces which reap their toll on the worker by depleting the resistance to disease, both physically and mentally. Who hasn't heard of the stressed employee who came one day with a weapon and shot up his workplace? Remember that diabetes can also be triggered by stress.

Stress can be relative, that is, it affects different individuals in different ways. Some workers can resist it more and may respond to chronic stress producing activities by simply ignoring them. This in itself can be negative, because the complete communication cycle between employee and management is not working completely. The worker is simply reacting passively, but in the process he or she is not paying attention to all that is going on. They go on a passive survival mode. It is like the ostrich that hides its head in the ground.

Still other workers get stimulated to do their best, even when they are angered by issues which are seen as negative

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and come from outside the agency. They think there is nothing they can do about them and simply use anger as their mode of defense. This can be counter productive. By being angry you tend to ignore other things that are going on around you. Everybody knows that the brain can only do one thing at a time, and being angry may interfere with the accomplishment of the mission and personal interactions both at work and at home. Most of all you can't contribute to good problem solving in regard to any changes that may occur.

Stress is one of the most detrimental causes of disease. It affects the workplace annually by producing much absenteeism and by attrition of the workforce. How many times have we seen the most experienced fellow employees retire

simply because they can no longer put up with what they see as unfair and unneeded stress? Change is eminent and can be tolerated, but when the change is not in the benefit of the mission, the worker, or even of the target population which we serve, it tends to be negative. It produces havoc in the workforce. Everybody is affected.

Picture four rings which are interrelated: One ring is stress, another ring is the mission, another ring is the employee, and the fourth is the Agency. Any thing which causes stress in the interconnected rings affects all the rings. As you can see, any change in any of the four rings affect the whole system, both negatively and positively. Good things produce general well being, while forces which are seen as negative affect the entire system by not allowing it to function smoothly - Every-

body hurts.

When we consider the changes that are being promulgated in EEOC, *and it is important to note that whether the changes are good or bad*, the stress that is being generated by these potential changes, is going to affect all four areas (circles) of the system. These are being interpreted by the members of the workforce and congressmen and other concerned agencies, and are bound to produce a high level of stress at all levels. Again, when an individual has given his life to the workplace because of personal dedication to certain ideals, any change or process may be seen as discomforting. There is a potential for more sickness, attrition, stress, inefficiency, and lack of trust in the workplace. Who suffers? We, the people of the Commission. **Good is relative and bad is relative. How is stress affecting you?**

## The Fight for Equal Rights

The U.S. Office of Personnel Management has long interpreted the Civil Service Reform Act of 1978 as prohibiting discrimination against federal employees or applicants based on their sexual orientation. In addition, on May 28, 1998, President Clinton amended Executive Order 11478, Equal Employment Opportunity in the Federal Government, to specifically prohibit discrimination based on sexual orientation in the federal government. A number of federal agencies also have their own policies and/or Collective Bargaining Agreement provisions which prohibit discrimination and harassment based on an individual's sexual orientation. However, the federal government continues to blatantly discriminate against gay and lesbian employees by denying them the same benefits and privileges that heterosexual federal employees are provided. Gay and lesbian federal employees do not have the right to a number of benefits for their same-sex partners that are provided to married heterosexual couples, including insurance benefits, various Social Security benefits, and tax benefits. Although legislation has been proposed by some members of Congress in the past (such as the Domestic Partners Benefits and Obligations Act) which would attempt to resolve

some of these inequities, no laws have yet been passed to end this wide-spread discrimination in the federal government. In addition, although a number of states and cities have added the basis of sexual orientation to their non-discrimination laws, there is still no federal law prohibiting discrimination based on an individual's sexual orientation. The Employment Non-Discrimination Act (ENDA), which would prohibit discrimination based on a person's sexual orientation, has been introduced in the U.S. Congress on several occasions in the past, but Congress has repeatedly failed to pass this important legislation. Therefore, it is legal in the majority of states to discriminate against gay and lesbian individuals in employment, housing, and public accommodations.

Gay and lesbian individuals have seen major advances in their civil rights over the last decade, including the 2003 U.S. Supreme Court ruling in *Lawrence vs. Texas*, which overturned discriminatory sodomy statutes which were still present in a number of states, and, also in 2003, the decision by the Massachusetts Supreme Court which finally recognized the rights of same-sex couples to equal marriage rights under state law. In addition, a number of states and cities have

passed laws adding sexual orientation to their state non-

discrimination laws and have expanded recognition of domestic partnerships and/or civil unions. Unfortunately, with any advances in civil rights, there is often a "backlash" by prejudiced individuals and groups who do not want to grant all citizens equal rights under the law. Over the last couple years, there has been a wave of hate-filled anti-gay proposals and amendments sweeping the country, including discriminatory state constitutional amendments which would ban same-sex marriage and/or any recognition of same-sex unions or relationships. On the federal level, there has also been a continuing campaign to enshrine discrimination in the U.S. Constitution by banning same-sex marriage. These unfortunate steps backward, however, will not prevent the on-going fight to grant full equality to all U.S. citizens.

*Joseph Wilson,  
Local 3629, St. Louis*



# Labor-management Meeting Whittled To One Day

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believing that less dialogue is better than more, pared the meeting to a single day. The National Council team was led by Michael Davidson, National Council 1st Vice President, and included Rachel Shonfield (Miami), Rhonda Ellison (Nashville) and Danny Lawson (Dallas). The Union team submitted about 15 agenda topics including Restructuring, the Call Center, the Budget, Telecommuting, Case transfers, Training, GS13 for Investigators, RESOLVE, and EEOC's Disability Process. The EEOC team submitted two agenda topics. The EEOC representatives were Joann Riggs, Sandra Hobson, Jim Lee, Colleen Jackson and Angelica Ibarguen.

Leonora Guarraia, EEOC's Chief Operating Officer, opened the meeting and took questions. With "Repositioning" rumored to be ready for unveiling, the Union had a series of questions that its team posed to Guarraia. Those questions included, "Are office closings on the table?", "Will the public have an opportunity to comment on the Plan?", "Will the Repositioning Plan be unveiled at the Director's meeting?". In most instances, Guarraia replied, "No comment!" Guarraia did make one telling admission, which presaged the agency's plan to try to vote on the plan without hearing from the public. This came when the Union asked if the public would have an opportunity to comment. Guarraia responded that the public has had "plenty of time to comment." But, with little or no information provided by the EEOC in the past three years with regards to the reorganization, what could the public comment on?

On other topics, Guarraia's information was equally terse: Asked about when a Federal Sector proposal would come out, Guarraia only stated that Commissioner Ishimuru was taking the lead. Guarraia added that hiring hinges on budget. With respect to some methods used by some offices in managing Federal Sector

cases, Guarraia said that managers were encouraged to take initiatives to control inventory (e.g. "Triage" in the Washington Field Office and phone hearings in San Antonio). While such means are not dictated by Headquarters, Guarraia expressed "hope it spreads throughout the Commission." Regarding hiring, Guarraia stated that the 100 promised positions had been hired. She stated that the positions are filled based on workload. However, as the agency shrinks offices and their functions, lack of workload for smaller offices will become a self-fulfilling prophecy.

The Labor-Management Council got a briefing from Ed Elkins, Project Manager for the Call Center, on the status of the Call Center. He reported statistics for the Call Center such as calls per week (8000); number of calls handled by the automated menu (Interactive Voice Response) (24%); and, the number of calls handled by Customer Service Representatives (CSRs) (76%). Elkins talked about the situation with EAS forms. They were wrestling with the problem of how to balance getting more information to field Investigators and avoid have CSRs make any type of assessment. Discussion covered issues that were still being worked on such as how EASs should be handled; the hours of operation relative to field offices in other time zones; whether phone capacity was adequate enough to handle the phone traffic; length of time of calls; problems with the contact between the Call Center and field office; and, the accuracy of the information provided

by CSRs. Elkins also noted that in the near future an "e-assessment" will be on EEOC's public web site. This will enable callers to fill out an EAS on-line and forward it to the payroll center and then routed to the appropriate field office.

Jeff Smith, Chief Financial Officer, provided budget information. He reviewed how EEOC's budget money was apportioned and informed the Labor-Management Council that EEOC is requesting \$331 million for the next budget year. This is the amount that EEOC received for the current budget year. (The EEOC had requested \$351 million for this year.) Smith pointed out that the major fixed expenses are workforce and office space. Smith stated that there would be no furloughs in '05. He explained that \$500,000 would be saved by the move that brought the Washington Field Office into the Headquarters building. Smith projected that EEOC would save \$4 million over a 4 year period "by no longer paying for office space we don't need" – a term Smith called "right-sizing" offices. To date, however, Smith noted that no offices have moved to cheaper space. He also noted some areas in which expenditures were increasing, e.g. the cost of security in Milwaukee jumped by 40% because there were fewer tenants in the building so EEOC's "share" of the cost of security increased. Smith also said that the agency was benefiting from "separation savings" i.e. saving money from not replacing departing staff. Smith's admitted that EEOC's staffing continues to decrease, despite the Congressional '05

budget language which states that staffing should not dip lower than 2004 levels.

Smith stated that EEOC's budget would only allow for the current level of employees. Smith also confirmed that GS14 promotions for administrative judges and trial attorneys were not being acted upon because of budget reasons.

The next Labor-Management Council meeting will be



# Legislative Action Pays Off: Restructuring Vote Canceled, More Work to be Done to Ensure that the Public is Heard

By Rachel H. Shonfield, Local 3599, Miami District Office

You know the old expression, “two heads are better than one”? It makes so much sense, it doesn’t seem like it would need explaining. That is unless you are part of the small cabal at the EEOC, who have been working behind closed doors concocting the restructuring “plan,” which was released on Tuesday May 10, 2005. The powers that be at the EEOC did not believe that the Union, Congress, Civil Rights groups or the public had anything useful to contribute when it came to a nationwide plan to restructure the agency. Instead the EEOC released its restructur-



*John Threlkeld, AFGE lobbyist. John has been of invaluable to the National Council in guiding us through our legislative efforts.*

ing plan on a Tuesday with the intent to vote on it less than week later on Monday May 16, 2005. Of course this shotgun schedule purposely made it impossible for the public to comment or for a hearing or town halls to take place.

Then on May 16, 2005, at 2:20 p.m., twenty minutes after the Commission was supposed to convene to vote on the restructuring, the EEOC canceled the meeting. So what derailed this speeding locomotive of a restructuring plan?

The power of the people stopped it, i.e., the very people that some in the EEOC administration didn’t even think needed to be heard from.

As an average employee at the EEOC, you probably have been with the agency for years. You care deeply about the EEOC’s historic mission. And you were probably feeling pretty powerless when you were summoned in for a conference call to tell you about the agency’s restructuring, which would be a done deal one week later. You were probably relieved and happy to hear that the agency postponed the vote. Well for anyone who thinks that this exciting development happened on its own, here’s a newsflash: legislative action is what stopped the vote.

After details of the restructuring plan and ridiculous schedule were released on May 10th, the National Council kicked into high gear. When you are under attack, you call your friends. The National Council got word to our friends at AFGE, particularly the Legislative and Womens/Fair Practices Department and on the Hill. Senator Ted Kennedy (D-MA) and Senator Barbara Mikulski (D-MD), who both hold leadership positions on EEOC oversight committees, spearheaded a letter for fellow Senators to sign, which called on EEOC to postpone its hearing and allow for public comment. The National Council got out action alerts to members and to the civil rights community to urge their Senators to sign onto the letter. Rep. Lois Capps (D-CA) started a similar letter in the House of Representatives, which was signed by thirty fellow Congresswomen. Democratic Labor Committee leaders sent their own letter, which was joined by Rep. Eleanor Holmes Norton, a former EEOC Chair. Chair Dominguez also heard from civil rights organizations such as the Leadership Conference on Civil Rights (LCCR) and the National Employment Lawyers Association (NELA).

These letters and your calls are what

made the difference. However, these letters, signed by so many members of Congress and civil rights organizations, could never have happened so quickly, if the National Council was starting from scratch. Instead, we had a database of contacts from visits made during the last three years of AFGE legislative conferences. The next step was having the people that these Congressional offices would really listen to call them. If for instance you want a Senator from Florida to sign on to a letter, who should call that Senator? A Floridian. That’s why each of you is such a valuable part of our legislative effort. You each have the ear of a different member of Congress.

So, now we enter the hard part of this journey. Getting the Commission to hold off on its vote was easy, compared with actually getting them to listen and incorporate reasonable changes into their plan. The Agency immediately announced that it still has “no plans to hold a public hearing.” Also, according to the Daily Labor Report, the EEOC, “characterized the reorganization proposal as ‘final,’ saying that it would not change before it receives a vote from the commission.”

All Union members must get involved to make sure that the Commission does listen. These are your jobs, your agency, your future. Contact your newspapers and tell them if your office is being downgraded. Call your Representative and Senators and tell them you’re concerned about the future of your EEOC office and that the EEOC needs to have a public hearing. The National Council is posting action faxes on the website, [www.council216.org](http://www.council216.org) to send, so get people in your office to sign on. If you have any contacts in the civil rights community, call them and tell them that EEOC’s restructuring is a threat to effective civil rights enforcement.

Use this time to speak out and influence what the final restructuring will look like. Do not wait to complain until there is already a plan in place.

# Shop With a Conscience Support Workers Rights

A number of local and national anti-sweatshop organizations have established a new national network - SweatFree Communities - to promote local Sweat-Free purchasing campaigns and to link them with efforts against local and global sweatshops. SweatFree Communities buy SweatFree and are SweatFree.

SweatFree Communities broadens the anti-sweatshop movement. It allows local activists to control the shape and timing of their own organizing efforts, which is important for building and maintaining local anti-sweatshop activism. As a local issue, a campaign offers possibilities for greater press coverage and public education than most leafleting-at-the-mall type actions. And because most localities include multiple entities that purchase apparel goods - for example, a city, its suburbs, its county,

the school district(s), the state - and may house many places where workers endure sweatshop conditions, one successful campaign can provide momentum for another.

SweatFree Communities is still in its early stages. Our primary functions are to serve as a point of communication and information among groups working on local-focused SweatFree initiatives, and to assist groups interested in starting such campaigns in their local areas. To get

shelves are stocked with goods made in sweatshops where workers labor in unsafe conditions and are paid wages so low they must struggle to feed and shelter their families. The aisles we shop are lined with products made in factories that exploit child labor and fire and harass workers when they try to improve their lives by forming unions.

The global economy has opened the American marketplace to goods from

## HEADLINES REFLECT STRUGGLES

- Ohio Domino's Pizza Drivers Union Election Scheduled for June 6 (5/05)
- California Lowes Workers Organizing (5/05)
- Workers are Taking Control in Venezuela (4/05)
- Student Clout Helps [Howard University] Workers Organize
- Stand Up for EEOC—You Might Need it (4/05)
- Labor Board Charges Starbucks with Multiple Violations (1/05)

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**Most clothing and footwear sold in this country are made under highly abusive conditions - in factories that can only be described as "sweatshops." Workers in these factories earn poverty wages for long hours of work while being denied the right to freely form or join unions. Apparel workers in the U.S. also face sweatshop conditions, as do workers in an increasing number of manufacturing and service industries and farm fields. In recent years, students, faith-based communities, trade unionists and others have worked to clean up these industries, often partnering with the sweatshop workers themselves. As part of this effort, anti-sweatshop groups have begun working to persuade local retailers, religious congregations, cities, counties, states and school districts to adopt SweatFree purchasing policies - an approach similar to United Students Against Sweatshops' work on college campuses.**

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further information or to join the network, contact Bjorn Claeson [bjorn@sweatfree.org, 207-262-7277].

Learn More and more, smart consumers are thinking about the people who make the products we buy and the conditions they work in. From the clothing we wear to the toys our children play with, store

countries that routinely allow abuse of working people, but some sweatshops thrive even in this country. The following links will help you learn more about sweatshops.

[www.behindthelabel.org](http://www.behindthelabel.org) or [www.sweathopwatch.org](http://www.sweathopwatch.org). -ed

"First they came for the Jews and I did not speak out because I was not Jewish. Then they came for the Communists and I did not speak out because I was not a Communist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for me and there was no one left to speak for me."

*Pastor Martin Niemolle*



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# Q & A—Exploring the Social Security Issue

*The following is reprinted from [www.aarp.org](http://www.aarp.org). There is a lot more on this site on this issue. -ed.*

**D**iverting money away from Social Security and into individual accounts is risky and involves trading some of today's inflation protected, lifetime guaranteed benefit for an account subject to market risk and not guaranteed to last a lifetime or keep pace with inflation. Inflation, market turns or loss of employment can mean that your private account may not have enough money to provide an adequate benefit.

Unfortunately, there is a lot of debate on the semantics rather than the substance. Essentially it doesn't matter if you call the concept "privatization," "personalization," or anything else—diverting Social Security revenues into individual accounts shifts risk to the individual and hurts the financial status of Social Security itself.

Q. How exactly do "carve-out" accounts hurt Social Security's finances?

A. Diverting money out of Social Security into individual accounts worsens Social Security's long-term financial health. Since current payroll taxes are used to pay benefits to beneficiaries, transferring money into individual accounts means that less money will be available to pay promised benefits. To avoid ma-

job benefit cuts, younger workers would have to pay twice—once to fund the new account and again to meet Social Security's current obligations.

Q. But isn't Social Security in financial trouble anyway?

A. Not for a long time. Social Security is projected to have enough assets to pay 100% of benefits until 2041. Even then, incoming revenues will be enough to pay more than 70% of benefits for decades to come. This isn't enough—we need to strengthen the system so that it remains strong for our children and grandchildren. And doing this will involve some hard choices. After all, there is no such thing as a "free lunch."

Q. Wouldn't these accounts give me control over my own money?

A. Personal control can be appealing. In reality, your investment choices would likely be limited, at least initially. For example the President's Commission to Strengthen Social Security, which proposed carve-out accounts, structured them so that workers had just a handful of investment options. This was done to keep the administrative costs down.

Q. Wouldn't I end up with more money for retirement if I could put my Social Security money into an individual account?

A. Maybe, but maybe not. Personal accounts come with a host of risks. The stock market goes down as well as up—and sometimes it stays down for quite awhile. Not every individual or every fund earns a lot of money; many have returns well below the average return. Administrative and management costs, much higher for individual investment accounts than for Social Security, would also reduce your balances. What happens if you have to retire when the market is down or choose investments that perform poorly?

In addition to the market costs and risks, you also would run the risk of outliving your retirement funds or seeing them depleted over time. Social Security offers a reliable benefit that increases every year to help meet rising costs of living. It doesn't matter if you live to be 70 or 107, you can't outlive your Social Security benefits. The government—not you—bears the risk of ensuring that Social Security benefits get paid.

Q. Does this mean I shouldn't invest money for retirement in the stock market?

A. Not at all. Social Security was never intended to be your only source of retirement income—just the safe, reliable piece of a smart retirement plan. Ideally, you should build on Social Security's base with a pension, an IRA, a 401(k) or other investments. When added to Social Security, these kinds of private investments help provide a more adequate retirement income.

Q. What should I look for in my elected officials' responses on Social Security?

A. Focus on substance, not semantics. It's not important whether you call individual accounts carved-out of Social Security "private accounts," personalization, or anything else. What really matters is the impact. You should ask the officials probing questions about how they want to strengthen Social Security. And be skeptical if they offer ideas that sound too good to be true.

Also see [www.aflcio.org](http://www.aflcio.org). Click on "issues" and "social security".

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## Wal-Mart

In a classic "If you don't play by my rules, I'm taking my ball and going



home." move, Wal-Mart recently announced the closing of its store in Saguenay, Quebec, Canada. Many companies are following suit and it is never good news. However, this Wal-Mart closing is particularly odious.

It is common knowledge that Wal-Mart, the world's largest retailer, has vigorously fought off efforts to unionize its stores. The United Food and Commercial Workers (UFCW) has led the charge but has, in all but a very few instances, not won elections to represent Wal-Mart employees.

The Saguenay Wal-Mart store was among the few where unionization was successful. Is this store's closing mere coincidence?

# Reorganization Puts EEOC's Existence In Question

*'Reorganization', from page 1*

it suddenly save money now? If one day EEOC offers an explanation of how it will save money, where will those savings go? What happened to the money since vacancies were not filled? And since EEOC can save no money, can EEOC tell us when it will begin shutting its doors.

Another question is why the Commission refuses to have a public hearing on its reorganization plan? A public hearing allows interested parties to attend and provides the opportunity for interested parties and the Commission to hear different views on the reorganization. It is disingenuous for the Commission to claim that people have had three years to comment on a reorganization plan that didn't exist until May 10, 2005.

Originally, The Commission was not planning to allow public comment in its May 16 "public" meeting. As if that insult alone does not tell the public that their views do not count and have no merit, once there was public and Congressional outcry, the Commission played games with its Commission meeting. Why is it that the Chair, the Vice-Chair and Commissioner Silverman did not come to the meeting to announce the decision to cancel that meeting? This demonstrated disregard for the members of the public and EEOC staff waiting in the meeting room. Were these Commissioners meeting before or during the time that the Federal Register announcement indicated there was a sunshine meeting? This is not the first time that the Chair has played fast and loose with the rules to try to push through her agenda.

Adding insult to injury, despite the pressure that led to the meeting cancellation, the Commission has still not committed to public comment at any rescheduled Commission meeting. Moreover, even assuming that public comment will be allowed at the rescheduled meeting, EEOC's Chief Operating Officer has publicly stated that there will be no changes to the Chair's reorganization plan. Why is the Commission unwilling to discuss office structure and

staffing levels? Is it because the Commission announced this reorganization plan as part of a three-part strategy to render us ineffective? In this second part of the plan, staff at the Commission's \$5M script-reading/answering machine call center will begin to take over much of the Commission's work. During the next month or so when the call center starts taking charges via the internet, is the Commission going to ensure that the offices have sufficient staff to operate? Or will the Commission actually staff the offices in such a way that they can justify closing them in the future? This certainly raises the question whether offices other than Field and District offices will do anything more than process charges. Will EEOC eventually transfer charge taking to the larger offices for investigations and other substantive work? Given that the call center is slated to start taking charges, why would EEOC keep these smaller offices open? EEOC needs to keep open both community offices that service individuals, as well as improve levels of service. What is the Commission's plan for addressing this?

What about the litigation program? Is the Commission planning to reduce litigation? If there will not be attorneys in offices other than District and Field offices, how will the Commission ensure that good litigation is developed? Will attorneys currently in downsized offices remain there? EEOC knows from experience that when files are shipped between offices, or offices have to wait until there is travel money to travel between offices, it is difficult to obtain legal advice or develop sound litigation. How will the Commission ensure that there are adequate funds to litigate cases? What happens to cases in offices impacted under the plan by having the jurisdictional boundaries rewritten? Is there money to protect this litigation?

And what about the federal sector programs? What happens to the hearings when offices are impacted by jurisdictional changes? Why will the employees in the Washington DC area be subjected to triaging of their cases while employees

in other parts of the country will not? Why is the Commission moving to virtual hearings via teleconference?

What of mediations and mediation contracts? The potential for impact and disruption is great. How will this be handled to avoid disruption?

Will EEOC be effective if this reorganization plan is implemented? This question is especially troubling in states where EEOC will change jurisdictional reporting. What of states without a FEPA? With FEPA agencies losing their effectiveness and funding, often, EEOC is the savior. What do people in those states have to look forward to in the way of enforcement of national employment civil rights laws?

EEOC's plan does not address staffing concerns that are causing caseloads and processing times to increase; does not explain how it will have more offices and staff and save money; and, will fracture reporting and add layers of bureaucracy in the field. EEOC's plan leaves those in need of service, out in the cold.

Given all the unanswered questions and the EEOC's reluctance to answer the questions about the reorganization plan, doom is the word of the day. Absent answers, it is impossible to determine whether the reorganization plan will enable EEOC to be an efficient, effective, visible or viable law enforcement agency. Instead, "doom" is the message EEOC sends us with its skeletal plan and its lack of candor and openness. The very existence of EEOC is in question.

What can we do now? As have done before with some success, we need to unite around this crucial public issue. Collectively and individually we can continue to urge our elected representatives, concerned organizations to which we belong and where we live, work and pray to ask for and demand answers. We can continue to ask questions in the name of serving the public we swore to protect. Most importantly, we need to continue to come together to fight and speak out.

# EEOC's National Call Center: Here's What You're Getting for \$5 Million Dollars



Since the national call center opened this February, the National Council has had an employee survey posted on the website: [www.council216.org](http://www.council216.org). The results speak for themselves:

## **Investigator in Norfolk:**

I had high hopes for the NCC but it's turned out to be nothing more than an "answering service."

## **Investigator in Detroit:**

Yesterday, we got a call from a Charging Party who had called the NCC—he was referred to the EEOC office in Ann Arbor, Michigan. The only problem is, the EEOC office is in Detroit and is the only EEOC office for the entire state of Michigan...The caller was quite irritated, as he had spent his entire morning driving around Ann Arbor trying to find the EEOC office!

## **Investigator in Charlotte:**

A potential CP came into our office who said that the NCC told him to contact us. He wanted to file because he was an ex-felon and felt that ex-felons were protected under Title VII. He said NCC told him that they did not know if ex-felons were covered!!!!

## **Investigator in Louisville:**

Date of violation indicated that the violation would occur in July 2005. It was really 2004 so timeliness was at issue. Had I relied on the information given jurisdiction could have been lost.

## **Investigator in Seattle:**

Business person called the 800 number seeking information about the ADA. The call center told him he needed to call his nearest EEOC office. He wanted brochures about the ADA. I mailed them to him.

## **Investigator in Minneapolis:**

I have received several calls from persons who do not work in Minnesota, but were referred to us instead of the Milwaukee office (for instance, persons that work and live in Iowa). This makes more work because we have to return the call, forward the questionnaire, and then forward the questionnaire to Milwaukee for processing.

## **Investigator in Honolulu:**

The money spent on the call center would have best been used to hire more investigators. This would have been the best way to reduce the inventory.

## **Investigator in Houston:**

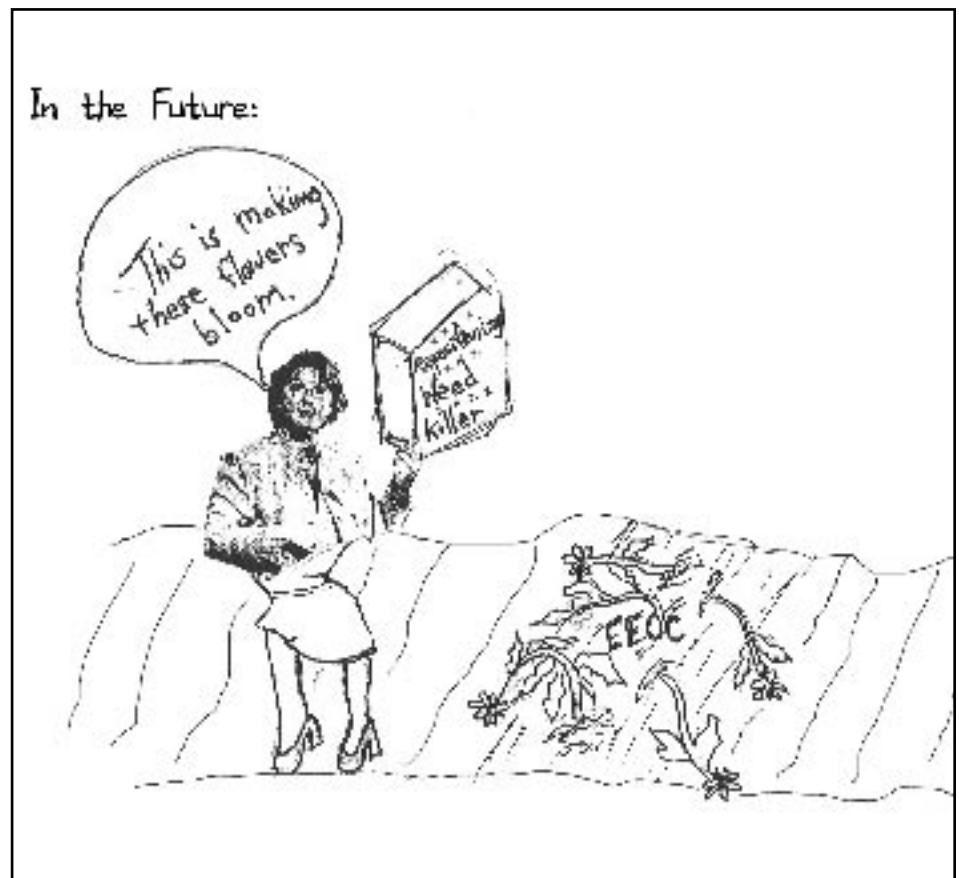
Had the NCC conducted a simple review of the cp's problem, they would

have determined that there was no need to initiate an incident report. Cp attempted to contact me via a number outside my area code and got the NCC. Her charge was only two weeks old and all she wanted was to acknowledge receipt of an assignment letter...I actually talked to the cp before I knew there was an incident report email generated.

## **Investigator in Atlanta:**

Dealing with the call center takes more time and more reporting than dealing directly with the public, and it takes time away from the actual processing of the cases.

Your input is important. Please continue to fill out the survey at [www.council216.org](http://www.council216.org).



# EEOC Eyes Taking Away Overtime Pay Eligibility

By Michael E. Davidson, Local 3504, Chicago

The Fair Labor Standards Act (FLSA), 29 U.S.C. 201, et seq., among other things, sets the standard for whether employees are eligible to earn overtime pay, such as it is. The EEOC has hired consultants Gene Rouleau & Associates (GRA) to make a recommendation to the EEOC as to whether Investigators and Mediators should be “exempt” from the overtime provisions of the FLSA. Exempt employees are not eligible for overtime pay. This change in the designation of Investigators and Mediators from “non-Exempt” to “Exempt” under the FLSA would eliminate a problem for the EEOC.

**The Council was told by EEOC management that unless or until EEOC was planning to implement this change, they need not share information with the Council.**

It is general knowledge that many EEOC Investigators and Mediators commonly work beyond their tours of duty. Most often they are not compensated for it. Commonly, supervisors are aware that these employees are working this overtime but do little or nothing to discourage this practice for their own reasons. By turning a deaf ear to the practice, EEOC is susceptible to having to pay overtime pay because the supervisor “suffered and permitted” the employee from working the overtime. It has been the subject of grievances and arbitration. If Investigators and Mediators became “Exempt” under the FLSA, that problem disappears for EEOC.

GRA initially reviewed the Position Descriptions (PDs) for Investigators and Mediators. GRA next will conduct desk audits by interviewing two Investigators, two Mediators and an ADR Coordinator. Based upon GRA’s findings, they will make a recommendation to the EEOC. EEOC has not shared much detail with the National Council of EEOC Locals, No. 216. The Council was told by EEOC management that unless or until EEOC

was planning to implement this change, they need not share information with the Council. This issue should not be confused with the attempt to achieve a GS13 level for Investigators.

The Investigators and Mediators who have been or will be interviewed will undoubtedly be asked questions to elicit what they do, how often they do it and about supervisory controls, among other things.

This effort raises questions: Is EEOC’s rationale for this change a money saving measure? By changing the FLSA status to “Exempt”, EEOC would have absolutely no obligation to pay overtime. Not only would this be a potential money saver, but there would be *nothing* to stop supervisors from pressuring employees to work longer hours. Would any savings from this or by other means—such as those accrued from retirements—be put into hiring? Probably not! Longer hours without additional pay—and no protection—would become a way of life at EEOC.

EEOC is right is step with the times by attacking another benefit of federal employees.

## Court Complaint Filed v. EEOC

On Friday, May 20, 2005, the AFGE, acting on behalf of the National Council of EEOC Locals, No. 216, filed a complaint in federal court against the EEOC and Chair, Cari Dominguez. The complaint alleges that the Chair of the EEOC had violated statues and regulations governing proper notice for public meetings. The alleged violation at issue, concerned the Commission meeting of March 24, 2005 where less that the required one week notice was provided. A copy of the Complaint can be obtained on the National Council’s website, [www.council216.org](http://www.council216.org).

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