216 WORKS

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National Council Attends AFGE Legislative Conference, Storms Hill–Now It's Your Turn!

By Rachel H. Shonfield, Local 3599

Your raise. The cost of your health insurance. Contracting out your job. EEOC furloughs.

Did I catch your attention? Are these things that concern you? Representatives from virtually every EEOC Local, along with approximately 1000 other federal union members, attended a February AFGE legislative conference in D.C. This article tells you about the conference, briefs you on the issues affecting federal workers, and lets you know how we can begin to mobilize and see some results from Washington.

The American Federation of Government Employees (AFGE) is the largest federal employee union representing 600,000 federal and D.C. government workers nationwide and overseas. Demonstrating that there is power in numbers, several members of Congress took time out of their schedules to address AFGE's conference. AFGE President Bobby Harnage introduced Senator Susan Collins (R-Maine), in her first public speech as Chair of the Senate Governmental Affairs Committee. Harnage praised Collins, saying that when confronted with legislation that impacts federal employees the Senator calls to see "where AFGE is on this?" Senator Ted Kennedy (D-Mass.), gave a passionate speech on the dangers of large scale contracting out of the federal workforce. The EEOC contingent attended a Civil Rights Luncheon, where the keynote speaker, Arthur Davis (D-Ala.), spoke about health care, education, and jobs, challenging the administration to turn empty rhetoric into reality. A cadre of other elected officials greeted us at a reception in the Rayburn House Office Building.

National Council Delegate Rachel Schonfield of the Miami District Office meets with Rep. Ileana Ros-lehtinen (R-18th).

Of course, we also heard from AFGE leadership, who addressed the standing-room-only audience about the Union's legislative efforts and victories this past year and the important legislation on the horizon. *First*, did you know that all federal jobs are now "presumed commercial," thus subject to privatization? AFGE is fighting for "TRAC" legislation, which provides checks and balances to wholesale privatization quotas, by fighting for workers to be able to compete for their own jobs and requiring costs/benefits analyses to determine if contracting out is even a cheaper solution. *On another front*, in both FY 2003 and FY 2004, the administration proposed only a 2% salary adjustment, with money set aside for additional raises at management's discretion. AFGE believes in pay parity, i.e., providing the same percent salary increase (not necessarily the same salaries) for the civilian and military workforce. This past year we won the legislative battle, with the omnibus budget authorizing 4.1% for raises. The battle for next year is going on right now. *Finally*, did you notice how much your health premiums went up this year? Whereas in large unionized private firms the employer pays between 90-100% of premiums, the government only pays on average only 72%. AFGE is supporting Congressional efforts by Rep. Hoyer (D-MD.) for agencies to pay 80-83%.

Hon. Ted Kennedy, D-MA spoke to Delegates at the AFGE Legislative Conference

Conference participants then put our knowledge to action and stormed the Hill. Whether in the hallways, the cafeteria, or the representatives' offices the AFGE presence could be spotted everywhere, with attendees carrying their materials in brightly colored AFGE canvas briefcases, which we received at registration. The

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AFGE Fighting for TRAC Legislation, Pay Parity and Health Insurance Premiums

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EEOC delegation also carried with them a position paper we wrote, which spelled out specifically what Congress could do to help the agency, such as: avoiding furloughs by providing EEOC with its requested supplemental budget; maintaining the EEO hearings process; updating our technology; increasing staffing levels; and remaining accessible to constituents by preserving our office space. We delivered the position paper to representatives and senators from states in our Locals. We personally met with staffers from several offices, including House Minority Leader, Nancy Pelosi, and Senate Minority Leader, Tom Daschle. We also spoke with offices on the other side of the aisle, including Ileana Ros-Lehtinen (R-FL) and Henry Hyde (R-IL). Finally, we crisscrossed the Hill, making contacts in offices which have oversight or appropriations authority over the EEOC.

This was a great start, but now we need to show our muscle by getting union members involved in each office. This is because elected representatives listen most (if not only) to those who can elect them, i.e., their local constituents. Therefore, we cannot have one person writing all of our letters out of one state and expect any results. We need local pressure on representatives from each state. Most importantly, we have to establish our presence with the chairs of the committees and subcommittees, which deal with federal worker issues in general and EEOC issues in particular. For instance, Frank R. Wolfe, (R-Va), is the Chair of the House Appropriations Subcommittee that oversees EEOC. This man controls our budget. Calling our Union members in Virginia! We need your help to get Congressman Wolfe's ear.

But you're probably saying, I don't know what to say to Congressman Wolfe or my own representative, what can I do? On the National Council's website (www.council216.org) we have posted the EEOC's position paper. You can download it and tailor it to address your local issues. DO NOT DOWNLOAD OR DO ANY OTHER LEGISLATIVE ACTIVITY ON GOVERNMENT EQUIPMENT. Then mail it to your representative. You can find out who your elected representatives are and their contact information by visiting www.AFGE.org and log into the members only site (contact your steward if you are unable to access this). Then go to "legislation and political action."

How else can you keep informed of pressing issues? Go to www.AFGE.org, click on news, then sign up for "AFGE Action News." Only 3,000 out of 200,000 union members receive these weekly updates. This is a great way to learn information before your managers. The e-mail updates usually come with a link to AFGE's website. Once there, you will be asked if you would like to contact your representative about the posted information. By plugging in your zip code, pictures of all your representatives will appear. Then you can click a button and send an already drafted letter to all your representatives. It's that easy to make a difference!

The most influential method of communicating with your representatives is to make an appointment with that person or his/her staffer. You don't need to go to D.C.—representatives maintain local offices. ONLY VISIT WHEN YOU ARE ON ANNUAL LEAVE OR YOUR DAY OFF. Once the Union learns of any specific offices targeted for closure or a move to an unaccessible area, our best recourse may be to get the representative, whose district the office is in, to exert some influence. Let the representative know how a closure or a move will affect employees and most importantly the district's constituents, who will no longer have easy access to defending their civil rights.

AFGE National President, Bobby Harnageat the AFGE Legislative Conference held in February in Washington, DC

The National Council will be exploring the idea of having simultaneous informational pickets, where we prepare literature and inform the public and the press about our concerns. This will be done at the beginning and end of the day—NOT ON DUTY TIME. Perhaps we can get the assistance of other AFGE Unions, if our issues include broader concerns regarding federal worker issues.

Finally, we learned at the conference that there are strict limits on using union dues to help elect candidates, who are friendly to our issues. Instead, these activities are funded through AFGE PAC. Becoming a PAC member can be done for as little as $1 a pay period. Consider joining, especially, if realistically you do not see yourself getting involved in legislative action. A strong AFGE PAC at least means that there are people out there working to represent your interests. You can sign up by clicking on "AFGE PAC," which is found under "legislation and political action" at www.AFGE.org.

The National Council is committed to emphasizing legislative action as another tool in our pursuit of making EEOC truly a model workplace. Look for an ongoing column on legislative news and sign up for AFGE Action News to stay informed!

National Council Meets, Grapples with Issues

The National Council of EEOC Locals, No. 216 (the Council) met in Denver, Colorado on April 5 and 6. It discussed a litany of topics, many of which could prove to have tremendous impact on the Agency and its bargaining unit employees.

National Council Members working on a strategic plan.

After the Financial and Negotiations report from Levi Morrow, Council Treasurer and Chief Negotiator, the minutes from the previous meeting were discussed and approved. Gabrielle Martin, Council President, then presented her report. Martin's report touched on many "hot button" issues such as furloughs, telecommuting, the GS13 for Investigators, the status of Memorandum of Understandings (MOUs) on Telecommuting and Flexible/ Compressed Work Schedules (See Article, p. ?) around the country, and NAPA related issues. Those issues included the Call Center, Agency and Office restructuring, loss of bargaining unit jobs, telecommuting, training and awards. Sunday, the concluding day of the Council meeting, was devoted to updating the Council's Strategic Plan and, in particular, fashioning a plan of attack on the NAPA report issues which are ill-prepared and benefit neither the Agency, its employees nor the public. The Council was unanimous in its unified determination to put its multi-pronged plan into action. Some of that has already begun through the Council's challenge to the FAIR INVENTORY (EEOC's listing of jobs it believes could be contracted out), the Council's response to the NAPA report and in the Council's requests for information already submitted.

Council members were in agreement that the NAPA report was not well prepared and unnecessary because the EEOC was not broken. Rather, the Council viewed the major impediment coming from Headquarters, office management and President Bush's Management Agenda (MA). Moreover, the various Council members agreed that the current EEOC administration is distinguishable from previous EEOC administrations particularly in its failure to communicate with its employees, the Council and the Council's member Locals.

The Council adjourned vowing to wage war and fight the necessary battles. Bargaining unit employees can expect to be seeing and hearing of the Council's plans. In fact, bargaining unit employees must play an active role in the upcoming battles.

Subscribe to Action News

Action News will be an invaluable tool for bargaining unit members as we start to get involved with contacting Congressional Representatives. It is run by the American Federation of Government Employees (AFGE). Subscribing is easy: simply go the to AFGE website (**www.afge.org**) and click on the Action News icon. It is recommended that you subscribe on a home computer. Action News give up to the minute information on what issues are pending. It makes it a click away to find out who your representatives are, send them a letter; or send a letter to virtually any publication across the nation. Our representatives pay attention to their constituents. Our bargaining unit members need to become involved and make their voices heard. ***Subscribing is free. Do it today!***

Visit The National Council's Website: www.council216.org

IMS – The Jury Is In!

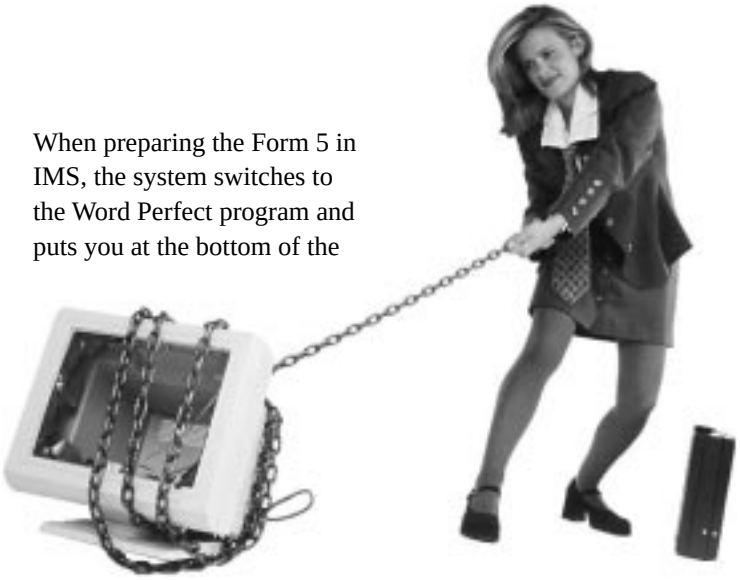
Last year, at the end of contract negotiations, the Union's Negotiating Team was invited to a demonstration of the EEOC's latest technology blessing – the IMS or Integrated Mission System. Members happily reported that within a few months, EEOC would pilot IMS and the problems of CDS no longer would plague us. We would have forms in word perfect. We would have a better product because we would be able to spell check the work more carefully and employees would have better formatting options. Late that summer, IMS was introduced to a few offices as a pilot program. Baltimore and Richmond were first in the torture chamber.

The results of the pilot program were disappointingly reported to HQ. Chief among the complaints continues to be that the system is slow, that the system locks up while working, that printing often causes the system to lock up, that printing a charge now increases the potential charging party's wait time, that the IMS does not deal with the FEPA charges, so that information has to be recreated when the FEPA files are received, and IMS it is not very user friendly. In fact, in order to complete a charge, the system uses four programs – IMS, IMS Reports, Word Perfect and Acrobat reader. While using multiple programs generally is not problematic, it stinks! And the best part – once your office is trained on IMS, you can no longer access the CDS system.

Despite having reported those issues to Headquarters, EEOC continues to implement the program. Once an office has been on line with the system and reported enough problems, relief comes –typically in the form of additional memory. The problem with that approach is that everyone must suffer and become very frustrated. This frustration could be avoided if additional memory were to be provided prior to implementation in any office. Why would EEOC continue to roll out IMS without sufficient memory and without ensuring that the available equipment in an office is adequate to handle the multitude of problems employees will encounter? Do we have a systematic program, or are we just checking a line on our "To Do" list?

In both Dallas and Denver, the system locked up during training, causing staff to wait long periods of time for training, and unnecessarily raising the anxiety level that accompanies learning new tasks. Additional problems with IMS include the small screen size which causes one to have to make adjustments. In addition, the date format is awkward, and certain data must be entered more than once. Respondent information does not transfer between IMS and the Form 131. In other cases, data must be entered and then erased before the system will allow you to move on.

When preparing the Form 5 in IMS, the system switches to the Word Perfect program and puts you at the bottom of the form. The earliest dates of harm do not track between IMS and the Form 5.



If you must print charge summaries, you must use the horribly slow IMS Report program which guarantees a long wait, somewhere in the neighborhood of 20 minutes. Acrobat Reader or something needs lot of work if it is to be compatible with IMS at EEOC. In the end, the employees are frustrated and the charging parties wait longer, and the IMS jury says "THUMBS DOWN!!"

World Bank Study: Unions Can Boost Economies

Based upon an article in the Daily Labor Report.

Having a large number of workers represented by labor unions tends to have a stabilizing and beneficial effect on a country's economy, and can prevent disruption to national life, according to a report released February 12 by the World Bank The report, *Unions and Collective Bargaining": Economic Effects in a Global Environment*, said that workers in both rich and poor countries who belong to unions earn more, work fewer hours, are better trained, and have more tenure than their nonunion counterparts. The report goes on to say that while layoffs tend to occur more often in unionized companies, at a macroeconomic level, countries with high unionization rates tend to have higher productivity, less pay inequality, and lower unemployment and inflation rates. World Bank officials said the data indicates unions can play a key role in countries' economic success.

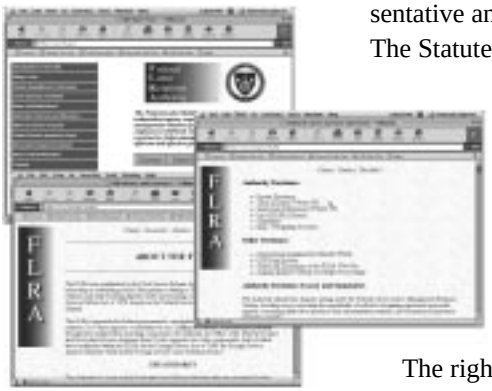
See the February 13, 2003 DLR article.

I wonder if Bush or Dominguez have read this report. -ed

Prying Open the Lines Of Communications

By Kathleen Harmon

A common problem experienced by many Locals is management's failure to recognize their obligations with respect to Union representational rights at meetings between management and bargaining unit employees. The Union's rights are provided for by provisions under both the Collective Bargaining Agreement (CBA) between the



Equal Employment Opportunity Commission and the National Council of EEOC Locals, No. 216, and the Federal Service Labor Management Relations Statute.

Unions have a right to represent employees at various meetings with Agency officials. Agency officials have a corresponding obligation to allow the Union an opportunity to represent employees in these meetings. Meetings between one or more bargaining unit employee and one or more agency official concerning any grievance or personnel policy or practice or other general conditions of employment, constitute a formal discussion. A meeting is synonymous with a discussion. Even if a meeting is for the sole purpose of making a statement or announcement, rather than for discussion or an exchange of dialogue, it is considered a formal discussion and the Union must be given an opportunity to represent bargaining unit employees.

The Federal Service Labor Management Relations Statute (the Statute) requires prior notification of the Union so that the Union has the opportunity to choose its own representative and to be represented. The Statute grants the Union the right to be present at a formal discussion in order to represent the institutional interests of the exclusive representative.

The right to represent encompasses the opportunity to speak, comment and make statements.

(Of course, the Union clearly understands that this right does not extend to taking charge of or disrupting the meeting.) According to the Federal Labor Relations Authority (FLRA), if the Union does not receive sufficient formal notice to choose its own representative then it does not constitute prior notification as required by the Statute.

In certain situations, an agency must deal only with the Union and the Agency may not deal with employees directly. According to the FLRA, the Union can insist that the Agency only deal with it. The failure of an agency to deal only with the Union under these circumstances is a bypass and an unfair labor practice.

When the Union files a grievance on behalf of an employee, the Agency is required to deal only with the Union over all matters pertaining to that grievance. Any dealings with the employee in the absence of the Union would be a bypass of the Union, as well as a formal discussion violation. If an employee elects to file a grievance on his/her own behalf, the Union would not be the representative of the employee for the purpose of the grievance, but must still be afforded the opportunity to be present during the processing of the grievance.

In many instances, the Union is not being given formal, advance notice of meetings; is not being given the opportunity to be present and to represent bargaining unit employees. Formal discussions and meeting are taking place between Agency officials and bargaining unit employees without the requisite advance notice. Directives are being issued changing past practices without giving the Union notice and the opportunity to consult. Despite employee designation of the Union, Agency officials have chosen to deal directly with the employee, bypassing the Union. Bypassing the Union and directly notifying employees of changes in working condition or unilaterally changing an established past practice, absent a clear and unmistakable waiver of bargaining rights, is an unfair labor practice. All of these actions are grounds for the Union to file Unfair Labor Practice Charges with the Federal Labor Relations Authority.

Both Management and the Union have an obligation to exercise their respective rights and responsibilities to promote a harmonious workplace. This cannot be accomplished without direct communication.

(Check out FLRA's website www.flra.gov for a lot more useful information.).

For related information, see article AFGE Victory. -ed

FYI

Article 6.12: In keeping with the spirit of Public Employee Recognition during the month of May, managers and Local UNION officials are encouraged to recognize the achievements of our workforce.

The EMPLOYER will make available a room at all of its facilities for use by the UNION to conduct recognition activities. Additionally, the EMPLOYER will provide all bargaining unit employees with one (1) hour of administrative leave to participate in organized recognition activities.

Micro-Management Around the EEOC

By Kathleen Harmon

In the last issue of ***216 WORKS*** Victoria Mackey, 2nd VP/Steward, Local 3599 described the system of micro-management in the Charlotte District and raised concerns that micro-management jeopardizes the potential of investigators being upgraded to GS-13.

On March 25, 2003, the Office of Personnel Management issued results of a survey of the federal workforce. The 2002 Federal Human Capital Survey with 100 questions went to 200,000 federal workers during the summer of 2002. One of the areas federal employees were asked about was workforce management.

Overall, federal workers gave their managers low marks. Only a third of the survey respondents agreed that their organizations' leaders motivate and gain the commitment of the workforce. We are not alone.

Scenarios similar to the Charlotte District are played out EEOC-wide.

As I recall, this concept of case management meetings, TMC's, MERG, A1/A2 and the various other acronyms have been around for quite a while, in various formats. Some employees find them helpful . . . that it is actually constructive to have some structure in case planning and to have suggestions from others as to how to best pursue a case.

However, many regard these meetings to be somewhere between tribunals of inquisition and firing squads.

In Local 3614, one employee described case management experiences as follows: "The case management review process leaves the investigator feeling somewhat on the outer loop of the decision-making process and sandwiched between Legal and Enforcement and Management with respect to deadlines and investigative methods." Generally, case management meetings are held monthly. Participants are the office director, enforcement supervisor, a supervisory trial attorney, sometimes the attorney assigned to the case and the investigator. In at least one office, all of the managers/attorneys are sitting on one side of the table. In another office there are occasions when additional enforcement supervisors or the CRTIU supervisor is included. All the people on the other side of the table are asking the questions. Due dates for particular case management tasks—closures, cause determination, RFI's, on sites, etc. are discussed and set. There were mixed feelings about how much impact the investigators have in setting the dates. Some said that their projections were overruled based on management/legal considerations without regard to priorities which may have been set by the Investigator. In addition to cases, in some instances, intake assignments are also discussed and due dates are set.

"The case management review process leaves the investigator feeling somewhat on the outer loop of the decision-making process and sandwiched between Legal and Enforcement and Management with respect to deadlines and investigative methods."

—Local 3614 Employee

Like the Charlotte District, it does not make any difference with respect to how long a person has been an Investigator, how the Investigator manages his or her cases, the complexity of the cases or the level of performance. Everyone must meet! The most outstanding difference seemed to be that unlike in the Charlotte District, there does not appear to be an expectation that Investigators are not to consult with the enforcement supervisors between meetings.

Several Investigators described various ways they prepare for their meeting in order to limit the "intimidation factor." However, one investigator in particular said he took some of the control of his case management meetings by preparing a report of all of his cases by providing the CP/R names, charge number, summarizing the bases and issues of the case and what was discussed in the previous meeting, reporting activity since the previous meeting and projecting the next action(s) and projected date(s). He has copies of his report ready for each participant. He has his calendar marked. He asks them to review his report before they get started. He feels that this helps control the tone of the meeting and keeps it moving. He agrees that this is a form of micro management, but he feels he is in control. What he feels he is unable to control is that he has no option with respect to attending or not attending. He would prefer to be able to determine the need to attend, and what cases to discuss. Several felt that setting dates month by month, and having to get changes to projected dates OK'd between meetings, is too restrictive and does not give enough flexibility. One suggestion was as an alternative, meeting quarterly. What is happening in other offices? In positions other than Investigator? Are there other secrets to outwitting this micro management madness?

Let's hear from the other offices what their experiences have been. It would be refreshing to hear from an office where things are going well. No matter what your experience, share with your union brothers and sisters. -ed

SL District Controlled by Overzealous Despot

There are two offices, Kansas City Area Office (KCAO) and St. Louis District Office (SLDO), and annual dockets are approximately 1300 and 1500, respectively. Geographical areas served - KCAO has all of Kansas and western half Missouri, SLDO has eastern half Missouri and the southwest tip of Illinois.

We utilize a phone tree at the front desk. Callers are immediately given an option to select a prompt which should put them through to an OAA. Front desks at both offices are staffed during regular business hours with an OAA. Otherwise, callers concerning status of already submitted inquiries or charges go to a prompt, callers requesting to file a charge go to another prompt. We have devised an Automated Intake System database (AIS). Callers asking to file a charge leave a message with name, address, phone number, date of violation and name of Respondent. They are mailed an intake questionnaire (Form 283).

Customer Service has two dedicated Customer Service Investigators (CSI) in each office according to a Customer Service Pilot program endorsed by the Union and Management. Those CSI are assigned to Customer Service for a period of one year, then rotate out and are replaced by other Enforcement Investigators in an alpha rotation. For each office, for each week, one CSI is assigned to review the Form 283s (tracked by the AIS with an inquiry number), the other CSI returns calls of persons wanting to speak with an Investigator—these duties rotate weekly.

The CSI who reviews Form 283s dockets for timeliness those which are within 30 days of either the 180 day FEPA agency filing deadline or the 300 day EEOC filing deadline.

The CSI will also further Manager, Deputy Director and Attorney. TMC determines classification but otherwise progress of the charge is checked by monthly inventory sessions with the Investigator's Supervisor and/or the assigned Attorney. If identified as an A type charge, the Investigator and assigned Attorney must devise a Case Development Plan (CDP).

An Investigator is responsible to develop a monthly work plan of his/her pending inventory and pending intake inventory. There are suggested time frames for completion (30 days for undocketed inquiries, 60 days for docketed inquiries) 90 to 180 days for charges.

Case development plans on As must be updated monthly with the assigned Attorney.

Monthly inventory sessions are held with the Investigator's Supervisor.

Investigators have to sign off authority for B or C cases.

As the year progresses, the Director and/or Regional Attorney may have A case meetings.

The Union does have a problem with the requirement of monthly written work plans, which require the Investigator to set a case completion deadline. If the deadline is missed, the Investigator then may be compelled to write another memo explaining why the deadline was missed. The monthly inventory sessions and CDP are rather duplicitous to this process. While the Union encourages all Investigators to plan their work and work their plan, we believe the work plan should be a tool to achieving office goals with respect to completion of investigations, not the tool management uses to impose deadlines and quotas.

Process those inquiries which appear to be a matter of our jurisdiction except to take those inquiries with the most compelling evidence to the Top Management Committee (TMC) for stratification as A.

The CSI will docket and issue NTRS on those inquiries which are "C"s where the Potential Charging Party (PCP) insists on filing.

Remaining Enforcement Investigators are assigned those inquiries docketed for timeliness, those inquiries identified by CSI as either A or potentially B, and attorney filed charges (which have been through ADR). The Enforcement Investigator is then to interview CP/ PCP or witnesses and stratify the matter as A, B or C. The Enforcement Investigator will close C types and draft charges and/or RFI for A and B charges and inquiries.

This sounds complicated, but works well.

Once stratified, if a "B" and has not been through ADR, the charge goes to ADR, otherwise it is assigned for investigation to the Investigator's pending, as well as A charges.

In order to move a charge or inquiry to A stratification, it must be taken to Top Management Committee, TMC, a weekly meeting with the Regional Attorney, Director/ Enforcement, Deputy Director and Attorney. TMC determines classification but otherwise progress of the charge is checked by monthly inventory sessions with the Investigator's Supervisor and/or the assigned Attorney. If identified as an A type charge, the Investigator and assigned Attorney must devise a Case Development Plan (CDP).

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Mixed Results on MOUs AROUND the EEOC

By Levi Morrow

The new contract included provisions on Telecommuting (formerly Flexiplace) and Flexible and Compressed Work Schedules (Articles 34 and 30). The contract left to each of the 51 EEOC offices to bargain the terms of implementation for those programs through Memorandums of Understanding (MOU). The contract allowed 90 days for such agreements to be accomplished. In accordance with Article 4 of the CBA, the National Council has completed it's review and approved 37 Telecommuting Programs and 38 Flexible/Compressed Work Schedule programs that were negotiated at the local level. There are various reasons why the remaining offices have not reached agreement.

Some entire locals have completed these negotiations or will be soon including Local 2667, 3230, 3627 and 3629. Other locals have encountered resistance from their local managements. One such example is Local 3614. In Baltimore, management would not agree to the ground rules for negotiations and wanted to dictate who would be on the union's negotiating team. Mediation failed to resolve that problem. Other offices in that Local were also recalcitrant. In the Washington Field Office an agreement was reached but the office then unilaterally changed the Intake schedule thus making it virtually impossible for Investigators to participate in Telecommuting.

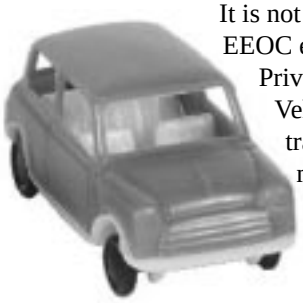
In the seven offices of Local 3504, all have reached agreements except the Chicago office. In Chicago, a Telecommuting MOU has been agreed upon. However, the Chicago office management have refused to allow a 4-10 Compressed Work Schedule to be adopted even on a trial basis. Of the four District offices in Local 3504, only Chicago has resisted implementation of 4-10. That issue had been unsuccessfully mediated and is now before the Federal Impasse Panel.

Several of the thirteen offices of Local 3599 have not reached agreements. Among those are Miami (no agreements and the local has been attempting to get dates from management for mediation since February); Nashville (no agreements); and, Jackson and Birmingham (both have not agreed on Flexible/ Compressed Work Schedules.

The above summary is not an exhaustive accounting. The process has taken considerably longer than the 90 days envisioned in the contract. Clearly, some office managements have dug in their heels. Such resistance is at odds with the tone and spirit expressed at the bargaining table. To the extent that these pockets of resistance by various offices is at odds with Headquarters, it would seem appropriate for Headquarters to give some direction to those offices geared toward concluding agreements with the respective Locals. Local Negotiations are still on going in a number of offices.

The Perils of POV Use, Travel

By Walter Raisner and Michael Davidson



It is not uncommon for EEOC employees to use Privately Owned Vehicles (POVs) to travel on government business. But, doing so is often at the employee's risk.

Some EEOC offices have General Services Adminstration (GSA) cars assigned to the office for use on official business. However, those cars must put on 1000 miles/ month to justify a GSA car's continued assignment. In recent years, offices have lost cars for failing to meet this criteria. Even where GSA cars assigned to an office, the limited number of such cars make it necessary for alternate means of travel to be used.

When travel is necessary, other means of travel, otheracceptable means of travel which are reimbursable are common carriers i.e. public transportation, taxis, trains, planes as well as rental or leased cars. However, in these economically austere times, authorization and reimbursement is another hurdle for employees.

Renting a car has its own set of hazards for the traveling EEOC employee. To avoid personal liability, EEOC employees should make sure that their Travel Authorization *(TA) specifically* authorizes use of a rental or leased car. (In fact, the means of travel should be specified on the TA regardless of the mode of travel.) The grey area is where the responsibility lies in an accident. The Government is supposed to be self-insured. But, documenting that has proven elusive under these circumstances. If the employee purchases insurance through the car rental or lease company, that is *not* reimbursable . It seems likely that the other party would go after the Government. That does not mean that the employee escapes potential liability. One solution would be using the office government credit card for the car rental or lease. This would minimize any liability to the employee since they would not be the contracting employee.

The general rule of thumb for travel is that the means of travel should be on which is most convenient and in the best interest of the Gevernment. However, the Government will tolerate use of an employee's POV for the employee's convenience. But, employees cannot be directed or ordered to use their POV.

Use of a POV is frought with land mines: your personal insurance must be used. Many insurance companies require drivers to declare if the vehicle is used for business and, if so, how often. If the car is declared as one used for buiness, it is likely that the premioum will be higher. If the traveling EEOC employee uses the POV and the vehicle is not declared, the insurance company may cancel the policy. If the employee is in an accident with the POV, it is unlikely the Government will reimburse accident related costs.

Many of us find it convenient to use our POVs. The relevant question is whether the convenience is worth the risk.

PRESIDENT'S VIEWPOINT

Gabrelle Martin, Council President

As we wonder daily, what will become of us, our offices and the work we perform, we must ask ourselves whether we have faced such challenges in the past. The answer is yes, we have.

So, what can we learn from this history? We have learned that if we do not go to the best source, we become part of the problem. We now are fueling the fires of the "rampant rumor mill." The union is constantly sending information. Check the website, **www.Council216.org, as information is being posted there as well. Also, we need to take stock and determine our priorities.**

Because little information comes directly from the Chair, the National Council is preparing a negotiations demand, so that there will be in place by early April, a plan to deal with furloughs, to enable people to plan and focus on their work with a sense of what likely will happen. After all, now that we are at war, our ability to obtain additional money decreases. Given the depth of the EEOC's monetary woes, our ability to spread the impact of even the smallest furlough also decreases. For an extended furlough, we need a plan because closing offices is not only is bad for morale, but makes a mockery of our mission – the EEOC mission is not important enough to fund! Furloughs make our jobs that much more difficult to perform. When we return from a furlough, we try to play catch up and deal with the important issues and work that was not accomplished. Attorneys have to put their licenses on the line because there are court deadlines. We also put at risk, the good will of all employees. And after all, isn't the agency's ability to get the work done dependent upon the good will of the employees?

What else can you do? You can get involved at the local level by joining your union, by getting involved with grassroots issues, both in your office and in the political arena, and you can band together in a show of solidarity. When the union asks for feedback, take time to continue sending us your thoughts and concerns. Your local presidents, council delegates and local stewards can forward the information and answer many of the questions you have. Stay in tune and stay in touch!

LOCAL REPORTS

Local 2667

The following is the report for AFGE Local No. 2667:

Labor Management Relations: The labor management activities in AFGE Local No. 2667 have moved from a proactive positive approach which resulted in the informal resolution of various labor management relations matters to an aggressively fast and furious approach. Beginning in June 2000, AFGE Local No. 2667 decided that a proactive positive labor management relations policy would operate in headquarters. This proactive policy was designed to resolve labor management disputes in an informal setting before those matters moved to a more formal and aggressive level. The evidence obtained from this proactive positive approach reflects that AFGE Local No. 2667's decision to implement this labor management effort was not only well received, but operated for quite well. This evidence was clearly demonstrated by the mere fact that AFGE Local No. 2667 did not have to file any Unfair Labor Practice Charges or grievances against the EEOC during that time period. Commencing in November 2002, and continuing to this very point in time, AFGE Local No. 2667 has noticed that there has been an effort to give full resistance to those positive labor management relations achievements made in headquarters. It now appears that the EEOC, by and through its Office of Human Resources, has decided that it wishes to engage in labor management relations fisticuffs with AFGE Local No. 2667. AFGE Local No. 2667 regrets that the EEOC has appeared to reject AFGE Local No. 2667's proactive approach to labor management relations. The result has been that AFGE Local No. 2667 has decided to move its proactive positive approach in labor management relations to another level, which includes the filing of an Unfair Labor Practice Charge and several grievances, and with additional charges and grievance to be submitted.

The Unfair Labor Practice Charge: AFGE Local No. 2667 has filed an Unfair Labor Practice Charge against the Equal Employment Opportunity Commission's (EEOC's) Office of the Chief Financial Officer and Administrative Services regarding a violation of Article 46.00, Outsourcing, of the Collective Bargaining Agreement between the EEOC and the National Council of EEOC Locals No. 216.

The Grievance: The Office of Federal Operations.

AFGE Local No. 2667 has filed a grievance against the Office of Federal Operations regarding the issuance of performance ratings.

The Office of Human Resources and Office of the Chief Financial Officer and Administrative Services: AFGE Local No. 2667 has filed a grievance against the Office of Human Resources and the Office of the Chief Financial Officer and Administrative Services regarding a failure and refusal to negotiate with AFGE Local No. 2667 over the impact of the implementation of the decision to increase the headquarters monthly garage parking fee by $15.00.

The Office of Human Resources has devised a strategy that it has used in one prior incident with AFGE Local No. 2667, to make the issue of the headquarters monthly garage parking fee increase a national issue so that it will not have to negotiate with AFGE Local No. 2667. The strategy is being advanced

by the mere fact that the EEOC has decide to make parking in the headquarters garage available to its employees in the Washington Field Office. This strategy, of course, cannot withstand scrutiny and is being vigorously challenged.

The Office of General Counsel: AFGE Local No. 2667 has filed a grievance against the Office of General Counsel regarding employment related issues.

The Retirement of AFGE Local No. 2667's Secretary: Ms. Dorothy D. Howze, AFGE Local No. 2667's Secretary, who has been a member of AFGE Local No. 2667 for 35 years recently retired from the EEOC.

Comments on the National Academy of Public Administration's Report on the EEOC: AFGE Local No. 2667 submitted its comments to Chair Cari M. Dominguez on the report and recommendation from the National Academy of Public Administration on the EEOC's operation. AFGE Local No. 2667 noted that the EEOC is a law enforcement agency that enforces the nations equal employment opportunity laws and it must have a presence in every state to remain effective.

AFGE Local No. 2667 opposes the implementation of a National Call Center, but agrees that the EEOC should eliminate the various management and supervisory layers, as well as redundancy, in headquarters and the various filed offices. In addition, AFGE Local No. 2667 noted that the recommendation regarding combining the Office of Legal Counsel with the Office of General Counsel is consistent with the Office of General Counsel's organizational structure that operated prior to 1982, in which the Office of Legal Counsel was a division within the Office of General Counsel. AFGE Local No. 2667 also noted that the EEOC should fully utilize the services of the Office Automation Assistants and the Investigative Support Assistants to perform the telephone contacts that it envisions in a National Call Center.

Telecommuting and Work Schedules Memoranda of Understanding: AFGE Local No. 2667 negotiated Telecommuting and Work Schedules Memoranda of Understanding with the Office of Legal Counsel prior to completing negotiations with any other headquarters office. It can be stated that the Office of Legal Counsel took the lead in this effort. Although the Office of the Chief Financial Officer and Administrative Services is the first office to actually sign Telecommuting and Work Schedules Memoranda of Understanding, it was the Office of Legal Counsel that actually completed negotiations first. AFGE Local No. 2667 anticipates that Memoranda of Understanding with the Office of Legal Counsel will be signed during the week of April 14, 2003.

AFGE Local No. 2667 also anticipates that Memoranda of Understanding with the Office of Federal Operations will be completed and signed during the week of April 14, 2003.

AFGE Local No. 2667 is currently negotiating with the following headquarters offices:

Office of Information Technology; Office of Research, Information and Planning; Office of Field Programs; Office of General Counsel; Office of Communications and Legislative Affairs.

AFGE Local No. 2667 will continue with its representation efforts at the EEOC.

Local 3230

I have been traveling throughout the local, making annual office visits. Since steward elections recently were completed in the Local, I have been able to spend time training the new and seasoned stewards.

High on the list of concerns is why no information is coming from the Chair concerning furloughs. It is clear to employees that we do not have the money we need for this fiscal year, there is no back up plan and looking to leadership yields only "cautious optimism." Another major concern is who will be on the Chair's task forces to deal with the NAPA recommendations. Another concern is why the Chair keeps saying that she favors telecommuting, but local managers make it so difficult to telecommute. For example, there are questions why local managers persist in their draconian interpretations of the terms of the telecommuting agreements. Why are employees told to purchase call waiting and other phone services, when they have complied with the terms of the CBA and otherwise have appropriate equipment. Other concerns are why office space must be reduced by offices with upcoming lease expirations. The concern is whether all offices will have to contribute to the goal of reducing rental costs, or only some. Especially now, given the NAPA recommendations. Other NAPOA related concerns include whether particular offices will be closed. Employees wonder what goes on in headquarters that no one was paying attention to spending. Employees wonder whether as usual, the workers will have to pay for the errors of the managers.

Employees in Los Angeles are wondering what happened that management will not allow employees who successfully worked on telecommuting, to continue to enjoy the privilege? Employees in San Diego wonder why management cannot make up its mind about intake, wants to keep changing the rules and never evaluates or enforces the rules already in place. Employees in San Francisco wonder why management in the legal unit is negotiating in bad faith by telling employees that in order to fight for an office for the employees, the employees should forgo telecommuting. Negotiations on the office space for San Francisco were halted pending negotiations by the National Council and management on the Space Allocation guidelines.

Employees in Albuquerque are concerned whether their office will close. Employees in Denver wonder why management continues to assert that employees have no right ask questions when given instructions by a supervisor, why employees who ask to follow the Compliance Manual, Commission guidance documents or other Commission procedures are disciplined, and why, when the employees follow the wrong advice of the supervisor and the work is returned by the Director, only the employee is disciplined? Whatever happened to professionalism and reasonable

disagreements between employees? Will Denver employees be the next Enron type whistle blowers? Answers to only a few of these questions will calm a lot of anxieties.

Local 3504

Most of the seven offices of Local 3504 have successfully concluded negotiations and have reached agreements on the Memorandums of Understanding (MOUs) on Telecommuting and Flexible and Compressed Work Schedules. Only the Chicago (CDO) and Cincinnati offices are still in the process. In Chicago, the Telecommuting MOU has been agreed to. The issue of 4-10 as an option for CDO bargaining unit employees is the major stumbling block and that issue (and some other peripheral issues) was the subject of an unsuccessful mediation on March 25. The issue is pending with the Federal Impasse Panel. Chicago is the only office out of the other four district offices in the Local that has not agreed to the 4-10 option.

Local 3504 was represented at the AFGE's Legislative Conference in mid-February in Washington, D.C. A major purpose of the Conference was to visit Representatives and Senators to present issues that affect federal employees. Those of us from EEOC made some visits together to various members of Congress to present those issues particular to EEOC. The president of Local 3504 attempted to visit at least one representative from each state in the Local. Upon returning from the conference, a focus of attention within the Local will be to engage in political activity and, most importantly, try to convince individual members that it is crucial that each of them write and visit their representatives if we are to prevail on issues. Elected officials give significant weight to constituents who take the time to write, call or visit them.

The Local has filed two grievances regarding PAS evaluations, two on PIPs, one on the long delay in making a determination on a disability claim by a member. An arbitration is pending. The Local is also representing a member in an EEO hearing

Elections for Local officers will occur in the spring.

Local 3555

"David's Appeal"

In the past two years, the members of EEOC Local #3555 have repeatedly responded to overcome adversities that are, today, sadly a part of our everyday routines. As if "9/11" and the death of an NYDO manager (just shy of the grand opening of our new offices in New York City) weren't enough. Just when it appears we have turned that formidable imaginary corner, another knock-out punch is landed. Accordingly, I must now report on the death of our Union Brother, The Honorable David Licht, Administrative Judge, NYDO.

I had the good fortune to meet David as a neophyte EEOC Trial Attorney in the late 1970's. As my Supervisory Trial Attorney, David began teaching me his personal and professional philosophies. In hindsight, I believe it to be rather unique that a young Puerto Rican attorney would have his very own personal "rabbi!" But, I did and I was very lucky.

David instilled in me an early and healthy respect for my profession. He taught me that working as an attorney is a truly honorable pursuit no matter how many jokes to the contrary you may hear. David guided my approach to court litigation and repeatedly reminded me that you can be victorious without having to publicly disrespect your adversary in the process.

Later, when we found each other once again as fellow judges on the administrative bench, his knowledge and wisdom was always in great demand.

In my mind's eye, David's greatest teaching was that we "look-out" for our office co-workers. I remember his insistence that we get involved with the Union so that we could serve the needs of the many and police against the issuance of unfair and arbitrary decisions in the work place. As such, David's first consideration was never "What's in it for me?" But rather, "What's in it for us?"

David was also a husband, father and grandfather. It's a bit amusing that when you are at work day-in and day-out, co-workers will share experiences involving spouses and family that they would never repeat to those very same family members. Without betraying a confidence, I do have one bit of information to share with Louise (David's lovely wife of forty-nine years). Although not verbatim, David did remark that while he was lucky to have "bumped into" Louise all those years ago, he always took great pride in the fact that he was "smart enough" to have married her!

Finally, we mere mortals cannot question the life and death decisions issued by the Almighty. Yet, knowing David, at this very moment, he's probably very busy drafting his appeal brief in this matter. I shall miss him.

Local 3599

Greetings to all from AFGE Local No. 3599.

Since our last communication, AFGE Local No. 3599 has been pushed to the task of exploring new horizons.

Specifically, AFGE Local No. 3599 has filed an Unfair Labor Practice (ULP) charge because the Steward in one office was disciplined for alleging making a statement or statements while participation in a labor management negotiation meeting.

A second ULP charge was filed because the Steward in another office was subjected to an Office of Inspector General investigation. We strongly believe that this action was taken because this Steward has been very active with the filing of numerous grievances against management. We strongly believe, of course, that management's actions are intended to interfere with, or coerce and chill the efforts of both Stewards, because of the performance of their duties as Union Stewards. This effort of management has the purpose and effect of causing members of the Union to believe that the Union is not effective in its efforts to represent bargaining unit employees. Management's efforts cannot be tolerated. Accordingly, two ULPs have been filed under Sections 7102 (1) and (2) and 7116 (a) (1) of the Federal Labor Relations Statute. AFGE Local No. 3599

will file similar ULPs where it believes that management is taking certain actions against AFGE Local No. 3599's Stewards because they are performing union duties.

The President of Local No. 3599 has been subjected to an equal employment opportunity complaint which alleged that he harassed a bargaining unit employee. The only evidence regarding the President's activity that could have remotely involved this employee had to do with the President of AFGE Local No. 3599 filing two grievances under the negotiated grievance procedure in the Collective Bargaining Agreement (CBA). In both instances, the grievances were filed with management and were not made known to bargaining unit employees. The question that has to be asked is, how did the Complainant in the EEO complaint obtain knowledge of the grievances filed against management? The answer to that question is quite obvious. AFGE Local No. 3599, will, of course, file another ULP in the future to address this situation.

The Equal Employment Opportunity Commission's (EEOC's) Office of Human Resources has filed a ULP charge against AFGE Local No. 3599 which alleges that AFGE Local No. 3599 has failed to bargain in good faith. As stated above, AFGE Local No. 3599 believes that this ULP and all of the actions of management has been designed to harass, or otherwise interfere with the activities of AFGE Local No. 3599.

AFGE Local No. 3599 has invoked arbitration on two grievances filed in the Miami District Office. Both grievances are filed under **Article 17.00 of the CBA.**

All of the above-listed activities regarding the EEOC's management are totally adverse to the goal of making the EEOC a model workplace. The question to ask and for everyone to consider is, when will the EEOC begin to take positive and significant steps toward the goal of making the EEOC a model workplace?

The local submitted telecommuting agreements for the following offices:

Memphis; Nashville; Atlanta; Savannah; Charlotte; Raleigh; Greenville; Greensboro; Louisville; Tampa

The local reached Impasse for the following offices:

Miami; Birmingham (Hours of Work); Jackson (Hours of Work).

Local 3614

Recently the first phase of Local 3614's website was completed. The "Members' Only" portion keeps our members connected. It will keep members informed of current negotiations, arbitrations and other happenings in the Local. The site also has "useful links" which take members to other sites including the National Council, AFGE, FLRA, DOL, and MSPB. Members can find out about the Local's officers and read from the "President's Corner." The next phase of the site will consist of posting Local 3614's Constitution and Bylaws. There will also be a "Letters to the Editor" page. Members can exchange their thoughts about issues of concern.

The Local has two grievances in arbitration. The first is regarding the imposition of illegal performance standards and denial of overtime pay. The grievance was filed on behalf one specifically identified grievant and other similarly situated employees in the Baltimore District Office. Three days of arbitration have already been completed. A fourth has been scheduled.

The second arbitration is over the denial of an Investigator's promotion to GS-12, the denial of an "outstanding" performance rating and an Official Reprimand, all in retaliation for the grievant assisting the Union as a witness before the MSPB. The dates for this arbitration have not been scheduled. Additional grievances on overtime have been filed against the Baltimore and Philadelphia District Offices and their respective area offices are the result of evidence coming out of this arbitration.

The Local has several outstanding ULP's pending with the FLRA. One has to do with the Agency's failure to fully respond to a request for information in a removal action.

MOUs on Hours of Work and Telecommuting are still being negotiated for WFO and Philadelphia DO. However, Baltimore District negotiations went to an impasse after Jim Lee, District Director Gerald Kiel, Actg. DD, declined to bargain over the make up of the negotiation team.

Stewards Ray Resto (Richmond AO), Marjorie Gregory (Pittsburgh AO) and Louis Marino, (Philadelphia DO) completed 5 days of training on representing bargaining unit employees in the EEO process. The training was done in conjunction with AFGE Locals at the Social Security Administration.

Ray, Marjorie and Louis had an opportunity to get formal training and interact with union representatives from the SSA and VA. Training was conducted by Gary Gilbert, a former EEOC Supervisory AJ, now in practice with the D.C. law firm, Passman & Kaplan.

Local 3629

How we handle intake and charges in the St. Louis District:

There are two offices, Kansas City Area Office (KCAO) and St. Louis District Office (SLDO), and annual dockets are approximately 1300 and 1500, respectively. Geographical areas served - KCAO has all of Kansas and western half Missouri, SLDO has eastern half Missouri and the southwest tip of Illinois.

We utilize a phone tree at the front desk. Callers are immediately given an option to select a prompt which should put them through to an OAA. Front desks at both offices are staffed during regular business hours with an OAA. Otherwise, callers concerning status of already submitted inquiries or charges go to a prompt, callers requesting to file a charge go to another prompt. We have devised an Automated Intake System database (AIS). Callers asking to file a charge leave a message with name, address, phone number, date of violation and name of Respondent. They are mailed an intake questionnaire (Form 283).

Customer Service has two dedicated Customer Service Investigators (CSI) in each

office according to a Customer Service Pilot program endorsed by the Union and Management. Those CSI are assigned to Customer Service for a period of one year, then rotate out and are replaced by other Enforcement Investigators in an alpha rotation. For each office, for each week, one CSI is assigned to review the Form 283s (tracked by the AIS with an inquiry number), the other CSI returns calls of persons wanting to speak with an Investigator - these duties rotate weekly.

The CSI who reviews Form 283s dockets for timeliness those which are within 30 days of either the 180 day FEPA agency filing deadline or the 300 day EEOC filing deadline.

The CSI will also further process those inquiries which appear to be a matter of our jurisdiction except to take those inquiries with the most compelling evidence to the Top Management Committee (TMC) for stratification as A.

The CSI will docket and issue NTRS on those inquiries which are "C"s where the Potential Charging Party (PCP) insists on filing.

Remaining Enforcement Investigators are assigned those inquiries docketed for timeliness, those inquiries identified by CSI as either A or potentially B, and attorney filed charges (which have been through ADR). The Enforcement Investigator is then to interview CP/ PCP or witnesses and stratify the matter as A, B or C. The Enforcement Investigator will close C types and draft charges and/or RFI for A and B charges and inquiries.

This sounds complicated, but works well.

Once stratified, if a "B" and has not been through ADR, the charge goes to ADR, otherwise it is assigned for investigation to the Investigator's pending, as well as A charges.

In order to move a charge or inquiry to A stratification, it must be taken to Top Management Committee, TMC, a weekly meeting with the Regional Attorney, Director/ Enforcement Manager, Deputy Director and Attorney. TMC determines classification but otherwise progress of the charge is checked by monthly inventory sessions with the Investigator's Supervisor and/ or the assigned Attorney. If identified as an A type charge, the Investigator and assigned Attorney must devise a Case Development Plan (CDP).

An Investigator is responsible to develop a monthly work plan of his/her pending inventory and pending intake inventory. There are suggested time frames for completion (30 days for undocketed inquiries, 60 days for docketed inquiries) 90 to 180 days for charges.

Case development plans on As must be updated monthly with the assigned Attorney.

Monthly inventory sessions are held with the Investigator's Supervisor.

Investigators have sign off authority for B or C cases.

As the year progresses, the Director and/or Regional Attorney may have A case meetings.

The Union does have a problem with the requirement of monthly written work plans, which require the Investigator to set a case completion deadline. If the deadline is missed, the Investigator then may be compelled to write another memo explaining why the deadline was missed. The monthly inventory sessions and CDP are rather duplicitous to this process. While the Union encourages all Investigators to plan their work and work their plan, we believe the work plan should be a tool to achieving office goals with respect to completion of investigations, not the tool management uses to impose deadlines and quotas.

Local 3637

The local has almost completed all Telecommuting Agreements. All offices, except Houston, have completed their agreements. However, as this goes into print, the Houston District Office should have their agreement completed.

A grievance was filed on behalf of Investigators in Oklahoma City Area Office alleging that Management in the office is falsifying information with respect to on-sites. Also, there is one case in arbitration, also out of Oklahoma City, involving an employee who was placed on a performance improvement plan.

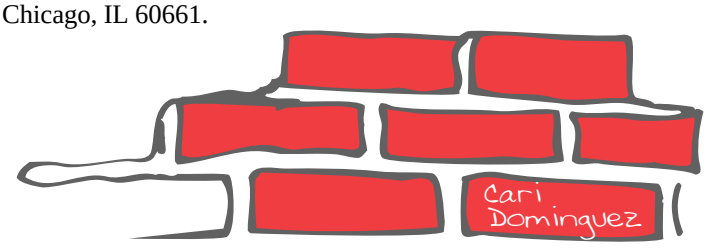
There is a new steward in San Antonio, Michelle Megerle, who will be attending Stewards training later. Also, in Little Rock, Johnny Glover is the new Alternate Union Steward. He attended AFGE Steward Training on March 13 in Little Rock. Welcome aboard to both of these folks.

Wall of Shame

In each future issue of *216Works* we will accept nominations for "Brickhead" awards for actions, policies, etc. of dubious judgement and/or value to the Commission, the bargaining unit or the public.

Our initial "Brickhead" award, appropriately, goes to **Chair Cari Dominguez** for requiring Mediators to be evaluated based upon "successful Mediations" and/or by the number of Mediations convened. How is this compatible with a voluntary, neutral process?

Help build the Wall of Shame. Send your nominees and the reason(s) behind the nomination to Michael Davidson (Michael.Davidson@eeoc.gov), c/o Local 3504, 500 W. Madison, Suite 2800, Chicago, IL 60661.



EEOC Space—The Final Frontier

By Debra Moser

Space at EEOC is a much talked about issue these days. We are not talking about the scientific realm that comprises the solar system and beyond. We are talking about the actual building where you perform your work, your office location, the "infrastructure", the "bricks and mortar". Your office space is decreasing and you may not know it.

The leases of the following EEOC offices will expire during FY 03: San Jose (12/02), San Francisco (12/02), Fresno (12/02), Savannah (2/03), Milwaukee (3/03), Newark (5/03), Cleveland (6/03), Chicago (7/03), Minneapolis (7/03) and San Antonio (9/03). As I understand it, those with leases that have expired already, are operating under temporary leases.

In a memo to District Directors on January 3, 2003, Lee Guarraia, Chief Operating Officer, advised that "internal infrastructure needs continue to be driven by practical budgetary and lease considerations requiring immediate action to meet the needs of staff and customers." While it is not readily apparent how immediate action, in the form of reducing office space, will meet the needs of staff and customers, the plan of action is moving forward. In her memo, Ms. Guarraia further explains that EEOC established a 35% savings target for rent costs over five years. The FY 03 rent estimate is $29,500,000. Utilizing their savings target rate of 35%, they hope to save $10,300,000 in FY 03 and to reduce space from 1,055,000 square feet to 686,000 square feet. Operating under the President's Management Agenda and citing the use of telework as an aid to achieving these results the Agency plans to move forward with this plan.

Which leaves us to wonder why the 35% reduction is predicated on space v. cost savings. Conceivably, an office could negotiate a lease with a 35% cost savings but would not be in compliance with the guidance to cut actual space size. The Agency's main plan of action appears to be frequent Teleworking.

The Office of Inspector General studied frequent Teleworking in four field offices: Dallas, Los Angeles, Miami and Washington D. C. Their report "Reducing Infrastructure Cost Through Increased Use of Telework—An Analysis of Four EEOC Field Offices" sought to determine if EEOC could save on infrastructure costs and achieve other benefits through "more frequent" telework while sustaining or improving mission performance. The report defines infrastructure as the non-personnel items that EEOC needs to operate. This includes agency real estate. The report concluded that frequent telework may have significant effects on real estate costs. Rental of office space is a substantial portion of EEOC's budget - 10%. The report assumed that two teleworkers would share one office at the central work location. This would allow the agency to reduce its space needs in offices and lower their real estate costs.

Factor in the NAPA study with its suggestions to close offices, relocate outside of downtown "high rent areas", share space with other federal agencies and for employees to work in mobile units from home or other work centers and we are well on the way to losing real estate space.

How will this affect you? There are numerous questions to be answered. At this point, there cannot be mandatory telework. The start up costs for such a program are not budgeted. In fact, the OIG study revealed that it would take two years before cost savings were realized due to start up costs. If there were a mandatory telework program at the agency, then the agency would be responsible for providing you with the necessary and proper equipment to operate out of your home or telework center.

The OIG report developed the following needs that would apply to frequent teleworkers: a laptop for use in both central office and at remote site, a docking station for central office use, standard EEOC software, 4 in 1 multifunction machine—a printer, fax, copier and scanner, a FTS phone line, a telephone that is dual line, speaker-capable and includes the following phone services: caller ID, call number block, conference call and Internet Service Provider. The agency simply does not have the resources to do this, at this point in time.

So what about these offices that have leases expiring this FY? What will happen to your space in these offices with the mandate that we reduce space by 35%? One encouraging bit of information emerged at the recent HQ staff meeting. Chair Dominguez commented on the OIG Telework Report and reiterated that any program must be voluntary and the employee situation must be appropriate for telecommuting. The Chair emphasized that the 35% reduction in space will occur largely due to office restructuring, that it is not an across-the-board requirement in each office and that any reductions must make sense and must create a conducive work environment for front line staff. Of course, you can dissect this and wonder what "restructuring" the Chair refers to? Will these offices on the lease expiration list this FY be restructured so that their space will be reduced, as mandated?

The Union has initiated discussions on minimum space requirements, office space sharing and smaller private offices and will keep you updated regarding this issue as it progresses. The "space" issue is a piece of the larger puzzle encompassed by the NAPA Report. It is an evolving process which the Council is monitoring and which must be bargained over.

Local 3614 Wins $32,500 in Arbitration

By Regina Andrew

One would think that while the Commission struggles to show Congress that it is fiscally responsible, it would not squander its scarce resources litigating against the Union. Think again!

On April 5, 2003, Arbitrator Walter H. Powell, overturned Baltimore's District Director James L. Lee's decision in concurrence with Supervisory Investigator M. Patricia Tanner's decision to place Judy Navarro on a Performance Improvement Plan (PIP), finding it retaliatory for filing a class grievance opposing, *inter alia*, illegal production standards and overtime without pay.

The Union filed the original grievance alleging that Agency managers imposed illegal production standards or quotas through the use of case closures compounded by unrealistic, artificial, and rigid due dates. Investigators in the Baltimore District Office endured constant and sustained pressure to close cases quickly to keep their performance ratings at adequate levels to keep their jobs. The Union also contended that managers failed to make distinctions regarding the complexity of various cases and thus, the counting of cases as if they were just beans in a jar unfairly impacted on Investigators' performance ratings. Many Investigators worked "suffered and permitted" overtime pay without compensation just to keep up with these individualized performance quotas.

The Arbitrator awarded class grievants $1,500.00 each **in unpaid overtime. The Arbitrator also awarded Local 3614 for all of its costs and attorney's fees.**

What is most significant about the Arbitrator's decision is his opinion that the original grievance could have been easily resolved, but it wasn't because of the Baltimore Office District Director's "personal vendetta" against the lead class grievant, Judy Navarro. In his decision, the Arbitrator stated, in pertinent part:

- The second step answer ws [sic] provided by Mr. James Lee. He avoided the charges and his response was one of the most vicious, violent and vindictive responses that ever graced a second step grievance procedure.

Also:

- This Agency is charged with enforcement of behavioral patterns for employers throughout the United States. By example, EEOC offices should be free from creating a hostile environment. This they have failed to do.

So the question remains:

- Why did the EEOC choose to spend so much money litigating this case when it could have more wisely used the resources training its managers to behave?

The full decision can be viewed at www.local3614afge.org.

POINTS TO PONDER

Why is it that 90 days after the telecommuting agreements were to have been negotiated, headquarters management have had to intercede to negotiate the "reasonable" proposals of the Union?

Why is it that although the Chair emphatically states that she favors telecommuting, management in a high number of offices have been unable to reach agreement on terms of telecommuting?

Why is management micro managing every aspect of the telecommuting work?

Why is it that some offices require home inspections for "safety" purposes, but do not conduct office inspections for "safety" purposes? Any why is it when the inspections are done, no one can tell the employees exactly what is being inspected?

Why is it that an employee was required to change the approved day off for a home inspection of the home work space? Was it because home team is playing a spring training baseball game? Was it because there was no other day the supervisor could inspect the employee's home? Is it because if the employee changed the approved day off, the supervisor could claim mileage for the 150 mile drive to the baseball game?

Why is it that after the Commission decides to maintain office space in Manhattan, the rest of the offices are told that they must reduce office space to help save money?

Why is it that our Chair has not engaged in developing a "furlough plan", so that employees will know what the options the Chair may choose will take?

Why doesn't anyone yet know, who will be on the task force to develop implementation plans and strategies for dealing with the he various NAPA recommendations?

Why hasn't the Chair asked employees for ideas to avoid any furlough day? Is the Chair going to ask if any employees want to take voluntary leave without pay?

Will employees in the field ever see the tape of the All Employee meeting?

Is it permissible for the EEOC to use budget money earmarked for FEPAs to fund a Call Center?

How come the Agency is going forward with the Call Centers before its own Task Force report and recommendations have been submitted?

Why is the audio/video of the Chair expounding on the RESOLVE program when EEOC computers have no sound capabilities?

Why is the EEOC going forward with its nightmarish Call Center before the Chair's own Task Force has made its recommendations?

Can the Call Center be funded with money earmarked for FEPAs?

Was the Chair sincere in her offer to the Union to be on a NAPA Task Force?

Where in the world is Cari Dominguez? Dominguez is only slated to be in her office six days in April. Why isn't her itinerary posted on InSite? Who said: Nobody gets in to see the wizard. Not nobody; not no how!

Are managers at EEOC under a gag order?

AFGE Victory

Unions *do* have the right to attend meetings between Agency officials and bargaining unit employees on EEO complaints and includes mediation sessions and MSPB matters. This was the outcome in an important decision by the U.S. Court of Appeals for the District of Columbia Circuit. The decision was issued on January 17, 2003. In the ruling, the court reiterated its long standing view that the Union's rights under 5 U.S.C. 7114(a)(2)(A) to attend discussions concerning "grievances" includes EEO complaints and MSPB appeals in addition to matters under a negotiated grievance procedure. The court rejected the Agency's contention that a conflict exists between ADR statues and the Privacy Act and the union's right to attend formal discussions concerning employee complaints. The court noted that nothing in any ADR statute or in the Privacy Act precludes union attendance at any mediation session.

To get more information on this case, Dep't of the Air Force, 436th Airlift Wing v. AFGE Local 1709, Case No. 01-1373, log on to www.afge.org. You may review the court decision through a link on the AFGE web site.

This issue arose when the National Council was negotiating with EEOC over the new contract. The Council took the same position as described above. For now, it seems to be a settled matter.

FEEA Scholarship

The Federal Employee Education & Assistance fund has announced applications for its 2003-04 scholarship program are now available. Eligible applicants are civilian federal and postal employees with at least three years of service and their dependents. Applicants must have a cumulative GPA of 3.0 or higher. Dependent applicants must be full-time students enrolled in an accredited degree program. Further information is available at www.feea.org in the "Educational Assistance" area.

AFGE National President Bobby Harnage is a member of FEEA's Board of Directors.

Corrections:

Inadvertently omitted from the listing of Local officers around the country were the following:

Local 3629—Rebecca Stith, Steward, St. Louis;
Terri Wilke, Chief Steward, St. Louis;
Lynne Morgan, Secretary, St. Louis;
Mark Bretches, Treasurer, St. Louis; Local 3614—Majory Gregory, Steward, Pittsburgh

We apologize for the oversight. -ed

Labor History

The Labor History column will reappear in the next issue. Due to the press of breaking news, the Labor History column is not appearing this issue.-ed

Ask and Ye Shall Receive

NAPA. Furloughs. Office space, relocation, closings. Micro-management. Production standards. Hiring freeze. President's Management Initiatives. So much going on. Where do you go? Who do you ask? The answer is: Ask your Steward and/or your Local President. If they don't have the answer, they can get it.

National Council of EEOC Locals 216
AFGE/AFL-CIO
80 F Street
Washington, DC 20001

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