

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

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Maintaining a tradition of educating both sides of the aisle about EEOC concerns impacting workers and employers.

SUPPORTING EEOC IS GOOD FOR THE ECONOMY

EEOC ensures equal opportunity by upholding laws against discrimination at work based on race, color, religion, sex, pregnancy, national origin, age, disability and genetics. In today's economy we cannot afford for discrimination to stop workers from getting and keeping jobs.

Do Not Slash EEOC Funding When Workload is Up and Workplace Discrimination Costs Jobs:

Slashing EEOC back to its FY08 \$329M budget does not take into account the enforcement of new bipartisan ADAAA and GINA laws, which went into effect in 2009, and a record breaking 999,992 discrimination charges filed in FY10. Rock-bottom staffing levels at EEOC in FY08 resulted in a 35% jump in the backlog. Recent limited frontline hiring helped EEOC hold the backlog to only a .7% increase in FY10. Keep the focus on jobs, by maintaining EEOC's current \$367M budget.

EEOC Should Shift Resources to the Frontline to Prevent Job-Destroying Discrimination:

EEOC must manage an anticipated net hiring freeze by creating a presumption in favor of filling frontline slots. The Bush and Obama administrations, Congress, and EEOC have agreed that more frontline staff is needed to tackle an 86,338 case backlog and reduce dismal 10 month case processing delays. Delayed resolution of discrimination complaints costs jobs and causes employer uncertainty.

EEOC Could Work Smarter by Implementing Council 216's Cost-Efficient Intake Plan:

Council 216's Intake Plan creates a dedicated full-service intake unit in each office to handle pre-charge counseling through charge filing and address the flood of intake questionnaires and unreturned e-mails. Investigators will be freed-up to investigate cases, which will reduce processing time and the backlog. Despite improving cost-efficiency and service, the plan has languished in EEOC's HQ for over a year.

Federal Employees Must Have Rights to Discovery and Full and Fair Hearings before AJs:

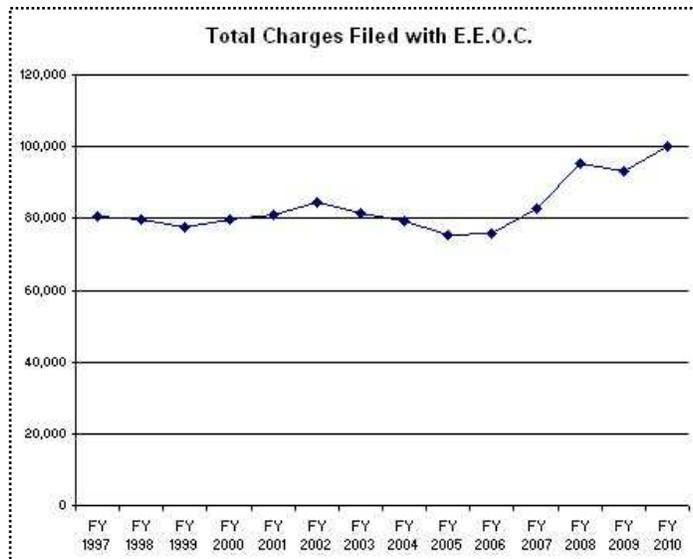
Federal employees' rights to discovery and full and fair hearings before independent Administrative Judges (AJs) are threatened by "Fast Track" proposal and lack of subpoena authority. Pilot programs allowing variances to agencies from EEO regulations must provide for complete, timely, impartial investigations, and opt-out rights. The departure of AJs to become ALJs at other agencies adds delays.

What Congress Can Do to Support EEOC, So Discrimination Does Not Inhibit Job Growth:

- For FY11 and FY12, maintain EEOC's FY10 budget level of \$367M.
- Direct EEOC to focus available hiring, up to the staff ceiling, on frontline staff to uphold laws.
- Maintain bill language requiring Appropriations Committees' oversight of any EEOC reorganization, including its Headquarters and Office of Federal Operations. (H.R. 3288).
- Ensure EEOC compliance with Appropriations Committees' oversight (H.R. 3288) and agency and regulatory requirements before implementing changes to the Federal Sector EEO process.
- Direct EEOC to quickly implement Council 216's Cost-Efficient Intake Plan to help the public.
- Make EEOC keep its promise that the 2006 field restructuring would reduce supervisor to employee ratio to 1:10. Flattening bureaucracy is a budget neutral way to add frontline staff.
- Require EEOC to finally pay its debt to employees for willfully violating overtime laws since 2006, pursuant to a Federal arbitrator's final decision dated March 23, 2009.
- Stop Federal budget cuts and furloughs that will harm service to public, e.g., workers and employers EEOC serves. The focus should be on job creation - not attacking Federal employees.

CHOPPING EEOC TO THE FY08 BUDGET DOESN'T CUT IT IN TODAY'S JOB-MARKET

- Now is not the time to cut EEOC, the agency that prevents job-destroying discrimination. EEOC has more laws to enforce and more incoming discrimination charges today than in 2008. Significantly, in 2008, after 6 years of level funding, President Bush requested much needed increase to EEOC's budget and staffing for FY09.



- Discrimination costs jobs, e.g., racial harassment/ nooses displayed at the workplace, “young and energetic” want- ads, failure to accommodate a diabetic needing insulin breaks (disability charges up 17% in FY10), and refusal to hire an applicant who has the breast cancer gene.

- Workers and employers suffer when they are trapped in EEOC's backlog. Limited frontline hiring meant the EEOC FY10 backlog growth was minimized. More frontline staff is needed to actually reduce the backlog.
- Delays at EEOC cause your constituents to come to your offices for assistance.
- EEOC fulfills a vital role of government by upholding laws that ensure equal opportunity.
- A vote to cut EEOC funding is a vote to allow discrimination to destroy jobs.

	2008	2010
Number of laws EEOC enforces	6	9
U.S. Unemployment Rate	5.8%	9.4% (12/10)
Discrimination Charge Filings	95,402	99,922
Average Processing Delay	229 days	313 days
EEOC Backlog	73,941	86,338
Backlog increase from previous year	34.5%	.7%
Full Time Employees	2,174	2,385
Investigators (high of 917 in FY00)	646	800 est.

EEOC: Customer Satisfaction Survey, September 2008

Comments submitted by members of the public who 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.”

“They could hire more employees to help out around this place.”

The Bush administration has requested \$341.9 million for EEOC in fiscal 2009, a \$12.6 million increase from the \$329.3 million EEOC received for fiscal 2008. [EEOC Chair] Earp says most of the increase would go toward hiring 175 new EEOC employees, the majority in frontline positions to address caseload.
Daily Labor Report, 4/11/08



EEOC Says . . .

Going back to 2006 levels "[A]t a time when we are receiving record numbers of charges," said Christine Saah Nazer, a spokeswoman for the EEOC. "We would see our pending inventory grow significantly and a marked decrease in our ability to provide training and technical assistance to employers. This would ultimately result in lengthy delays, keeping those who file complaints of discrimination, as well as businesses, in a costly state of limbo."
Federal budget cuts would mean customer service cuts for taxpayers, Washington Post 1/25/11

"[T]he processing time has climbed to over 300 days. We certainly would like to see that come down. People who file complaints and employers against whom they're filed, would like to see us resolve these charges as quickly as we can." Nicholas Inzeo, EEOC
EEOC Handles Record-Breaking Workload, Federal News Radio, 1/14/11

"The primary negative effect of a large inventory is the delay in charge resolution for thousands of EEOC customers and stakeholders."
EEOC's Office of Inspector General, EEOC FY10 Performance and Accountability Report

Question 9: "I have sufficient resources (for example, people, material, budget) to get my job done."
EEOC: only 38% positive response rate; 12% worse than government average
EEOC employee response, OPM 2010 Federal Employee Viewpoint Survey

Newspapers Say . . .

Job Bias Charges Hit Record as Economy Struggled, *Wall Street Journal (Blog), 1/12/11*

Job Bias Claims Set New Record on Disability Surge, *Associated Press, 1/11/11*

More Workers Complain of Bias on the Job, a Trend Linked to Widespread Layoffs,
The New York Times, 1/11/11

"Oftentimes, an employer accused of discrimination has to wait for a year or more before the charge filed against them is resolved," says MSEC attorney Dave Smith. "The wait is frustrating and nervewracking." *EEOC Acknowledges Slow Resolution of Discrimination Charges, Mountain States Employers Council (MSEC), 11/29/11*

Disabled Americans Suffer More on Job Market, *HRExecutive.com, 9/22/10*

"When the economy tanks, older workers bear the brunt through layoffs and reductions in force."
Laurie McCann, AARP
Keep Young and Beautiful- Especially at Work, Newsweek.com, 4/17/10

Congress Says . . .

"The Committee remains concerned at the rising backlog in charges of employment discrimination at the EEOC. This backlog is on pace to reach over 105,000 charges by the end of fiscal year 2011. . . . and it could affect the ability of EEOC to meet its mission and mandate to promote equal opportunity at the workplace." *Senate Report 111-229*

