

Daily Labor Report, May 8, 2009
Budget

EEOC Would Receive \$23 Million Increase Under President's Fiscal 2010 Proposal

The Equal Employment Opportunity Commission would receive approximately \$367 million in funding for fiscal year 2010 under President Obama's budget proposal, a \$23 million increase from the civil rights agency's current funding level, the administration announced May 7.

According to budget documents released by the White House Office of Management and Budget, EEOC would be funded at \$367,303,000 for fiscal 2010 if Congress approves the president's proposal. After several years of essentially flat funding during the Bush administration, EEOC recently received a boost to approximately \$344 million for fiscal 2009 under the federal omnibus spending bill that Obama signed in March (46 DLR A-11, 3/12/09). In early 2008, the Bush administration had proposed raising EEOC's annual budget from about \$329 million to approximately \$342 million for fiscal 2009 (23 DLR AA-5, 2/5/08).

Following enactment of the omnibus spending bill, EEOC began featuring a notice on its Web site that said the commission is now hiring, seeking applicants for attorney, investigator, paralegal, and other positions. Beginning in 2001, the number of EEOC employees dropped by about 25 percent over several years, down to approximately 2,150 full-time employees as of January 2009. The commission's leadership has said new hiring for front-line jobs is among its top priorities, especially given a steady stream of new private sector discrimination charges that reached a record annual high of 95,402 in fiscal 2008 (46 DLR A-12, 3/12/09). The budget proposal estimates an employment level of 2,556 full-time equivalents for EEOC in fiscal 2010. The administration's fiscal 2010 budget proposal is "another step toward rebuilding the agency and giving us the tools we need," an EEOC spokeswoman said May 7.

Gabrielle Martin, president of the EEOC employees' union, said she is encouraged the White House "is trying to address" the commission's "chronic problems" with too little staff and funding. "It's a good start," said Martin, who is president of the National Council of EEOC Locals, No. 216, American Federation of Government Employees. She added, however, that "we need to get staff, we needed to get them yesterday, and we need to get the right staff," meaning more front-line employees to attack the case backlog.

Bigger Workload Projected

The budget document projects that EEOC will receive 91,902 new discrimination charges in fiscal 2009, added to a pending inventory of 73,951 charges. The administration estimates that EEOC will resolve 75,602 charges during fiscal 2009. For fiscal 2010, the budget document projects that EEOC will receive 100,155 new private sector charges, added to a pending inventory of 92,917 charges. The administration estimates that EEOC will resolve 92,794 charges during fiscal 2010.

On Jan. 1, 2009, EEOC began enforcing the ADA Amendments Act, which amends the Americans with Disabilities Act to remove what the law's proponents had considered court-

created obstacles to disability discrimination claims. EEOC also recently began enforcing the Lilly Ledbetter Fair Pay Act (Pub. L. No. 111-2), which President Obama signed in January (18 DLR A-1, 1/30/09). On Nov. 21, 2009, during fiscal year 2010, the employment title of the Genetic Information Nondiscrimination Act will take effect, also potentially adding to EEOC's workload.

Civil Rights Division Funded at \$145 Million

The president's budget proposal also calls for the Justice Department's Civil Rights Division to receive \$145 million in fiscal 2010, which represents an 18 percent increase over the division's \$123 million budget for fiscal 2009, according to a DOJ fact sheet.

Among other things, the Civil Rights Division litigates discrimination claims against state and local governments under Title VII of the 1964 Civil Rights Act and the ADA, investigates alleged national origin discrimination in connection with enforcement of federal immigration laws, and plays a role in enforcing the rights of military service members and reservists under the Uniformed Services Employment and Reemployment Rights Act.

The U.S. Commission on Civil Rights, an independent agency that monitors and reports on the status of civil rights in myriad areas including employment, would receive \$9.4 million under the administration's proposal for fiscal 2010, a slight increase over its current \$8.8 million annual budget.

By Kevin P. McGowan