

**NATIONAL COUNCIL OF EEOC LOCALS, NO. 216
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL/CIO**

Gabrielle Martin, National President, 303 E. 17th Ave., Suite 410, Denver, CO 80203,
Telephone 303-866-1337, Facsimile 303-866-1900
www.council216.org



A REVITALIZED EEOC CAN HELP KEEP AMERICA ON THE JOB!

As the nation struggles towards an economic recovery it will be critical for a revitalized EEOC to ensure a level playing field for employees and job applicants.

Record High Charge Receipts in 2008 and Rock-Bottom EEOC Staffing Delay Help:

In FY08, EEOC received 95,402 charges of discrimination, the greatest number in its history. Filings will continue to rise due to higher unemployment and with enforcement of new GINA and ADAAA laws. Thus, a larger number of your constituents will be seeking assistance from EEOC. However, since 2001, EEOC has lost 25% of its workforce. Fewer EEOC frontline employees available to process more work means the public waits, on average, 229 days for help.

EEOC's Giant Backlog Must Be Cleared to Help Workers in Today's Job Market:

The mushrooming backlog of 73,941 cases is the result of inadequate staffing and represents a 35% jump just since last year. Justice delayed is justice denied for workers trapped in the backlog. The public needs assistance in real time from the EEOC.

Improve the New In-House Call Center to Provide More Substantive Assistance to Callers:

In the 1/27/09 *Daily Labor Report*, former EEOC Chair Earp admits to making EEOC's new in-house call center "a complete mirror of what we had at the outsourced center," despite Congress shutting down that failure in '07. EEOC should strive for an improved customer oriented in-house call center, which must have adequate staff, who with appropriate training can provide substantive help to callers and process the flood of new mail-in and online (EAS) intake questionnaires.

Changes Affecting Federal Workers Should Maintain Rights and Improve Service:

A recent Federal sector reorganization proposal would add additional layers of management at the cost of front line positions. Federal employees' rights to discovery and hearings in Federal EEO cases must be maintained in any reorganization or retooling efforts.

What Congress can do to revitalize EEOC to help constituents stay on the job:

- Support increasing EEOC's FY10 budget to \$378M, the amount originally called for in the FY08 Senate CJS Apps. Bill (Senate Report 110-124). This funding is needed now more than ever for backlog reduction and to support enforcement of new GINA and ADAAA laws;
 - For FY10, raise EEOC's staff ceiling to 3,000 FTE's, i.e., the same level as FY94, the last time charge receipts were close to FY08's record high;
 - For FY10, maintain bill language requiring oversight by the House & Senate Appropriations Committees of any EEOC reorganization, including any reorganization of Headquarters;
 - For FY09, make EEOC stop sitting on unfilled slots and hire frontline staff up to approved ceiling of 2,554 (EEOC ended FY08 with 2,174 FTE's, despite approval for 2,381 FTE's);
 - Require EEOC to follow through with a study of "hiring higher credentialed employees for the call intake function, which might provide more substantive assistance to callers and resolve a greater number of calls at the first point of contact." (House Report 110-919);
 - Make EEOC keep its promise that the 2006 field restructuring would reduce supervisor to employee ratio to 1:10. Redeployed supervisors can help the frontline without added cost;
 - Require EEOC to comply with the regulatory process, including posting a notice in the *Federal Register*, before implementing reforms to the Federal Sector EEO process.
- Any Federal sector reorganization should be vetted through an EEOC vote and Congress.

Newspapers say EEOC's Condition is Critical:

“EEOC Confronts Growing Backlog, Dwindling Staff,” *Washington Post*, 2/3/09

“Perhaps not surprisingly, then-EEOC Chair Naomi Earp and an EEOC employees union president delivered strikingly similar messages to President Obama's transition team: The commission needs more resources to handle an expanding caseload and continue effectively enforcing federal antidiscrimination laws.” *Daily Labor Report*, 1/27/09

“EEOC is under severe resource constraints,’ one EEOC official told *cyberFEDS*,” 1/19/09

“EEOC Charges Climbed to Record High in FY08,” *Daily Labor Report*, 11/14/08

“EEOC Scales Back Goal For Clearing Discrimination Cases,” *Federal Times*, 8/5/08

“EEOC Cases Up, Staff Down,” *Federal Daily*, 3/13/08



Surveys Say EEOC Needs More Employees to Help the Public:

***Equal Employment Opportunity Commission: Customer Satisfaction Survey, September 2008
Comments submitted by members of the public who have contacted EEOC:***

“I have not gotten any answers because they are backlogged.”

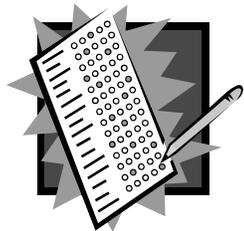
“Do more hiring to accommodate the volume of calls.”

“Give them a smaller caseload so they can call back their charging parties. Larger staff.”

“[T]hey need more staff to get these things done faster, it’s been 10 months.”

“I do not feel that they are acting on it and I am being harassed at work.”

“My suggestion would be the EEOC needs more workers.”



EEOC's Union: Workplace Issues Survey, January 2009

Comments and results submitted by employees of the EEOC:

According to 92% of EEOC employees completing the survey, the number of frontline employees in their offices is either “inadequate” or “so low it’s a crisis.”

“The office needs more front-line personnel, especially ISAs [Investigative Support Assistants] and investigators, in order to handle the work load.”

“With respect to the legal unit, we need more support staff. We have too many cases and not enough paralegals and no legal tech to provide support for our litigation.”

“Replacing employees as they leave or to address shortages would improve office morale.”

“We are doing a great disservice to both the public and [this field office’s] staff by not staffing the office properly to meet workload demands.”

“The EAS [online questionnaire] system was implemented without an increase in staff to process the huge volume which is being received.”

“Get us help.”