

EEOC: FIVE YEARS OF FLAT FUNDING HAVE TAKEN THEIR TOLL:
Staff Shortages Have Caused Sky-High Backlogs, Which Undermine Civil Rights Enforcement

Workers Continue to Suffer Discrimination as their Cases Are Buried in EEOC's Backlog: EEOC ended FY07 with a 54,970 case backlog, EEOC's highest backlog since at least 1998. EEOC anticipates that the backlog will grow to over 100,000 by 2010 and over 200,000 by 2015. Meanwhile, discrimination victims wait on average over 6 months for EEOC to process their cases.

Fewer Frontline Staff Means Less Help for the Public: EEOC has lost 25% of its workforce since 2001. EEOC is the smallest it has been since at least 1980. According to EEOC Chair Earp, most of the losses have been to the frontline, including investigators, attorneys, and support staff. Investigators struggle to keep up with caseloads as high as 250 cases. With no support staff, professional staff must do their own clerical work. Limited resources, including broken copy machines, lack of office supplies, and tight travel funds, also delay case processing.

Failure to Plan for the Call Center Transition Could Leave Callers on Hold: Congressional pressure led to EEOC finally voting in July 2007 to end its failed experiment to outsource calls from the public to a contract call center. However, EEOC failed to plan ahead. Even though the contract ended in December 2007, EEOC still has not hired permanent in-house staff. As a result, EEOC's website states: "If you have trouble reaching us, we apologize and appreciate your patience." If the in-house call center simply clones the contract center, the same problems will exist.

Restructuring Has Not Helped Provide Better Service To The Public: In 2006, EEOC implemented a controversial field restructuring, which downsized twelve offices, the majority in cities with high-minority populations. Instead of increasing efficiencies, backlogs and processing times got worse. The restructuring also failed to implement a 10 to 1 employee to supervisor ratio, to flatten the agency. Any HQ restructuring should add resources to the field to reduce the backlog.

Federal Employees Face Logjams: A new pilot program transfers Federal sector cases to offices with no jurisdictional connection to the complaints, in order to make up for staffing gaps. Appeals are backlogged in Washington. Another proposal to initially route cases away from local offices to a central location would result in delays and an additional bureaucratic layer. While yet another proposal would circumvent a Federal employee's right to discovery and a hearing.

What Congress can do to eliminate EEOC's backlog and improve services to constituents:

- Support the \$50M increase for EEOC, included in the bipartisan FY08 Senate CJS Apps. Bill (Senate Report 110-124), to eliminate the backlog and replenish frontline resources.
 - *The FY08 House CJS Apps. Bill recommended a \$5M increase. Historically EEOC has not sought budget increases. For, FY09 EEOC finally requested a \$12.6M increase. Unfortunately, each of these increases is less than 4% so cannot overcome years of neglect.*
- For FY09, maintain FY08 Omnibus Bill language (House Report 110-497) requiring oversight by the House & Senate Appropriations Committees of any EEOC restructuring;
- For FY08, make EEOC hire frontline staff and stop sitting on 200 slots (EEOC ended FY07 with 2,158 FTE's, despite approval for 2,361 FTE's for FY07 and FY08);
- Oversee the transition of EEOC's failed privatized call center back to field offices;
- Require EEOC to comply with the regulatory process, including posting a notice in the *Federal Register*, before proceeding with reforms to the Federal Sector EEO process.

What the press is saying about EEOC's meltdown:

"Dwindling oversight," *Orlando Sentinel*, 1/16/08

"EEOC's Staffing Shortfalls," *cyberFEDS*, 1/10/08

"Report: EEOC Crippled by Staffing Reductions and Stagnant HR," *SHRM*, 1/3/08

"Staff shortages lead to EEOC backlog, lawmakers told," *Federal Times*, 3/26/07

What EEOC's own Inspector General is saying:

"The Agency is challenged in accomplishing its mission of promoting equality of opportunity in the workforce and enforcing Federal laws prohibiting employment discrimination due to a reduced workforce and an increasing backlog of pending cases."

U.S. EEOC Office of Inspector General Semiannual Report to Congress, p. 8
4/1/04-9/30/07

What Congressional Overseers are saying:

House CJS Appropriations Subcommittee Chairman Alan Mollohan:

"Insufficient budget and staffing resources have caused a dramatic increase in the backlog of pending cases." *Federal Times*, 3/26/07

Senate CJS Appropriations Subcommittee Chairwoman Barbara Mikulski:

"The EEOC's restructuring was supposed to improve customer service and keep costs down. Yet I am concerned these decisions have compromised the agency's ability to fulfill its mandate and adequately address the rising number of charges filed with the commission," said Senator Mikulski."

Senator Barbara Mikulski Press Release, 5/11/07