

# **Equal Employment Opportunity Commission: Budget, Staff, and Access Cuts Undermine Fight Against Workplace Discrimination**

## ***Summary***

AFGE's National Council of EEOC Locals, No. 216, is proud to represent Equal Employment Opportunity Commission (EEOC) employees who are on the front lines of protecting civil rights in the workplace. EEOC's investigators, attorneys, mediators, administrative judges and other staff enforce civil rights laws, which protect against discrimination on the job, based on race, religion, color, national origin, sex, age, or disability.

Unfortunately, under this administration, EEOC has become merely a shell of an agency, with a loss of 25% of its staff, a restructuring that has resulted in downsized offices, and loss of office resources. Nevertheless, the administration recommended a \$4 million budget cut for EEOC in 2007. Federal and private employees victimized by workplace discrimination suffer the real losses. As EEOC's backlogs continue to grow, fewer people receive the help they need from the EEOC.

The public also suffers from the EEOC's stubborn attempts to contract out permanently its poorly performing privatized call center. Even worse, in 2007, EEOC cut off the public's access to local offices, forcing all civil rights inquiries to the outsourced call center.

For FY07, Senate appropriators adopted comprehensive report language that restored the \$4 million cut from EEOC's budget, defunded the privatized call center, directed the hiring of field staff, and addressed the fall-out of the agency's controversial restructuring. However, the Congress decided not to finish most of the appropriations bills in favor of a year-long continuing resolution. Consequently, the Senate FY07 language did not take effect. AFGE Council 216 will lobby Congress to adopt the FY07 Senate Appropriations language in 2008.

## ***Details***

### **1. A \$4 million EEOC Budget Cut, Coupled with Mismanagement of Existing Resources, Means Less Help for Workers.**

For FY07, the White House slashed \$4 million from EEOC's already tiny budget. While the House adopted the cut, Senate appropriators sought to restore the \$4 million. In addition, the FY07 Senate appropriations language, in a "break from past practice" and "[g]iven the lack of respect shown for congressional priorities and the inability of the EEOC to submit detailed budget plans," took the unusual step "to make specific office appropriations." Unfortunately, a year long

continuing resolution could retain the \$4 million cut and allows EEOC to continue to mismanage its budget by wasting money on its call center boondoggle and nonsensical field restructuring.

AFGE Council 216 will lobby Congress to adopt for 2008 the FY 07 Senate Appropriations language, which restores the \$4 million cut.

## **2. Stop Beating a Dead Horse- It's Time to End EEOC's Privatized Call Center.**

The cash-strapped EEOC must stop pumping \$2.5 million annually into the failed privatized call center pilot, which replaces locally based senior investigators with up to 36 poorly trained telemarketers. In 2006, the Office of Inspector General (OIG) concluded at the end of a two year pilot that EEOC's privatized call center is not effective. Nevertheless, EEOC's Commissioners voted 3-2 to add *another* pilot year and to commission *another* evaluation. And despite its record of poor performance, EEOC recently cut off access to field offices, forcing all calls from the public to the call center.

Neither additional pilot years nor further evaluations are needed. The FY07 Senate appropriations language would have authorized defunding the call center. Because the Senate language did not take effect, EEOC will continue to beat this dead horse. AFGE Council 216 will lobby Congress to adopt for 2008 the FY07 Senate Appropriations language, which defunds the call center.

## **3. EEOC Gutted its Workforce and Infrastructure—Leaving the Public to Suffer Delays and Backlogs.**

Since 2001, EEOC lost 25% of its workforce during a multiyear hiring freeze. In 2006, EEOC sped up the staff losses by offering buy-outs and early-outs. Even office supplies, copy and fax machines, and working telephones are not consistently available. While EEOC strangles its field offices, the public suffers from mounting backlogs and longer processing times.

The FY07 Senate and House appropriations language would have directed EEOC to hire field staff. AFGE Council 216 will lobby Congress to adopt for 2008 the FY 07 Senate Appropriations language, which directs staff hiring.

## **4. EEOC's Unsanctioned Restructuring Has Failed to Result in Increased Efficiencies.**

On January 1, 2006, EEOC implemented a controversial nationwide restructuring, without approval from the Senate Appropriations Committee. EEOC downgraded a dozen field offices and expanded offices' jurisdictions, many in areas with high minority populations, and without adding staff or resources; increased bureaucratic layers; and exported responsibility for many

states' civil rights enforcement to offices out-of-state. Although EEOC claimed that the restructuring would result in increased efficiencies, mounting backlogs and decreasing resolutions demonstrate that improvements to help workers have not been realized.

The FY07 Senate appropriations language would have directed the OIG to evaluate the impact of the restructuring and to restore the EEOC's demoted Baltimore office back to a District Office.

As EEOC threatens to restructure its Headquarters in 2007, AFGE Council 216 will fight for: transparency in the process, the opportunity for meaningful feedback, and a final plan that makes sense to EEOC's workforce and addresses the rising backlogs under which the public now suffers. AFGE Council 216 will also lobby Congress to adopt for 2008 the FY07 Senate Appropriations language, which provides oversight of the field restructuring and restores the Baltimore EEOC office as a District.

#### **5. A Continuing Pilot EEO Program Short Circuits Federal Employees' Rights to Discovery and a Hearing.**

Since FY2004, EEOC's Washington Field Office improperly and unilaterally utilizes a pilot "Assessment Program" that short circuits federal employees' rights to discovery and a hearing regarding their discrimination complaint.

AFGE Council 216 will demand that EEOC comply with the regulatory reform process, including posting a notice in the Federal Register, before proceeding with EEO reforms.

#### ***AFGE Council 216's Accomplishments***

In 2006, AFGE Council 216 aggressively raised awareness with Congress, the civil rights community and the press of EEOC's budget and staffing crises, the failing call center, and the dysfunctional restructuring. As a result of AFGE Council 216's efforts:

1. Senate appropriators passed report language saving EEOC from a \$4 million budget cut, defunding the agency's privatized call center pilot, authorizing the OIG to evaluate the impact of the agency's restructuring, and restoring the Baltimore EEOC office to a District office.
2. The agency stopped using its limited hiring on short term staff, rather than permanent Federal career employees.
3. The agency discontinued its telephonic hearing pilot, which denied Federal employees in-person hearings before an administrative judge.
4. The Tubbs Jones/Norton amendment to defund EEOC's privatized call center pilot resulted in a compromise preventing EEOC from making the call center permanent.

5. A bipartisan sponsored letter by Rep. Stephanie Tubbs Jones (D-OH) and Rep. Thaddeus McCotter (R-MI), speaking out against cutting EEOC's budget and making outsourced call center permanent, was signed by 113 House members.
6. The OIG released its report of EEOC's privatized call center, documenting its overwhelming inefficiencies, which corroborated the Council's own year long survey.
7. AFGE Council 216 partnered with AFGE's Women's and Fair Practices Departments to launch the "Protectyourjob.org" campaign, which included a press conference at the National Press Club with prominent civil rights groups and an interactive website.

## ***Conclusion***

AFGE Activists should urge their lawmakers to:

- Support the FY07 Senate Appropriations language for FY8.
- Restore the \$4 million cut from EEOC's budget.
- Defund EEOC's poor performing privatized call center, which costs \$2.5 million annually, and fails to provide meaningful assistance to the public.
- Require that EEOC return the public's phone access to local EEOC offices, instead of forcing them to wait on hold for long periods of time in order to speak to useless telemarketers.
- Restore adequate EEOC staffing levels in order to get a handle on escalating backlogs and improve case processing as well as improve resolution rates that actually help more workers.
- Make fixes to EEOC's 2006 field restructuring and to require oversight and accountability through an OIG evaluation.
- Require transparency in the Headquarters restructuring process, the opportunity for meaningful feedback and a final plan that makes sense to the EEOC's workforce and for the public.

Demand that federal sector reform retain a federal employee's right to discovery and a hearing.