

## AFGE Convention Elects New President

By Rachel H. Shonfield, Local 3599, Miami Office

Members of EEOC's National Council joined more than twelve hundred delegates for the American Federation of Government Employees 36th National Convention, held August 18-22, 2003.

In the midst of Las Vegas' tacky frivolity, delegates diligently met in general session, rallied with culinary union workers, voted in a chad-free election, and passed key resolutions.

Major candidates for AFGE national office took time to speak with the EEOC's National Council during its pre-convention meeting.

John Gage was elected National President following a runoff election at the convention, defeating second term

incumbent Bobby L. Harnage, Sr., with a 53 percent majority of voters.

A former professional baseball player in the Baltimore Orioles' organization, Gage campaigned on a platform of providing enhanced attorney support at the Local level, creating media opportunities such as roundtable TV and radio shows, and fighting back the Bush Administration's attack on workers' rights on the Hill and with coalition groups. As President of Local 1923, Gage has represented approximately 30,000 employees nationwide at such agencies as the Social Security Administration, Veterans Affairs, and DOD.

Gage has negotiated major contracts and testified at congressional hearings.

The Convention also re-elected Jim Davis for a second term as National Secretary-Treasurer and reelected Women's Director Andrea Brooks by acclamation.

Delegates heard from several distinguished speakers, including: Rep. Shelley Berkley (D-Nev), AFL-CIO President John Sweeney, and AFL-CIO Executive Vice President Linda Chavez-Thompson. Presidential candidates Dick Gephardt, Howard Dean, and John Edwards addressed the Convention via videotape.

All of these speakers, as well as outgoing President Harnage, repeatedly emphasized the Bush Administration's comprehensive attack on federal employees and federal unions.

This attack includes slashing the federal workforce, denying collective bargaining to spot Transportation Security Administration (TSA), dismantling the EEO process, exploiting 9/11 to deunionize Homeland Defense employees and strip DOD employees of their civil service protections in the name of flexibility and national security.

Delegates heeded calls by Gage and Harnage to bulk up funding to respond to the Bush attacks, by passing a \$2.50 per capita increase for next year and a one-

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AFGE President-Elect John Gage

## We Are Mushrooms All

By Debra Moser, Local 3637, Little Rock Office



**Communicate:** *vb archaic* share 2) a: to convey knowledge of or information about: make known b: to reveal by clear signs (Webster's Ninth New Collegiate Dictionary)

**Communicate:** *vb 1)* What's that? (Deb's Agency Dictionary)

What is communication? It is clearly defined by Webster above. It is realistically defined by Deb, also. In this time of agency transformation there are many questions and concerns employees share. However, employees feel that there is little or no communication on substantive issues

affecting all of us. We want to know why!

At the National Council meeting held in Denver earlier this year, this sentiment was expressed numerous times, in numerous manners by all attending. Why? What is the big secret? What is the master plan? Is there even a master plan or is it

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*Martin Speaks at  
Commission Meeting  
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## PRESIDENT'S VIEWPOINT



*Gabrelle Martin,  
Council President*

EEOC's employees are its bedrock. Where are the communications? It's not coming from our leaders! We learn about agency programs and policies when we read the newspapers. While we are being told that NAPA related decisions have not been made, we consistently learn that decisions *have* been made. Why is it that the bedrock employees are not advised of the decisions and plans? Why does EEOC see the need for so many bosses? After all, we bedrock employees do the work.

And why are the bedrock employees kept in the dark? Are the employees kept in the dark because we might share the decisions being made with

the communities we serve? Are we kept in the dark because the needs of the parties we serve are subservient to the political motivations of our agency leaders? Are we kept in the dark because civil rights is no longer a priority? Are we kept in the dark so that we might not notice that in EEOC's strategic plan, we cater to the interests of big business over enforcement of the laws?

Values are what we live and are the rocks upon which we can go forward. Can you define EEOC's values? Can you identify in management's behavior, the values of our agency? Are they values we can live by? Are the values you identify ones by which you can live your life? From all appearances, the values are stealth, secrecy and denial. Those are not values on which we can survive!

If you ever get the chance, study beavers on a pond when they are building dams. Pay close attention to what is happening. Observe that there is a community of workers. Notice whether you see a "boss." Notice that adult beavers teach younger beavers the skills necessary to be useful and productive members of the community. Everyone's survival requires this community of participation. Beavers never take from other beavers, what is necessary (sticks, logs and other building materials) to build the dam. Beavers do not hide their activities from one another. It appears that the beavers know that the other members of the community are working for the survival of all. Notice whether there is any fighting among the community members. Perhaps because the very survival of every member is at stake, the job gets done in

the absence of bosses and managers. And pretty good dams get built in the process.

EEOC should take a lesson from the beavers. As management wants to or sees a need to change, it should question its values. It should question the need for so many bosses. EEOC should examine its methods. In order to obtain buy-in prior to making decisions, management should share its concerns, strategies, and goals. Management should get out of the way and let the employees perform the work of the jobs for which they were hired.

Maybe the beavers could inspire EEOC to greatness and EEOC could be that model employer we so often hear about.

## LOCAL REPORTS

### Local 2667

No Report Submitted.

### Local 3230

**About The Local:** Local 3230 is a diverse local. Each office has a different personality, both in terms of the staff, as well as in terms of the managers. The management decisions of a few are quite baffling. For instance, in Denver, an employee was taken off of a telecommuting schedule for using the wrong format to advise the supervisor what work would be performed, even though many other employees used an identical format.

In San Diego, we resolved an issue involving interpretation of the MOU concerning

Hours of Work. Local Management reversed its interpretation of the MOU on finding replacements after an employee missed a once in a lifetime event. Employees seek replacements when requesting leave, but management ultimately is responsible for assigning replacements for scheduled leave. In another case involving the leave issue, we were able to avoid having a November wedding rescheduled.

In Los Angeles, the parties were able to renegotiate the telecommuting time certification sheet. After agreeing to the time certification sheet, both management and the employees raised issues and agreed to make changes to clarify the form and find a form that both sides felt was

less draconian.

It also seems that mediators are under attack. Either the mediators cannot get promoted, or once promoted, become subjects of extreme harassment.

There are still two offices in the local without a permanent director. The Albuquerque District Office has been without a director being designated a District several years ago and the San Diego Area Office has been without a permanent director since late 2001. The Denver District Director has continuously reminded staff that he is retiring in February of 2004, which leads one to question whether Denver employees will suffer from the rotating director policy?

### Local 3504

On July 18, 2003 results of the election in Local 3504 were announced. The officers elected for a three year term are: Michael Davidson (Chicago), President; Sam Johnson (Detroit), Vice President; Janel Smith (Chicago), Treasurer; Mary Ries (Chicago), Secretary; Konrad Batog (Chicago), Chief Steward; Stephanie Perkins (Detroit), Delegate; and, Susan Knose (Indianapolis), Alternate Delegate. The officers were installed on August 7 by AFGE District 7 National Vice President Dorothy James in a short ceremony in the Chicago District Office.

Local 3504 offices will now elect Stewards in six of the seven offices that comprise the

## LOCAL REPORTS

Local (the Chief Steward acts as the Steward for the Chicago office). The six offices other than Chicago are Cincinnati, Cleveland, Detroit, Indianapolis, Milwaukee and Minneapolis. Stewards, Stephanie Perkins (Detroit), Edward Vance (Indianapolis), Ruby Jones (Minneapolis) and, Tom Feirtag (Cincinnati) have run unopposed and have been declared “winners” by acclamation in their respective offices.

But, there is no respite. The Local is currently involved with a grievance on a PIP which is at Step 2. It recently received a Step 3 response denying the grievance on an evaluation rating. Another grievance is on its way to Step 3 and concerns objectionable, inappropriate language in a PAS evaluation. An arbitration is pending. Several months ago, the Local represented an employee in an EEO complaint.

Micro-management, production standards and harassment of employees lives! One place it lives is in Minneapolis. A Supervisor/Acting Director there thought it would be an incentive to production to not approve any leave for August and September. In addition, for months, Investigators have been given pending case inventories with particular cases highlighted that “must” be closed by September 30. If that is not a production standard, what is? For months, Investigators have been told that they “must” have 35 cases in their inventory by October 1. If that is not a production standard, what is? Investigators have been threatened with PIPs. They have been told that cases may be reassigned and if any

Investigator had cases reassigned it would not reflect well on them. Does this Supervisor know how to motivate employees, or what?

The Detroit office had an office picnic on July 18. The Local made a contribution to that event and Local President, Michael Davidson, attended.

The Chicago office continues its efforts to get its management to agree to provide 4-10 as an option. (See the article on that topic in this issue).

Al Thomas, Local 3504’s Chief Steward and a 35 year employee, retired at the end of June. A dinner was held for Al and was well attended. The Local presented Al with a plaque commemorating Al’s dedication to Civil Rights and to the Union. Several current and recently retired EEOC employees recalled anecdotes of Al’s years of service. A more informal gathering was held on that Friday, Al’s last day. Al intends to maintain his union membership and remain active. Al will be missed.

### Local 3555

#### “Anyone for a Deadline?”

It’s that time of year again! When EEOC managers near and wide gather their workers together and begin to talk about “cooperation,” “teamwork” and the need to comply with those almighty “office goals.” What is omitted in the pep-talks is the fact that workers neither set or have any real input in setting those office goals. Nor do managers actually discuss “civil rights” in the workplace since such an endeavor takes too much time and merely gets in the way of meeting precious deadlines. As October 1<sup>st</sup> lingers on the horizon, at this time of year “I need twenty more case

closures!,” is the supervisor’s exclusive cry. EEOC workers have heard that cry too often before.

It leaves the Union to wonder. How can management expect people to affirmatively respond to the task at hand when, for the past nine months, HQ has done everything possible to keep its true agenda a secret from EEOC employees and their elected Union officials? Changes are promised but details are nonexistent. Is this any way to manage? Is this any way to motivate? Is anyone listening?

Since rumors and innuendos appear to be the exclusive source of information coming out of HQ (of course, management’s full-time propaganda machine gives the passerby a different picture), EEOC employees can only can sit back and wonder aloud as to whether offices are to be closed, positions “outsourced” (a fancy term which equates to a decision that the Agency doesn’t want you anymore) or whether the public can be truly served in the face of diminishing human resources at the Agency.

Those EEOC employees who have been around for a while have seen Republican/Democratic administrations come and go. Each administration comes in with the “solution” and then they leave and tell the world how they *fixed* the Commission. Some are more vocal than others but they all seem to be preoccupied in leaving a *bona fide* legacy. The present administration appears to be the exception since their version of the “solution” requires secret deals, lip-service to the Union and the total demise of employee bargaining rights.

The deadline is near but not

for what management preaches. When October 1<sup>st</sup> arrives the Union will have little choice but to draw its line in the sand. The Union will mobilize to assure workers (and the public that they serve) that the true measure of “civil rights” in the workplace cannot be readily summarized in neat statistical columns. The public deserves our full attention in their time of need. Despite management’s secret “solution” to fix the Commission, the public will continue to be professionally served by EEOC employees and their unions.

### Local 3599

Greetings from AFGE Local 3599. We are about to begin to prepare for our annual convention.

We are anticipating that our convention will be held in Atlanta, GA, in October. During the month of August, Local 3599 Delegates participated in the EEOC Council Convention and the National AFGE Convention. Both conventions were held in Las Vegas.

We have filed three Unfair Labor Practice charges under Sections 7102 (1) (2), 7116 (a) (1) and 7131 of the Federal Labor Relations Authority. The first ULP was filed on behalf of the Steward in the Nashville Area Office. This complaint was filed because management in the Nashville Area Office interfered with and threatened the Steward while she performed steward duties. A second ULP charge was filed on behalf of the Steward in the Charlotte District Office. This ULP was filed because management is attempting to control or suppress the information that the Steward is sharing with employees about the IMS system. The third ULP



## LOCAL REPORTS

was filed on behalf of the Steward in the Miami District Office. This ULP was filed because management is refusing to afford the Steward work assignments on the basis of the usage of official time. A Supervisory Investigator attempted to deny an Investigator the opportunity to confer with the union prior to a meeting regarding 270 day old cases. The Steward was present with this Investigator and the Supervisory Investigator during the meeting. However, during the meeting, the Supervisory Investigator made it obvious that she did not want the Steward present in the meeting.

The ULPs above make it clear that management is attempting to undermine the ability of Stewards and the union to effectively perform its required representational duties. We must be mindful of situations where management is attempting to neutralize, intimidate, and harass stewards. Where management is engaged in such activity, it is also attempting to adversely impact the union's ability to provide adequate representation.

All of the above incidents are totally contrary and counter to the Chairwoman's notion of making the EEOC a model workplace. When will the Chairwoman begin to *really* work on her goal of creating a model workplace within the EEOC?

### Local 3614

In January 2003, Local 3614 filed a ULP alleging three violations of the Federal Labor Relations Statute. The first cause of action alleged that the EEOC failed and refused to

fully respond to a request for information with respect to a removal action. The second cause of action alleged that the EEOC failed to bargain in good faith over an alternate means of providing the requested information. The third cause of action alleged that the EEOC bypassed the Union as the exclusive representative by communicating its decision on the proposed removal action to the employee directly. Based on discussions with FLRA the Local has withdrawn the first and second causes of action. However, FLRA issued a complaint and notice of hearing after concluding that the Commission committed an unfair labor practice when it communicated directly with the employee the decision to remove without first or simultaneously communicating the decision to the Union. A hearing before an Administrative Law Judge has been set for November.

The Local is currently arbitrating a grievance which involves an investigator in the Baltimore District Office. The Union is alleging she was denied promotion and given a "proficient" rather than "outstanding" performance rating in retaliation for the employee being a Union witness in an MSPB hearing.

The Local has several other grievances ripe for arbitration...More in the next issue.

Local 3614 would like to say "farewell" to some of our members. Dianne Shaw and Christine Trusclair retired from the Baltimore District Office in June. Barry Richmond will retire from the BDO in September. Wanda Cathcart and Eula Kelly retired from the Richmond Area Office (RAO), and Pam Pisik retired

from the Norfolk Area Office in June. We hope all of them will develop new interests and make new friends; will stay just busy enough to make their time meaningful, and that they will have an abundance of quiet time to dream. Padmaja Chivukula, Pittsburgh Area Office and Regina McPhie, RAO, have left the EEOC to pursue other "adventures." We wish them well.

### Local 3629

No Report Submitted.

### Local 3637

Local 3637 has been busy with grievances and issues. In Oklahoma City we settled two actions (a grievance and an arbitration), and there is currently a grievance on behalf of investigators regarding a modification to the Performance Appraisal System, a modification to the Investigator Position Description and the institution of a quota system for "A" cases, case closures, on site investigations

and Outreach.

In San Antonio there is a grievance regarding a former union steward being placed on a PIP and one concerning the office's refusal to allow employees to do the 5-4-9 work schedule.

In Houston there are currently two grievances regarding one employee being suspended and another being placed on a PIP.

In Little Rock an employee was denied a within-grade increase despite the last rating of record being Satisfactory and after complaining to the union about a compensatory time issue.

Levi Morrow, Local 3637 president; Danny Lawson, chief steward; and Debra Moser, delegate, attended the National Council of EEOC Locals 216 Council Meeting in Las Vegas, NV on August 16 & 17. Levi and Debra represented this local the following week at the AFGE National Convention in Las Vegas.

## Union, EEOC Mourns Loss

Martha S. Nash, a long-time Union member and an Investigator in the Birmingham District Office, passed away on July 28, 2003. We extend our heartfelt sympathy to Martha's family.

Martha joined the Birmingham District Office staff as an Investigative Support Assistant (ISA) in February 1993, and was promoted to Investigator in October 1994. Prior to joining the Birmingham District Office staff, Martha was employed in the Cleveland District Office and EEOC Headquarters.

During her tenure with the Birmingham District Office, Martha proved to be a dedicated Investigator and an impassioned public servant, as recognized by numerous achievement awards. In addition to her demonstrated commitment as an Investigator, Martha was an active participant in the district's outreach, expanded presence, and TAPS programs.

Martha will be remembered by her friends and co-workers not only for her commitment to EEOC's mission, but for her kindness and generosity.

# EEOC—Are we a Model Employer?

Recently, the Union was notified that the agency wanted to dissolve the Harassment Order, EEOC Order No. 560.005. The agency gave as its reasons, the fact that we now have a RESOLVE or Alternate Dispute Resolution (ADR) program; that the procedures under the harassment order had not been widely used; and few people knew the identity of the Harassment Coordinator.

Curious, we looked further into the Commission policy documents, both the publicly disseminated Commission Guidance, as well as internal documents. By giving up the policy, surprisingly, the Commission was willing to forfeit an affirmative defense, should it find itself defending litigation, an EEO complaint, or potentially, a grievance.

This was the case, even though the RESOLVE program did not become effective until over one month later?

Since its inception, the harassment policy required that a Harassment Coordinator be designated. Over time, the identity of the Harassment Coordinator has changed, and the location of that position has changed from the Chair's office to the Office of Human Resources. In its quest to be the model employer, EEOC was willing to pretend that employees do not face harassment and retaliation at the hands of its managers. A review of the record number of EEOC complaints suggests otherwise.

EEOC employees file many EEO complaints each year. Many contain claims of harassment. So, as a model employer, why would EEOC be willing to give up the harassment order? Is it because the Chair so badly wants to be a model employer that it is willing to pretend "it ain't so?"

## A SONG

*(Sung to the tune of the Beverly Hillbillies)*

Come listen to a story about a girl named Cari  
Poor gal, her story is really quite extraordinary  
Seems one day Bush said "civil rights are a joke"  
So she rounded up her team and said, "start dumpin' some folks"  
A-76, contracts, bye-bye  
Next thing you know NAPA does a little study  
The outcome and plan - well it's nothin' short of muddy  
Cari said, "it's just a plan - nothin's even set in stone"  
But, it seems that we must first centralize the phone.  
Call Center, that is, Reclassifications, downsizing...

*An appropriate motto for EEOC?*

**"The flogging shall continue until morale improves"**

—Anon.

### Alternative Dispute Resolution

## Going Into ADR Employees Should Request Legal Representation

*By Kathleen Harmon, Local 3614,  
Richmond Office*

The agency recently unveiled the long awaited alternative dispute resolution (ADR) program, RESOLVE. Article 47 of the Collective Bargaining Agreement (CBA) sets forth the groundwork for such a program. An ADR program was a high priority for management as we negotiated the CBA. It is apparent now that the program was not so much a priority for the best interests of the agency, but was developed to be a showcase for EEOC as a "model employer."

So, who is best served by the RESOLVE program at its inception? Is it the Chair, in her quest to declare EEOC a model employer? Is it other federal agencies who can now model what EEOC decided is a model ADR program? Is it the EEOC's employees, who may not know that in most cases going into ADR, the agency will have the Office of Legal Counsel review the matter before coming to the table, (so employees should request representation)? Is anyone best served by this program? Time will tell.

And, oh, by the way, contrary to EEOC's assertions

### **Contrary to EEOC's**

**assertions that the program is available at all stages of the process, the program is only available at Step 1 of the grievance process.**

that the program is available at all stages of the process, the program is only available at Step 1 of the grievance process. After articles appeared in the *Federal Times* and *GovExec.com*, the agency contacted the Union to discuss whether the program was available at other steps. Throughout the discussion, the agency made it clear that the program would be available at later steps, only if a manager decides he/she wants to go into RESOLVE at later stages and then only, if the Step 1 Official represents management. The Union declined to go backwards or to give a manager who already had the opportunity to settle, a second bite at fact finding.

The final word is, be wary of RESOLVE and seek union representation.

# Labor History: The Pre-Civil War Period

By Mike Davidson, Local 3504,  
Chicago Office

By 1842, a five year depression was just beginning. The depression created widespread unemployment and wage levels fell drastically. Labor organizations disintegrated. With the improvement in the economy, Labor organizations revived, spurred on by a fight for a ten-hour day. In New England in 1842, the Ten-Hour Republican Association petitioned the Massachusetts legislature to establish the ten-hour day by law. A bill was

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**Women were, by the 1840s, becoming a fixture in factories as a result of the depression that began in 1837.**

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introduced in the legislature but was defeated. Nevertheless, organization around this issue continued.

Women were, by the 1840s, becoming a fixture in factories as a result of the depression that began in 1837. Groups of female workers published periodicals describing their working conditions characterized by fourteen-to sixteen-hour days, low wages, abuse by factory managers and speed-ups in production. During this period a number of women's associations were formed throughout Massachusetts and then combined with other labor organizations which had previously been all male.

Between 1847 and 1855 activity in New England states for laws establishing a ten-hour day continued. Although some New England states did pass such legislation they were not wholly effective. For example, New Hampshire's law fixed the ten-hour day as the legal working limit unless workers contracted to work longer. A similar law was passed in Maine. Factory owners then required workers to sign contracts for longer hours. Refusal to sign such contracts resulted in black lists.

But, the ten-hour day continued to be an issue and there were some successes. Tied to the ten-hour day campaign were the issues of a minimum age for child labor and shorter hours for children.

City federations and industrial congresses added to the foment for the ten-hour day and played a role in the fight. Moreover, the ten-hour day fight expanded to other parts of the country. New York, New Jersey, Pennsylvania, Ohio all passed some form of a ten-hour day law.

"In 1840 of sixty-nine establishments reported by the Bureau of the Census, 52 percent worked eight to eleven hours, 36 percent worked eleven to thirteen hours, and nearly 12 percent worked more than thirteen hours. By 1860 of 350 establishments reported, 67 percent worked eight to eleven hours, 31 percent worked eleven to thirteen hours, and only 2 percent still worked a longer day."<sup>1</sup>

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**"...[B]y the opening of the Civil War production cooperatives had disappeared, victims of insufficient capital and price wars."**

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Between 1850 and 1855, production cooperatives sprouted in various cities in Ohio, New York, Massachusetts, Rhode Island, Michigan, Illinois, West Virginia and in various trades. Few lasted more than a year or two. The idea was that workingmen could improve their standards by reducing living costs. ("...[B]y the opening of the Civil War they had disappeared, victims of insufficient capital and price wars.")<sup>2</sup>

Unfortunately, workers and their organizations revealed an "...indifference, even hostility, to the [abolitionist] movement."<sup>3</sup>

While workers may have recognized slavery as abominable, they also viewed their own situation as "wage slaves" as also abominable.

Working men may also have feared their situation would worsen considerably with emancipation of slaves which would bring thousands of black laborers into competition for jobs. If this happened, workers feared that wages, in general, would be driven down. On the other hand, some labor leaders and labor newspapers opposed the westward expansion of slavery. The Cincinnati Daily Unionist, for example, published the

following: "We are no abolitionists in the popular sense of the term, but we would belie our convictions of democracy did we not oppose slavery's extension over new lands."<sup>4</sup>

To the extent that this was a change of attitude on the part of labor, it can be attributed to the fact that the extension of slavery was not perceived as a threat to working people and to a realization that slavery demeaned and degraded the conditions of all labor.

"In the South slave labor was rapidly replacing free labor in the factories; in the North employers were telling their labor force that they had to work as long and as cheaply as the slaves of the South in order to compete with the southern manufacturer."<sup>5</sup>

That slavery, and the extension of slavery was inimical to the interests of free labor became so imbued within the ranks of labor that workers were participating in torchlight parades and other activities against the extension of slavery and voted for Fremont, a "free soiler", in 1856 and for Lincoln in even larger numbers in 1860. But, "...labor did not combine as a unit in the antislavery crusade."<sup>6</sup>

New organizing efforts in the 1850s were spurred by an improving economy and accompanying upswing in industry. Railroad construction was going strong. "By mid-1850 workingmen of all trades were busily engaged in organizational activities in

*Continued next page*

1842

Five Year depression begins. New England: the Ten-Hour Republican Association petitions Massachusetts legislature to establish the ten-hour day by law.

1852

The National Typographic Union established.

1850

Working men of all trades were busily engaged in organizational activities in most industrial centers, even as far west as San Francisco.

1857

Unemployment rose to the 200,000 level and was met with demonstrations of the unemployed petitioning municipalities to initiate public works programs.



Continued from previous page

**“By mid-1850 workingmen of all trades were busily engaged in organizational activities in most industrial centers even as far west as San Francisco.”**

most industrial centers even as far west as San Francisco.”<sup>77</sup>

Membership in labor organizations reached 200,000. Trade unions were craft oriented by large measure and the major issue was wages.

The effort to secure better wages was largely successful. The period of 1853-1854 produced more than four hundred strikes. Trade unions were resembling more closely labor organizations that we recognize today: they were tighter, more efficient organizations, they collected dues, some attempted to accumulate strike funds. Collective bargaining was used more extensively and contracts were introduced. There was more interaction between labor organizations. The focus of these labor organizations was economic action “pure and simple”.

A mid-decade year long recession caused a dip in labor organizations. Two years after that recovery, the recession 1857 again affected the ability of labor organizations to survive. Unemployment rose to the 200,000 level and was met with demonstrations of the

unemployed petitioning municipalities to initiate public works programs. Locals revived toward the end of the decade, following a familiar cycle, with the improvement of the economy. An extraordinary number of strikes occurred.

The most extensive strike in the history of the country, and a successful one, was the New England shoemakers’ strike of 1860 which eventually spread through Maine, New Hampshire and Massachusetts and involved 20,000 boot and shoemakers. Other industries had their own victories.

A significant development was the reappearance of labor organizations on a national scale. An expanding market and nation-wide competition were a couple of factors accounting for this. “National trade associations were created to help equalize wages and working conditions.”<sup>78</sup>

The National Typographic Union, one of the oldest unions, was established in 1852. This was one of the few labor organizations that survived the 1857 economic panic. Between 1857 and 1860, half a dozen other national labor organizations were born representing cotton mule spinners, painters, cordwainers, iron molders, machinists and blacksmiths.

Labor was about to enter another stage of development marked by the election of Abraham Lincoln, military intervention and the Civil War.

## POINTS TO PONDER

- **Why is it** so important for Chair Dominguez to be a model employer, but not to act like one?
- **How many times** in EEOC history has a Chair appointed a Deputy General Counsel before a General Counsel was appointed?
- **Why is** EEOC not interested in having employees staff the call station in consideration.
- **Why are** Commission meetings held so infrequently?
- **Will the** Chair’s plans for the federal sector decimate the rights of federal employees and make justice available only for those with dollars?
- **Why have so many** District Director vacancies existed for more than one year, while other District Director vacancies are filled within minutes of retirements being announced?
- **Will** Dallas, Detroit, Seattle and San Antonio District offices be closed?
- **Will the** Denver District and any other District Office be downgraded from District Office designations and, if so, to what?
- **Why is the** EEOC taking the position that it does not have to negotiate hours of work schedules under the new CBA, Article 30.05, when it has negotiated work schedules under the same contract language since 1991.
- **Why does** EEOC’s Chief Negotiator admit that the parties have negotiated hours of work schedules under the same contract language in the past, but refuses to put that in writing or negotiate now.
- **Why has the** EEOC designed a data input system to track work in a very cumbersome manner, rather than to enhance the ability of employee’s to provide customer service?
- **Why has** EEOC’s response to both the management survey and the survey conducted by the Union has been to post 4 positive comments by managers on InSite? Were there any other positive comments? What about the negative comments?
- **Why did the** agency cry broke earlier in the fiscal year and requested additional monies from Congress, but now has a surplus of money to spend?
- **Is it true** that EEOC turned back \$3M last year? Why?
- **Where is** the Chair these days? Is the silence on her activities related to the Stealth program? Is it because the political season is upon us? Where in the world is Cari Dominguez and what is she doing?
- **Why has it** taken more than 1 year and untold lost and wasted hours for EEOC to address the IMS problem?
- **Why** isn’t trial experience a criteria for the regional attorney position?
- **how** much “public” was the September 8<sup>th</sup> public meeting?

**Footnotes:** <sup>1</sup>History of American Labor, Joseph G. Rayback, p. 96.; <sup>2</sup>Rayback, p. 98.; <sup>3</sup>Rayback, p. 100; <sup>4</sup>Rayback, p. 101.; <sup>5</sup>Rayback, p. 101.; <sup>6</sup>Rayback, p. 103.; <sup>7</sup>Rayback, p. 103.; <sup>8</sup>Rayback, p. 106.

1860

New England shoemakers’ strike of 1860 eventually spread through Maine, New Hampshire and Massachusetts and involved 20,000 boot and shoemakers.

1861

Presidential Inauguration of Abraham Lincoln...

# Martin Speaks at Commission Meeting

On September 8, the Commission held its first meeting since November, 2002. Billed as a “public” meeting, the theme was “Repositioning For New Workplace Realities: Securing EEOC’s Continued Effectiveness” and focused on the myriad recommendations contained in the study conducted by the National Academy of Public Administration (NAPA) released last February.

In his introductory remarks, Commissioner Miller cautioned, “if it ain’t broke, don’t fix it!” Overwhelmingly, panel members questioned the wisdom of the NAPA recommendations and urged more participation from internal and external stakeholders and Congressional involvement. The need for a Contact Center was questioned, despite the recommendation of the Chair’s Work Group; the closing, reclassification or the moving of EEOC offices was criticized. A spokesman for District Directors opined that EEOC Headquarters should lead by example and move to an outlying area where the rent was significantly lower.

What follows are excerpts from the testimony of National Council of EEOC Locals President, Gabrielle Martin before the Commission:

*Employees at EEOC are angry about:*

- Lack of communication;
- Lack of information about the NAPA recommendations;
- Contracting out of employee jobs;
- Office closings and downsizings; and
- The lack of focus on recognition, performance management, training and employee development.

*The focus on EEOC employees is not to say that the customer is not important, but is to recognize another important point—well-trained, recognized and satisfied employees make for well-served customers...*

*While we are a small agency, I suspect that we are one of the most important. With that in mind, we cannot undervalue the employees that I stand here representing, or their issues...*

*EEOC is a small and chronically underfunded agency. It is clear however, that this agency wants to chart a different course. EEOC cannot and should not*

*change merely for the sake of change. And, it would improve employee morale if there were forthright communications with employees about the process for dealing with the NAPA recommendations and about office closings and downsizings. In seeking input, EEOC must be willing to share all of the data which supports underlying facts and issues, with its employees and stakeholders...*

*The existence of offices in locations in itself is a deterrent factor. Law enforcement cannot and should not be done from virtual offices for that suggests that discrimination is virtual, existing only in the minds of those claiming to be victims. EEOC should not send this message to America.*

*Law enforcement by its very nature, is labor intensive and EEOC must invest in people, using this resource to perform mission-critical work. Moreover, the EEOC’s mission is so important that selling any job at auction to the lowest bidder is unacceptable. It also is unacceptable that while a number of federal agencies have publicly fought against contracting out, EEOC has not. EEOC must fight even harder for its employees in the budget process, both for more money and against contracting out.*

*Notwithstanding EEOC’s budget limitations, EEOC must hire sufficient numbers of employees to get the work done. Sufficient staffing includes both professional and support staff. To continue in the vein of not employing sufficient numbers of support staff is something we can ill afford. Our too few employees are stretched too thin, filling the void left by so many vacant positions.*

*EEOC needs to do a much better job of recognizing and rewarding the talents and efforts of its employees.*

*I note that it will be counterproductive for EEOC to improve the performance management and employee recognition programs, until it reviews and updates employee position descriptions and resolves longstanding classification issues. Position descriptions and skill competencies should be updated more frequently...*

*Finally, EEOC must invest adequate time and budget for training purposes. We*

*cannot continue to be penny wise and pound foolish. EEOC’s internet training program is largely underutilized. Those who seek to use the benefit do not have time to take the courses, there has been insufficient education about the program and there is very little encouragement from managers for employees to take advantage of this training tool.*

*Last year, in spite of our tight budget, EEOC turned money back. During that time, investigators were told not to schedule on-site visits, hearings and litigation travel and activities were rescheduled or canceled. We did not hire staff. Training requests were denied and monetary awards were limited.*

*Employees should be able to count on the agency to implement sound financial practices, not face potential furloughs in one month, be told there will not be an awards program or training the next month and then learn that there is an awards program and travel money the following month...*

*EEOC is still top heavy. Given our budget limitations, EEOC must scrutinize and make changes redirecting resources to directly support the mission. EEOC must get rid of the numerous redundancies in headquarters and the field...*

*As a final note on technology, EEOC must not think of call centers as a quick fix for our call volume. The use of EEOC staff is a mandatory component in providing service to our varied customers and constituents. A script and a laptop alone will not allow us to provide the requisite quality service. Just ask the Veteran’s Administration and the IRS about the time, money, and toll on customer service required before they realized that call centers are not the quick answer.*

*Two weeks ago, we celebrated the 40<sup>th</sup> anniversary of the 1963 March on Washington which reminded me that title VII exists because Dr. King and other people put their lives on the line, in part, for fair employment laws...today, members of our society still carry the dream of equal employment opportunities.*

*My question in closing is whether the changes this agency is preparing to make, keep us true to the dream?*



# EEOC Employees Take a Stand Against Management's 'Top Secret' Mentality

*Continued from page 1*

just a “wing-it” reconstruction? Why the total lack of communication with the Union and all employees, in general? This was discussed *ad nauseam* until one council member proclaimed with disgust and a feeble attempt at humor, that the agency has treated its employees like mushrooms.

They have kept us in the dark and fed us bullshit. Something clicked in the minds of all attending. That simple statement aroused an overwhelming feeling of congruity amongst the delegates and council officers. Yea!—we shouted. Amen!—we concurred. The idea took hold and the mushroom campaign began to grow.

What is a mushroom? Essentially, it is a fungus. EEOC employees are being treated like a mushroom. We are being kept in the dark and we are being fed a lot of manure. These actions are characterized by the Agency's ultra-secretive behavior regarding reorganization, contracting out, telecommuting, restructuring, etc. The Agency proceeds with issues without consulting the Union. The Agency refuses to respond to inquiries from the Union about all the issues affecting employees. The

Agency stonewalls the Union and no one knows why. Wouldn't this be much more effective if both parties treated the other with respect and operated in the spirit of a partnership? Now, I know that partnership was canned by Bush because it was too much of a “feel good and warm fuzzy” idea for this agenda, but surely working together (openly and honestly) would accomplish much more.

Employees feel left out. They become suspicious of the motives of Management when a veil of secrecy permeates every aspect of our day to day operations. There is little communication regarding the real issues facing this agency. However, we are inundated with messages, e-mails, handouts, plastic carrying cards and paper clips for the Resolve Program. Heck, we even got a video clip on Insite about the program. I am sure the video clip, featuring the Chair, was quite nice, however, most EEOC employees do not have sound on their computers so we have no idea what she said (well, unless you can read lips really well). This was joked about tremendously in offices and employees made comments such as “par for the course”, and “unbelievable”. Morale is taking a nose dive in

this agency. This is like our humble friend, the mushroom; it is a fungus. Low morale is spreading like a nasty case of fungus leaving in its wake—dissatisfaction, suspicion, anxiety and resentment. How can we function as a top notch civil rights agency with all of that brewing?

Employees deserve to know what is happening! Do not give us lip service! There are things that need to be changed in the Agency—no one is against progress for the better good. However, working together we can accomplish many things without all the negativity that is currently festering.

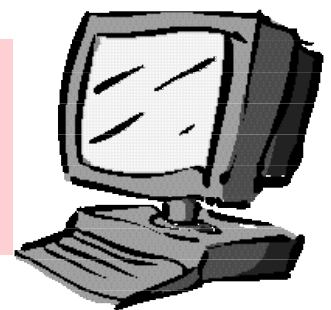
What does all of that have to do with the mushroom? Well, quite simply, we were so motivated by the concept of being treated like mushrooms that we adopted the unassuming little fungus as our mascot, so to speak. You may have received, or will receive, a button with a little mushroom on it and a red circle with a line through it. That mushroom is YOU. That red line and circle represent your desire to not be treated like a mushroom by Management. Your support of this concept by wearing your button is important. Yes, you can wear the button at work. Yes, you can post it on



your bulletin board. By doing so you are taking a stand and telling this Agency that you do not condone their “top secret” mentality. The mushroom button has created quite a stir, there have even been some members of Management who have asked for one. Now isn't that interesting?

What is the goal of the mushroom button? To stress the importance of the right of agency employees to be informed of what is happening and how it may affect them; To stress the importance of giving the employees on the front line (and most important) of this agency, the respect they deserve; To stress that low morale, resulting from a lack of communication on the part of the agency, is destructive and crippling. Wear your button proudly! Persevere and continue inquiring into issues! That is your right! Now, I am off to order a pizza. What kind you ask? Cheese, of course, heavy on the mushrooms.

**Visit The National Council's  
Website: [www.council216.org](http://www.council216.org)**



# Convention Speakers Emphasized Bush Administration's Attack on Federal Employees.

*Continued from page 1*  
time payment of \$5.00 per member.

The Convention began and ended with the singing of the labor anthem "Solidarity Forever."

*When the union's inspiration through worker's blood shall run,  
There can be no power greater anywhere beneath the sun;  
Yet what force on earth is weaker than the feeble strength of one,  
For the union makes us strong.  
Solidarity forever,  
Solidarity forever,  
Solidarity forever...*

These words written by Ralph Chaplin in 1915 ring true today.

Every employee reading this article should visit [www.afge.org](http://www.afge.org) on your home computer to get contact information for your representatives, as well as "click on" form letters for hot button issues like pay raises and privatization.

This fall Congress is poised to pass legislation that will impact your employment. Only our shared strength will put the brakes

on the Administration's great lie that the economy and public safety require a shrunken and deunionized Federal workforce.



*"AFGE conventioners, 1,200 strong rally to support Aladdin Hotel Culinary employees in Las Vegas in their fight to obtain union recognition."*

## National Council Meets: Vows To Stay On The Offensive!

*By: Rachel H. Shonfield, Local 3599,  
Miami Office*

Your National Council met in Las Vegas on August 16 and 17, 2003, to plan a coordinated attack on the agency's attempts to outsource, reclassify, and restructure us out of existence. First, the Council approved the last meeting's minutes and the financial report.

Of note was that the Union lost 48 members, primarily due to retirements and employees leaving the agency. Fewer members mean a smaller budget and a smaller voice.

We all must work to sign up new members!

After taking care of housekeeping, Treasurer and Chief Negotiator Levi Morrow updated us on the Staff Development Enhancement Program (SDEP).

Morrow was heading to HQ to negotiate the particulars, including the criteria for choosing offices which will get SDEP slots and the types of positions which will be considered for these advancement opportunities.

Morrow will also be negotiating space guidelines and an expanded telecommuting program.

Council President Gabrielle Martin filled members in on the Commission's September 8, 2003 "public" meeting.

The pro forma event will allow the Commission to say that it had a meeting regarding ways to "reposition itself" for the future."

Martin, who was asked by the Chair to speak, will reiterate that the agency and NAPA have not made the case for *its* proposed changes.

For instance, most calls are fielded by GS-12 investigators and are therefore not appropriate for scripted "Call Center" operators.

The Council updated its plans to implement a communications campaign on many fronts.

The Council will continue to work with AFGE's legislative arm to oppose EEOC's efforts to make organizational changes, recommended by

NAPA, without Congressional oversight. More members need to send letters to elected representatives on this and other issues.

Click the "contact us" button at [www.council216.org](http://www.council216.org) to get your home e-mail address on a list to receive updates and form letters for when we really need your help, like if an office is targeted for closure or reclassification.

Finally, the Council saw its "mushroom campaign" come into fruition with receipt of its first order of mushroom buttons.

Ask your steward for your button, which will send a message to HQ that we are tired of being left in the dark, only to read about agency changes in the Washington Post and GovExec.com, instead of on "Insite."

The Council strategized about the Labor Management Leadership Council meeting at HQ the week of September 8, 2003.

The Union's team is chaired

by First Vice President Michael Davidson and includes Council members Pat Floyd, Debra Moser, Rachel Shonfield and alternate Kathy Harmon.

The Union's agenda includes: GS-13 investigators, production standards, outsourcing, telecommuting and IMS.

Prior to the meeting, Union team members chaired conference calls nationwide, in order to get direct feedback from members.

The Council concluded the meeting with Local Reports and an informative training from Local 3614 President Regina Andrew on the Union's right to attend formal discussions.

The National Council is a small group. Everyone's help is needed in this critical time: wear your mushroom button, write your Congressperson, attend a Union meeting, and sign up a new member.

Together we are strong!

## Wall of Shame

# CDO: A Model...But of What

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

Help build the Wall of Shame. Send your nominees and the reason(s) behind the nomination to Michael Davidson ([med3529@aol.com](mailto:med3529@aol.com)), c/o Local 3504, 500 W. Madison, Suite 2800, Chicago, IL 60661.

The Chicago District Office (CDO) is one of the biggest offices and is generally perceived as a successful one. Year after year it leads in virtually every category. Yet, it is not without its problems and failures. Case in point: John P. Rowe, CDO Director, has adamantly refused to provide 4-10 as an Compressed Work Schedule (CWS) option for bargaining unit employees.

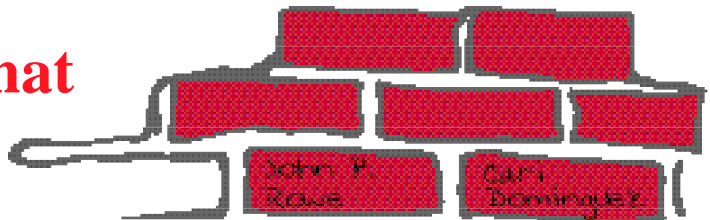
As a result of the implementation of the new collective bargaining agreement on September 2, 2002, each EEOC office was to enter into Memorandums of Understanding (MOUs) regarding Telecommuting and Flexible Work Schedules. Under the terms of Article 30 of the contract, each office was to select two of the three CWSs (5-4-9; 4-10 or 4-9-4). Local 3504 President Michael Davidson presented a proposal to CDO Deputy Director Julie Bowman in September, 2002 which included 5-4-9 and 4-10 as the two CWS options preferred by bargaining unit employees. After a number of meetings it became clear that CDO management was not going to agree to 4-10.

This was confirmed when, in about March, 2003, Bowman, obviously under direction from Director Rowe, stated it was not willing to provide 4-10 as an option in CDO. This, despite a petition from the majority of the CDO bargain-

ing unit members and despite the fact that 4-10 had been adopted by a large number of other EEOC offices in the past and currently under the new contract by at least 42 of the 51 offices as of March, 2003. The Local President thus concluded the matter to be at an impasse. Rowe and Bowman would not even consider implementing 4-10 on a trial basis as a means of determining whether their worst fears would be borne out.

CDO management's reasons for being so staunchly opposed to 4-10 included that bargaining unit employees under 5-4-9 did not adhere to their schedules in past years; and that bargaining unit members would not be productive on a 10 hour day. This reasoning ignored the fact that supervisors are here to address these issues; that it is unjust to punish the entire bargaining unit for the sins of some; that productivity over a 10 hour day might vary individually and that, ultimately, where an individual was demonstrating a lack of productivity on a 4-10 schedule, management had the ability to remove the employee from the 4-10 schedule. Moreover, a supervisor could deny, at the front end, 4-10 participation for just cause.

The argument advanced by CDO Management ignored that bargaining unit employees had been responsible for CDO's consistently being



among the top offices in the pack. The arguments, quite to the contrary, demeaned the work ethic of bargaining unit members as a whole.

In March, 2003 an unsuccessful mediation was conducted under the auspices of the Federal Mediation and Conciliation Service. Davidson then advanced the matter to the Federal Service Impasses Panel (FSIP). (The FSIP is a federal agency which decides matters that have reached an impasse). Unfortunately, the FSIP, declined to assert jurisdiction.

This is where the matter lies at this time, but it is not the end of the story or the fight.

But, it is another glimpse into the myth of the EEOC as a model employer. In this instance, in this office, CDO Director Rowe has chosen to ignore the efforts of bargaining unit employees that, year after year, has placed CDO at the apex of EEOC offices in results, prestige and reputation. A model employer might have taken this into consideration and, at least, allowed a 4-10 schedule for a trial period. Rowe simply rejected 4-10 on any basis without making the effort to explore such a possibility. For this myopia, John P. Rowe deserves the nomination for a 216 Works "brickhead" nomination.

## AFGE 'Action News': A Great Resource for Locals and Members

EEOC members and locals have a great resource at their fingertips: AFGE's Action News, a section of the AFGE web site that enables individual members and local leaders to make their voices heard. It only takes a few moments to register yourself as a user. Once you're registered, you will automatically receive e-mail news of importance to government workers.



As a registered member of the AFGE Action News network, you'll also have two-way access to local and national media outlets, opinion leaders, elected officials and lawmakers. Information in the Action News section enables you to quickly correspond with these contacts to voice your opinion and register your views.

Check it out: Go to [afge.org](http://afge.org), click the menu choice "News" and open the "Action News" choice. Follow the online instructions from there.



# Council, Local 3614 Win Honors in AFGE Contests



Last spring the AFGE sponsored a contest for websites and newsletters in several categories. The National Council of EEOC Locals, No. 216 entered in the category of General Excellence for Council newsletter and won first place. Local 3614 (one of the eight member Locals of the Council) President, Regina Andrew developed a website for her Local and entered the contest. Local 3614

won an Honorable Mention award for its website in its category. The awards were presented at the AFGE National Convention.

Andrew accepted on behalf of her local; Michael Davidson, Council 1<sup>st</sup> Vice President and editor of the Council newsletter, *216 Works*, accepted the award on behalf of the Council.

The Council is proud of the achievements of both the Local 3614 and the Council newsletter.



*Michael Davidson (right), editor of '216 Works' and Local 3614 President Regina Andrew receive awards at AFGE convention.*

## DoD Plan Threatens Rights of All Federal Employees

The Department of Defense (DoD) is ramming legislation through Congress that would place civilian DoD employees under a completely new personnel system. The House, under intense lobbying pressure from the Bush Administration, included DoD's so-called National Security Personnel System in the final version of the 2004 Defense Authorization Bill (H.R. 1836) that passed the House on May 22. A massive AFGE grassroots and national lobbying campaign prevented the DoD plan from being included in the Senate version of the Defense Authorization Bill (S. 1050) which also passed on May 22.

If the DoD plan becomes law, other federal agencies will push for similar personnel changes. That means this is a fight for the pay and rights of all federal employees. Under the DoD plan:

- You will LOSE your annual pay raise and step increases, because your supervisor will have the power to decide whether and how much to increase your pay each year.
- You will LOSE the right to appeal disciplinary actions and you will LOSE the right to a performance improvement period if your supervisor says you're a "poor performer."

- You will LOSE the right to bargain collectively over employment conditions, and you will LOSE the process for resolving disputes between employees and management.
- You will LOSE the right to overtime pay when you are asked to work on Sunday.

### You Can Help Stop This Attack

Your lawmaker needs to hear from you today. Calls, faxes and rallies by AFGE activists kept the DoD plan out of the Senate Defense Authorization Bill. As Senate and House negotiators meet in what's called a conference to iron-out the differences between the two bills, calls, letters and faxes from AFGE activists can help prevent the DoD plan from becoming law. The more lawmakers hear from us, the more likely they are to listen.

Call your member of Congress toll free at 1-877-331-2000. Urge them to oppose the National Security Personnel System Plan.



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