

Overtime Update: EEOC May Owe Its Employees Over \$10M in Unpaid Overtime

In EEOC's effort to do "more with less," the agency closed its wallet to employees working overtime from 2003 until at least 2009. The Union filed a grievance in 2006 on behalf of these employees. More than two years ago a Federal Arbitrator ruled in the Union's favor that EEOC willfully violated overtime laws.

EEOC employees may finally get paid for that overtime work. The arbitration is currently in the claims phase. According to Council President, Gabrielle Martin, "It is unfortunate that EEOC initially refused to pay its employees for their work, but we are pleased that the Union could step in and help." EEOC investigators, mediators, and paralegals were

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AFGE Convention 2012

First-Timer's Viewpoint

By Matt Albucher, Local 3504

The 2012 American Federation of Government Employees (AFGE) National Convention in Las Vegas could not have occurred at a more pivotal time for EEOC employees and our colleagues across government. We are all struggling with skyrocketing workloads, hiring freezes and stagnant budgets. Still, we strive harder than ever to accomplish more with less for the American people. Despite this patriotic service, we continue to have our pay frozen, our service belittled and our livelihoods threatened.

When I started at the EEOC two years ago, I knew that being a union member at this time in our nation's history was an enormous privilege and responsibility. The escalating attacks waged against working people nationwide, including EEOC employees, led me to pursue the duty of serving my fellow Chicago District coworkers and Local 3504 colleagues across the Midwest as Local Delegate. I feel honored to have the responsibility of making sure that the needs and priori-



Council Members with Newly Elected AFGE President J. David Cox (L to R) Matt Albucher, Rachel Shonfield, Pres. Cox, Stephanie Perkins, Gabrielle Martin, Levi Morrow

ties of Midwestern EEOC employees are presented to and addressed by Council 216 and AFGE National.

The weekend before the launch of the full National AFGE Convention, representatives from the EEOC locals nationwide got straight to work at the Council Meeting. I was encouraged to learn that because of the Union's strong negotiations with management during contract deliberations, we will now all enjoy greatly expanded flexible work scheduling opportunities, enabling us to more efficiently perform our

jobs and achieve work/life balance. A new "maxi-flex" work-scheduling program will be piloted and allow employees to select among several flexible tours of duty. Delegates also reaffirmed that the Union will continue to advocate for a dedicated intake unit, so that investigators can better process their caseloads.

The Council Meeting illustrated for me that without workers coming together to support each other, nobody will stand up

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Experiences at the AFGE National Convention 2012

Patricia Floyd-Hicks **President**

This year's AFGE National Convention 2012 was very exceptional for AFGE Local 2667. We received an award for our 20% increase in membership for our local, which is great. Local 2667 sent two Executive Board members as observers this year. The members were able to experience the union at work. They were able to observe the meeting of AFGE Council 216, the AFGE National Convention and the AFGE workshops to see how the Union votes on our AFGE National Constitution and Internal Policies. They learned something about the Legislative and Political Action activities that the Union is engaging in during the remainder of this year's election cycle. We also attended our AFGE District 14 meetings in the evenings. These members received information that will allow them to build Local 2667, that will make our Union more productive and will help keep our members informed about how legislative activities will affect our jobs. The members in attendance speak in their own words:

Lisa Powell **Delegate**

My experience at the AFGE National Convention was exciting and as always, quite informative. I was able to network with the different local presidents and delegates to find out the strategies they use in keeping membership levels up. It was also exciting because this is an election year and the different speakers and videos used during the general sessions were awesome and inspiring. I was especially touched by the content of the speakers. I left the National Convention with a drive to go out in my neighborhood to hand out



Lisa Powell, Delegate

voter registration packets and explain to the first time voters how important it is to vote since it is a privilege to be able to play a part in their future and the future of their children, grandchildren and those that follow.

Tracey Currie **Bargaining Representative**

I have been an AFGE Union member since starting with EEOC. I was very excited about attending the Convention this year; I had never been to one. The council meeting and convention gave me a close up look at what our officers do. It also gave me a new perspective of what the Union does for employees. The Union brings together employees and management with negotiations that will be agreeable to both parties. Through the Union, the officers make sure that everyone is carrying out their part.

I was able to sit in on a meeting with the National Council of EEOC Locals No. 216, as an observer. I was really impressed with President Gabrielle Martin, she runs a tight ship. She's really serious about Union issues and has a passion for what she does to help employees and management come to an amicable resolution. In the meeting I was able to see how issues were brought up and voted on. And before an issue can be voted on in your favor, you really must do your research on the subject at hand. You must be knowledgeable to have full support from the other delegates. They come at you with questions, and you have to be quick on your toes with an answer.

After leaving the Convention, I have a better understanding of Unions. Unions help working people

stand up and be heard. Today's unions listen to members about their concerns, inform members about current issues, and let members know whether their public officials are helping or hurting us as a working class. Through unions, professionals are able to make their voices heard on the issues that matter most.

While attending the Convention, Labor-Web was in attendance. They provided Locals the opportunities to develop free websites. They provided the training for you to get started on creating and maintaining your website. Local 2667 jumped on this opportunity as another way of communicating with our members. Our page is still in the first stage, but I'm excited about getting it up and running.

Esther Mott **Treasurer**

I enjoyed the conference. While sitting in as an observer with Gabrielle, I learned that she runs a tight ship; she answers all questions on point, if she didn't have the answer she told them she will get back with them.

I enjoyed the way the people that were running for national office had their displays. Over all the convention was very informative and enjoyable.



Derrick Andersen, Local 3599, Tracie Currie and Esther Mott, Local 2667 attend training at the Council Meeting

LEVI'S OUTLOOK: A NEW CBA IS ON THE WAY



**Levi Morrow,
Chief Negotiator**

I recently concluded my last negotiations of the Collective Bargaining Agreement between the EEOC and the National Council of EEOC Locals No. 216. CBA negotiations are a monumental task. I have been

involved in negotiating these contracts since the early days of EEOC. Initially, I was a member of the negotiations team, but later became the Council's Chief Negotiator. It has been an exciting and rewarding journey to improve working conditions for employees at the EEOC.

Being the Chief Negotiator is a daunting task. Research is an ongoing process. Managing the expectations of the team and all employees is monumental. After all, negotiations are just that – exchanges where nothing is etched in stone until the deal is done and approved. For most of my negotiations I have been fortunate to have good issues to address. Good issues mean that I have been able to deliver a quality product to employees. During the negotiations process, I am always trying to deliver an additional benefit or clarify an area where there has been confusion. I remain cognizant that at the end of the day, all employees, both managers and bargaining unit, have to live with the agreement. Most importantly, the Union must be able to enforce the provisions it negotiates. This negotiation process was no different.

Here are a few highlights from the recent negotiations. We negotiated the contract under review in a different process. Rather than negotiating using extended and protracted sessions, this time we negotiated in blocks of one or two weeks. In addition to me, the negotiation team consisted of two seasoned CBA negotiators, Sharon Baker, President Local 3599 from Louisville and Gabrielle Martin, Council President and Local 3230 President, from Denver. Two new negotia-

tors were introduced – Regina Andrew, President Local 3614 from Baltimore, and Rachel Shonfield, Council 216 1st Vice-President from Miami.

Management opened the negotiations expressing concern over their rights to assign work and indicated that they wanted to take back rights assigned to them in the Labor Management Statute. Both sides acknowledged changes in various laws since we signed the last CBA in 2002. Over the course of the summer of 2012, provisions related to leave, telecommuting and nursing mothers were added or clarified. We also addressed areas like monitoring, special skills and employee rights and responsibilities. In addition, we added articles dealing with transfers and surveys. Although most of the articles in the CBA served us well over the years, additional changes were made to address areas such as official time, Alternate Dispute Resolution, use of agency facilities, electronic personnel files and promotions. Most every reference to an EEOC document or form will be readily accessible on inSite. No longer will employees or managers have to call around to obtain documents or information referenced in the CBA. Finally, we will pilot a new work schedule called maxi-flex. This will involve a

limited number of offices or employees who will test a flexible schedule that allows employees to perform certain work in fewer than 10 days using varied work hours on work days. Another flexibility is that there will be an additional telework day available each two week pay period.

Employees will soon see the agreement in order to ratify. The ratification process entails reading the document and voting whether you will approve the document or not. If approved, the Chair has an opportunity to ratify as well. And if the CBA is not ratified or the Chair does not accept it, the parties go back to the table.

Once ratified, the parties select an effective date. Once that occurs, all MOUs will be reviewed for compliance with the CBA and additional negotiations will occur at the local level. For example, employees will select their new work schedules and telecommuting days.

Negotiating the CBA is daunting, but also rewarding. At the end of the day, many CBAs have been delivered and have guided us on the journey to better working conditions. This one will be no different.



2012 Negotiating Team at the table: (L-R): Regina Andrew, Rachel Shonfield, Gabrielle Martin, Levi Morrow and Sharon Baker

Labor Management Forums: A New Life?

By Gabrielle Martin, Council 216 President

Labor management forums exist because agencies are told they must have them. These forums provide an opportunity to work together to address issues. But at EEOC, we seem to be losing that opportunity.

For the second fiscal year in a row, the agency's National Labor Management Forum (LMF) met in person at the end of the year. The Union had earlier passed on spending money for an in-person meeting, because the forum had previously failed to come up with much of an agenda. However, the agency found money and an in-person meeting was held.

For this meeting, the Chair attended and sent a message that the labor management forum is an important part of the agency's work. Despite the Chair's message, putting together a working agenda for the coming fiscal year was difficult. As in the past, the Union brought up many agenda items. Management, not so many.

Four projects ultimately resulted from the agenda discussions – 1. to make recommendations to the Chair to improve morale, 2. survey and develop cost savings practices to be implemented agency wide, 3. improve communications with and energize the Local Labor Management Forum and 4. conduct a cost analysis of the IIR program by scheduling a briefing to get the information and then decide next steps on this project. These are topics that will take time and energy and I will push to make sure that we address them timely. After all, with the continuing resolution and perhaps even more limited funding for FY13, it is important that we use our resources wisely.

We also had a few reports from District Labor Management Forums. Several were working on or completing projects such as addressing morale issues, cost savings projects, developing a systemic pilot project and participating in LMF training. However, it was reported that many are limping along.

While it has been difficult to get an agenda for the labor management forum, the agency has been busy on its own agenda. We learned of agency activities through briefings to the National Labor Management Forum. There were briefings on the budget process - potential furloughs are on the table, depending on what happens with the funding for FY13. We learned that the agency has a quality

control board that will work alongside the performance evaluation work group. The performance evaluation workgroup called GEAR, which stands for Goals, Engagement, Accountability, and Results, is mandated by OMB. OMB is seeking a tighter link between funding and performance. The agency is in the process of working with a contractor and a performance review group to assess the current system and make recommendations on any needed changes.

We had a briefing on the agency's Mentor program, now in its third year. The program provides a means for employees to

group is working on how to provide greater public access. Under review at this time is how to extend the current on-line process to allow appointment scheduling via the internet. A number of questions are being resolved, such as how an office's calendar, office hours, as well as current staffing patterns and intake practices would be integrated with the on-line process. Questions also to be resolved include how to update computer systems and the EEOC website. A future element is to include Skyping, but computer system, security and bandwidth issues first must be addressed.



In addition to the busy convention schedule, AFGE members spent their dinner hour attending a protest outside the Venetian hotel where GOP Vice-Presidential Candidate Paul Ryan was holding a fundraiser.

improve their careers and career outlooks by gaining skills, having an assigned mentor to help guide and counsel them on career issues, an opportunity for mentors to learn more about themselves and improve their people skills and overall to make the agency a good place to work. The hope is to expand this as part of the agency culture and to provide everyone with this training opportunity.

The coming fiscal year will be tight. If sequestration hits, EEOC must find an additional \$30M in savings. Currently, EEOC must fund the recent hires so furloughs likely will be a reality. Given these fiscal restraints, we can only hope that the agency and Labor Management Forums use the opportunity to decrease the impact of sequestration on our ability to perform the work.

We had a briefing on intake issues which did not include the Union's Dedicated Intake Plan. Nonetheless, an agency

I requested a briefing on the PIV process, since many people soon will have to renew their cards. The renewal process, like the original process will be staggered. Different offices will be renewed at different times. The process, however, will be similar in that the agency must confirm you before the card can be approved. The good news is that a single step process is being developed. The need for the lengthy application process will be reduced or severely curtailed. Keep an eye on inSite for future developments.

So, while the briefings demonstrate a lot is clearly going on, the cry from the Labor Management Forum members, both labor and management was for inclusion in these activities shaping the agency. We will see whether or not new life is breathed into the forums, or whether they remain an empty exercise.

Jewels of Our Communities

As we enter the New Year, we can reflect on things that did not go well and work to improve them in the coming year. This past year, there have been numerous attempts to make federal employees scapegoats for all things wrong. Whether or not you believe that is true, we have the opportunity to demonstrate that we are the jewels of our communities. This year's AFGE convention theme is that work connects us all. Sure, we work. Our family members and people we do not know work. But the connection is so much more than just that we work. While we can make goods and products that give other people jobs, we must not overlook the other connections that occur because we work.

Because we work, we can fill in gaps where our local school districts may fall short. For example, many of our offices adopt grade school classes and provide school supplies needed by children in our neighborhoods and communities. Because we work, we often also coach and provide equipment for sports teams in our neighborhoods and communities – football, soccer, and basketball, to name a few sports. Because we work, we may also provide time and equipment to social programs

such as Big Brothers and Big Sisters or local Boys and Girls clubs. Because we work, we volunteer to read to children living in shelters of various types or at our local libraries. Because we work, we donate to causes like Combined Federal Campaign which also help build and strengthen our communities. Because we work, we also help out in our communities during the holidays with things like clothing and toy drives. This is important work. Sometimes in the day to day grind, we forget that we are the jewels of our communities.

As we enter the new year, it is easy to be buried in our fatigue from the daily grind of the work we do. Let's take this opportunity to renew our commitment to our communities. If you or the union members in your offices are not involved in a volunteer effort, think about starting one or joining an ongoing effort. When you do, tell me about your projects. Also send pictures of you and your co-workers engaging in the work we



Gabrielle Martin delivering school supplies to Barrett Elementary School Principal Amy Green in Denver, CO

do to help out and strengthen our communities. We will post them. Send pictures and information to: prezc216@gmail.com. Let's be the jewels of our communities and keep our membership in action, because we work.



Sharon Baker being sworn in as 2nd VP

New 2nd VP

In August, the Council elected Sharon Baker to fill a vacancy in the position of Council Second Vice President. Sharon is also the President of AFGE Local 3599. She is a mediator in the EEOC's Louisville office.

The coming months are filled with uncertainty about EEOC's budget, hiring, and future leadership. With an aggressive strategic plan in place and full compliment for our national executive board, the National Council will continue to fight for you and your rights.

What the Heck is Sequestration?

Why You *Should* Care

By Rachel H. Shonfield, AFGE Local 3599

Whether you are a news junkie or just see provocative headlines flash by on your home email page, you have no doubt heard the term sequestration. You might have imagined hearing sequestration followed by the ominous “Jaws” music. Perhaps you felt like Charlie Brown listening to his teacher drone something unintelligible in the classroom: sequestration...wah, wah, wah, wah. If sequestration has not peaked your curiosity, you really should care.

So for an explanation, it is time for the television screen to go into waving flash-back mode. Remember back to the debt ceiling battle in Congress in July 2011? No? Okay, I know you remember back to the hysteria that we might really have a government shutdown/ furlough.

The government default was avoided by a compromise. Well, more like a compromise to kick a ticking time bomb of \$1.2 trillion in automatic across the board cuts down the road and hope it can be diffused before it goes off on January 2, 2013. In Congress-speak, this means over a trillion dollars will be sequestered, i.e., not allowed to be spent on defense and non-defense programs.

The idea behind sequestration is that both parties dislike at least part of how this would play out so much that it provides an incentive to work something out somehow. The first go at it was the bipartisan Super Committee. However, they failed. Now the plan is...oh yeah...there isn't one.

So if nothing gets resolved, how does this affect EEOC and its employees? The

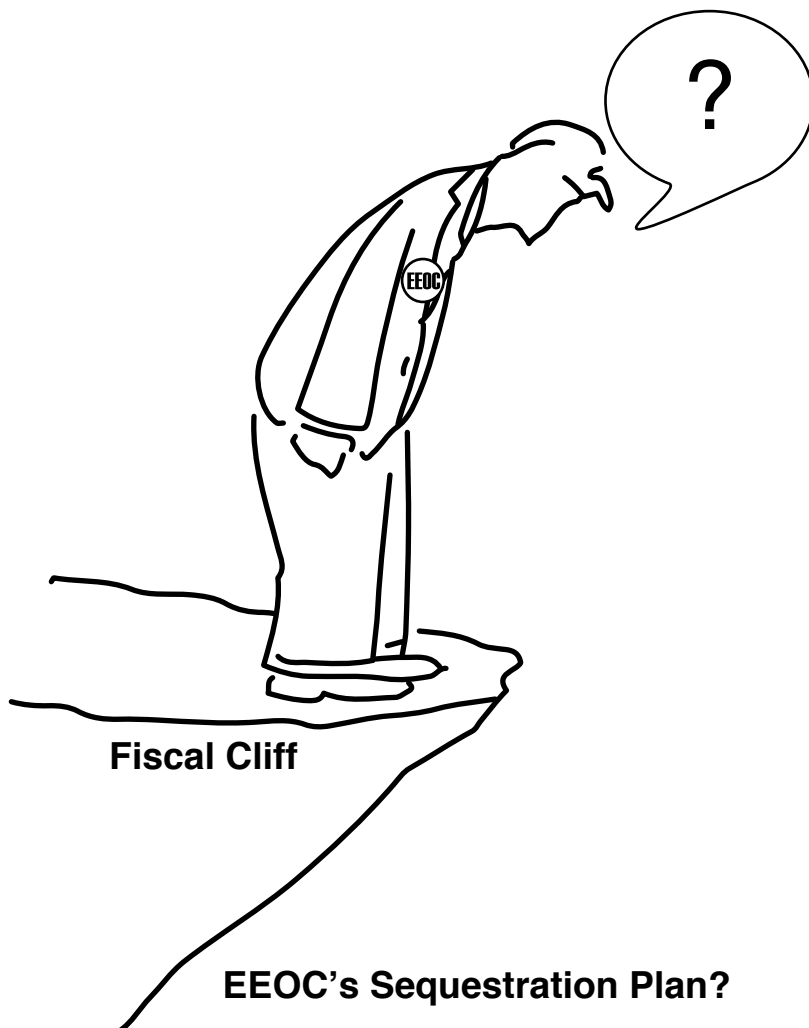
Office of Management and Budget (OMB) recently released an agency by agency breakdown. For EEOC the starting point is the FY12 budget of \$360M, which is already \$7M lower than FY11. The full budget is then subject to the across the board cut of 8.2% for non-defense discretionary funding. The result of sequestration for EEOC's FY13 budget would be a \$30M budget cut. These cuts would continue to be automatically imposed for a 10 year period.

The bulk of EEOC's budget is salaries and rent. A recent *Federal Times* article mentioned EEOC when it stressed that “[p]articularly hard-hit could be agencies in which payroll and benefits make up a high percentage of the budget, such as the Social Security Administration, Equal Employment Opportunity Commission, and National Archives and Records Administration.” Agency options likely include: reduction in force (RIF), unpaid furloughs of several weeks, and dropping probationary employees.

Whatever sequestration plan EEOC might have, OMB apparently prefers agencies not to discuss details. Of course, the Union would advocate for EEOC to choose people over bricks, i.e., cut space/ rent to the bare minimum and let eligible employees telework. However, it is doubtful that even such a desperate situation would motivate EEOC to finally embrace telework. Also the agency could improve efficiency by adopting the Union's dedicated intake plan.

So really, what's next? After the election, the lame duck Congress will try again to avoid sequestration. Hmm, the same problem the same people could not resolve before. There could be a deal to kick the can past January to let the newly elected leaders deal with it. Elections have consequences. A perceived mandate might influence what a resolution would look like. Split government might continue the stalemate and make sequestration a reality.

Some have referred to sequestration as the “fiscal cliff.” Be aware that EEOC, its employees, and the public it serves are all standing on the brink of this cliff.



Council 216 Hits the Medal Platform at the AFGE Convention



AFGE Newsletter Trophy for General Excellence presented to Council 216

Council 216, sometimes referred to as the “Little Council that Could,” was rewarded for our hard work at the AFGE Convention. Pat Floyd-Hicks, President of AFGE Local 2667, and Gabrielle Martin, President of AFGE Local 3230, picked up awards for increasing membership 20% since last convention. Increasing membership while accounting for retirements is no easy accomplishment. Congratulations to these locals for their successful membership building activities.

Council 216 was also very honored to receive the AFGE award for General Excellence for our newsletter, 216Works. Our founding editor, Michael Davidson, set a standard of excellence garnering three previous awards for our signature publication. The winning entry was our “Solidarity Issue,” initially issued in the Fall of 2011. Thank you so much for all of the new and seasoned members who contributed their stories of why they belong to our great Union. We offer many thanks to the editor David Skillman, who has since transferred to ICE, for his winning work and helping us garner this fourth consecutive award in this category for Council 216.



Pat Floyd-Hicks (above) and Gabrielle Martin (below) receiving recruiting awards from AFGE Pres. J. David Cox and past Pres. John Gage for increasing membership 20 percent in their locals



Hey Judge, You Better Mail that Order Yourself

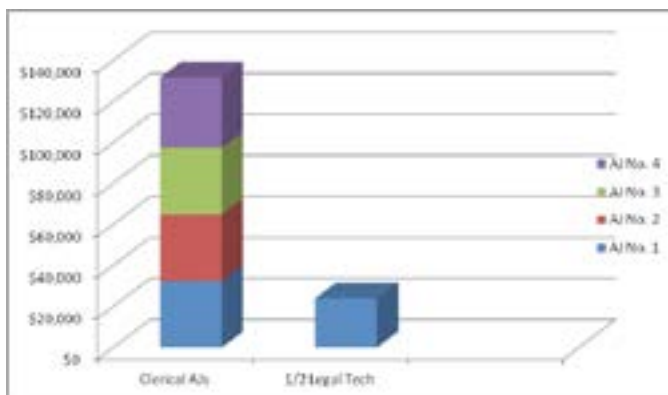
By David Norken, Local 3614

EEOC Administrative Judges face systemic problems in being able to perform their jobs. One of the most pernicious is that throughout the country EEOC Administrative Judges are performing their own clerical work. The reason for that is the Commission refuses to hire clerical employees to perform the routine clerical work of the Hearings Units.

Yes, lack of clerical help is a problem throughout the Commission. However, look how the problem becomes a colossal waste of the taxpayers' money when Administrative Judges perform their own clerical work on any sustained basis. Most EEOC Administrative Judges are GS-14 employees just like most EEOC Trial Attorneys. However, most Legal Units have GS-7 Level Legal Technicians and GS-9/11 Paralegals to support them. Throughout the country, the Hearings Units have none of these. That means that Supervisory Administrative Judges spend much of their time opening and closing cases and bargaining unit Administrative Judges spend a considerable amount of their time logging mail, updating and generating certificates of service, copying orders, stapling, generating and stuffing envelopes and placing them where they can be mailed.

EEOC Administrative Judges throughout the country report that doing their own clerical work takes between 25-30% of their time. That was about how much time to perform clerical work it took my own office when the Baltimore Hearings Unit had one or no clerical employees during a full year from April 2010 through March 2011. Because the Baltimore Hearings Unit Administrative Judges were performing their own clerical work for half of FY 2011, the Baltimore Hearings Unit did not meet its office goals for the first time in many years.

The Baltimore Hearings Unit is an example of the fiscal shortsightedness. There are four bargaining unit Baltimore Administrative Judges. Baltimore is one of the luckier units because it used to have two Legal Techs but now still has one. Most Hearings Units aren't even that lucky. Here is the comparison using Administrative Judges to do clerical work as opposed to adding a half-time Legal Technician:



The cost of the four Baltimore Administrative Judges performing their own clerical work over a year is equivalent to the pay of an entire Administrative Judge. This cuts tremendously into the productivity of the Baltimore Administrative Judges and of Administrative Judges throughout the country. The Administrative Judges each devoted 25-30% of their time to clerical work for six months in FY 2011. That meant the loss of half of an Administrative Judge. On the other hand, the same work can be performed with only \$23,918 in Legal Technician resources per year. Having Administrative Judges do this work is a tremendous waste of money and the lost opportunity cost of their productivity. This means that parties have to wait longer for their cases to be acted on, all because of a tremendous waste of resources and the public's money.

The problem isn't going to go away with the near term adoption of EFX, an electronic filing website. Legal Techs will still be needed to open and close cases, update certificates of service and scan filings that unrepresented complainants file by mail. The solution is that when vacancies occur, the Commission should hire some Legal Technicians first and then hire somewhat fewer Administrative Judges so that all the Administrative Judges may be at least 25% more productive because they do not have to perform clerical work.

The Union has been trying to deal with this problem for several years. AFGE Local 3614 prosecuted a grievance for two years over the Philadelphia District's refusal to bargain over the impact of the loss of a Baltimore Hearing Unit Legal Technician when the District Director moved the FTE to Enforcement. The grievance was settled a year ago with an agreement to engage in bargaining over the impact the loss of the Legal Tech had on the Baltimore Hearings Unit. The Union team negotiated for eight months and finally came to an agreement with Philadelphia District Management that the Baltimore bargaining unit Administrative Judges would not be required to perform clerical work and that getting clerical work done would be a management responsibility. However, headquarters management rejected the agreement indicating that the agreement interferes with management's right to assign work. We recognize that management retains its rights to assign work, including the right to assign work in a manner that perpetuates the colossal waste of the taxpayers' money when GS-14 Administrative Judges perform clerical work on any sustained basis.

This is a problem of management refusing to effectively manage to preserve the taxpayers' scarce resources. As we all know, justice delayed is justice denied. When complainants contact your District Directors or Congress to complain that their cases have not been acted on in many months, this will be why. Such a waste of resources should never have occurred and must stop.

Labor History: The Battle Cry Resonates

By Gabrielle Martin, Local 3230

I arrived at the site on an overcast afternoon. The site is located about one mile from a modern interstate highway teeming with mid-afternoon traffic – cars, buses and trucks. Each of those vehicles transports people and goods. While each of those vehicles passed by, some without knowledge of the site's existence, each is inextricably tied to the history of this place and the cry for better working conditions.

The site is the National Historic site memorializing the Ludlow Massacre. Declared an historic site in 2008 and dedicated in 2009, the site includes a monument donated by the United Mine Workers (UMWA), a metal slab door, and numerous story boards describing events from the long ago April day in 1914, in Ludlow, Colorado. On that day, miners and their families perished because they dared to challenge the deplorable working conditions and low pay.

Aided by the United Mine Workers Union (UMWA) and Mother Jones, these families, consisting of individuals, many foreign, speaking more than 22 languages, were on strike against the then common work practices. Those practices included 12-hour work days, six and seven day work weeks, the lack of pensions, the lack of education for their children, low wages, being forced to return their hard earned wages to the mine owners to pay for substandard housing as well as overpriced food and staples in the company owned towns and even denial of the right to unionize to improve these conditions.

In response to the call, the strike began Tuesday, September 23, 1913. By the fateful April day in 1914, the miners had been living in tent cities provided by the UMWA for over eight months. Basically, canvas separated the strikers from the elements. Conditions were cold, spring snow blanketed the ground and the camps were cramped. After Greek Easter Sunday services, the militia moved in. The massacre occurred in a carefully planned attack on the tent colony by Colorado militiamen, coal company guards, and thugs hired as private detectives and strike breakers. Specially outfitted armored cars rolled up to the camp, including an armored car mounted with a machine gun—the Death Special—and roamed the area spraying bullets. Many of the women and children fled into the nearby hills, in an effort to be spared the carnage which followed.

The tents had been doused with kerosene so the fire quickly ravaged the canvas and wood tents. Women and children hid in bunkers dug under the tents to protect them from random bullets (the death door). Four women and 11 small children died holding each other under burning tents. Those who dared to attempt escape were shot and killed. A total of 18 men, women and children perished.

Despite the eerie silence, I feel the reverance and hear the voices of the Unionists' battle cries for better working conditions loud and clear.

For more information visit: <http://umwa.org/?q=content/ludlow-massacre>



Efficiency Denied: The Union's Dedicated Intake Plan Still On Ice

Imagine being tied to an office and a phone everyday - your every move is monitored. Imagine that you cannot help your office in any other way despite seeing work pile up as people leave. Imagine it is work that you could help the office accomplish. But, all you can do is watch the work pile up.

With fewer than 30 IIRs left nationwide to handle all initial calls to the agency, life is stressful. Currently, morale suffers as these employees remain isolated from others in the office and often feel that they are removed from the agency's real mission. The question arises whether it makes sense to keep this group of employees as stand alone units. Already struggling to

manage the day to day work on limited resources, EEOC must give up the notion that having a call center is the answer and address the question of how best to use its limited resources.

The Union's intake plan which incorporates these IIRs into intake units should be adopted. Instead the agency has left the Union's intake plan on ice for almost three years. The agency should embrace the plan because it is cost efficient. Also, the agency would get units with one stop service. Investigators say that they would not lose one to two weeks per month obtaining basic information from the public and providing more in-depth answers to questions. Instead, the IIRs, ISAs, OAs

and other intake employees would be used to form a group in offices. The employees in this group would answer the phones, respond to intake e-mail, address questions from the public, and conduct intake in appropriate situations.

We asked employees what a difference such a unit would make. Employees favor a move to these units because they would get time to work on older cases and provide important customer service. In addition, Investigators say they would be stretched in one less direction and could focus on priority investigations sooner, rather than later. More on-site investigations could be conducted. More time also

BYOD – Bring Your Own Dimes

In the world of telework, EEOC claims to want to be a player. But, EEOC is a poor agency, so providing tools and equipment for office work, let alone telework, remains difficult. EEOC's questionable spending habits make the task of getting supplies difficult. Even something as simple as obtaining a basic government standard calendar, rather than a flashier calendar that some manager decides he likes, is complex, if not next to impossible. Getting tools to telework is equally daunting and next to impossible. Cries of budget constraints coupled with the fact that all employees have laptops likely means employees under a pay freeze are being asked to foot greater portions of the bills to stay connected.

Most employees seeking smart phones or tablets want access to calendars and e-mail when away from the office. How does that happen without shifting the entire burden to the employees? Recently touted as the way to allow federal agencies to provide "productivity" tools to employees, the Bring Your Own Device or BYOD plan tries to answer that question. Employees pay for access to do their work. I am not sure this will last very long. First, employees can only be more productive when they agree to assume and pay the associated costs. BYOD easily allows EEOC to make it more attractive for employees to foot that bill. But, data and phone charges add up quickly, so for most employees this will not remain attractive for very long.

Moreover, we know that the bill is being shifted to employees because EEOC only explored and adopted BYOD after the Union exposed that for almost two years, EEOC paid exorbitant monthly contract fees on many Blackberry devices, many of which were unused, turned off and sitting in desk drawers. So EEOC has begun the process of attempting to recoup lost dollars.

Next, the agency has no mobile phone requirement or policy, so employees can volunteer for extra productivity as they ride the train to work, or during evenings and weekends. Given that EEOC was found guilty of willful overtime violations the BYOD plan is a recipe for further disaster. The message that employees should stay connected will lead to additional overtime charges.

Finally, allowing the agency to place their programs and specifications on personal devices takes up storage space and subjects the employee's personal device to the whims of government puppetmasters.

While the need for equipment to perform duties while in duty status needs to be addressed, employees should not have to bear the brunt of the responsibility and cost.

I think the union's plan for a dedicated full service intake unit would benefit the agency and the workers because it will free up about a fiscal quarter for investigators to investigate cases. The additional time that will be in place will assist the missions goals by providing better customer service and expediting the case load for faster resolution. — Consuelo Nodar, Miami Senior Investigator

means more attention to quality rather than numbers.

For IIRs, they see a chance to make a difference since they would no longer be required to simply read a script. The work would be more interesting and have a greater relation to the mission. IIRs feel that they would learn more and that they would be able to provide more value to the agency.

Finally, for the public, there would be a one stop experience. No longer will callers listen to script readers, only to be sent to the internet to fill out a form the public is required to mail or take to the nearest office. The waiting game and duplicate forms would be eliminated.

The Union's proposal benefits everyone. So why is EEOC steadfast in its refusal to make this important change?

Convention Round Up

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for our rights as employees. Events like the National Convention allow members' concerns to be brought to Union leaders, so we can all formulate a plan to improve our workplace.

At the Council Meeting, delegates were trained on the important and complex laws that govern when an employee is entitled to union representation. The big takeaway message from that training was that if you don't specifically request union representation during a meeting with management, management has no duty to inform you of your rights. When in doubt, request representation!

Once the full AFGE Convention began, delegates convened from across multiple government agencies to consider pivotal resolutions affecting members. When the proposal to raise dues \$1 per pay period was put forward, I knew that the members of my Local could not afford it on the heels of two years of frozen pay. Others agreed, and the initiative was defeated. Those of us voting against the dues increase argued that the best way to increase union resources is to expand membership, not to charge a higher premium for it. Practical training on how to organize in the federal workplace was provided at the Convention. So now we each need to work to recruit new members.

Also on the agenda was the election of new National Officers. The majority of delegates chose J. David Cox, Sr., who has most recently been serving as National Secretary-Treasurer, to lead as the new President. Cox initiated his presidency by demanding that federal employees receive retroactive back pay for the time that Congress fails to pass a new budget with an increase in GS pay. Eugene Hudson, Jr., was elected after a run-off to be the new National-Secretary Treasurer. Augusta Thomas was re-elected as National Vice President for Women's and Fair Practices.

The Convention showed me above all that my Union is fighting for me at all levels—local, agency-wide and government-wide. None of these pro-employee initiatives, from maxi-flex today to the successful fight for paid overtime at the EEOC just a few years ago, would have had any chance of becoming reality if it weren't for the Union.

At the EEOC, we come across all sorts of workers and employers throughout America. We know that those workers without unions often have nobody to stand with them when their very livelihoods are on the line. I believe that as union members, it is our duty to make sure that the benefits of collective bargaining and union representation are maintained and strengthened not only here at the EEOC, but also nationwide.

That spirit was certainly on display at the National Convention, where a mix of experienced union veterans and newcomers like myself exuded a strong, forward-looking passion for organizing. Despite all the challenges we face at the EEOC, I am very optimistic about our careers here because so many of us have chosen to stand together in solidarity and support one another.

AFGE Holds First Y.O.U.N.G. Training Conference

The very first Y.O.U.N.G. (Young Organizing Unionists for the Next Generation) AFGE Training Summit was held August 11th & 12th in Las Vegas in conjunction with AFGE's 39th National Convention. Young union members came together with seasoned mentors to educate and inspire the next generation of leaders and activists, who will secure the future of AFGE and the Labor Movement.

The summit began with a welcome from Augusta Y. Thomas, NVP for Women and Fair Practices and the newly elected President, J. David Cox, Sr. Both gave compelling speeches to reinforce the need to get young workers involved and engaged in AFGE. The summit ended with an empowering speech from Lucas Neff a young union activist from SAG-AFTRA, also known for his starring acting role in television's "Raising Hope."

AFGE Local 3614 President Regina Andrew brought new EEOC WFO Steward Trent McGrath to attend the Y.O.U.N.G. training. McGrath described the experience this way:

I'm not as young as I look, but I left feeling as fresh as the Organizer I was back in the day. The 110° heat outside was nothing compared to the biggest seminar hall I've seen, which was filled with over 200 young Federal employees of all stripes - proud of their work under the stars and stripes - with many of labor's tried and true leaders -passing the torch from the old guard to the vanguard. In short, the room was HOT.

Break-out sessions focused on refining communication approaches, like the use of social media, to tackle our bedrock mission of achieving social justice and dignity for all workers. I not only met new colleagues, I made new friends. The theme of the conference was "Connecting the Dots," which when we did formed an ugly picture of what we're still up against and need to fight, i.e., injustice, inequality and the efforts of those who want to dismantle the roots of our great society. At the conference's closing, we put our heads together in an ongoing effort, as was said, of *Raising Hope*.

Visit AFGE.unionblog.wordpress.com for more on Y.O.U.N.G., the group's exciting mentor/mentee program, and information on how to get involved or encourage your members to do so.



(L-R) Trent McGrath with Regina Andrew, AFGE Local 3614, at the Y.O.U.N.G. Conference

Overtime Update: EEOC May Owe Its Employees Over \$10M in Unpaid Overtime

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required to file their claims by May 29, 2012. Due to agency delays in responding to employee requests for information, certain affected employees received a 60 day extension.

The parties agreed that a contractor would collect and compute the claims that were filed. In mid-October, the contractor completed this process. The contractor has computed total claims of over \$10 million, including the liquidated damages for the willful violation.

The parties are in a 60 day review process of the claims to determine payment of those claims. If the parties do not agree on any claim, those claims will be referred to the arbitrator for decision. Hopefully, by mid-December, employees whose

“It is unfortunate that EEOC initially refused to pay its employees for their work, but we are pleased that the Union could step in and help.”

—Gabrielle Martin

claims are not challenged will see long delayed payment for the overtime that they worked.

Council Chief Negotiator Levi Morrow commented, “This has been a long process, but the Union has done and will do everything to make sure our employees are treated fairly.”

We will keep you posted.

POINTS TO PONDER

- Why do managers who cause grievances get promoted?
- How will EEOC survive the \$30M cut that could occur due to sequestration? What is the plan?
- Why did EEOC fail to update employees concerning our colleagues in LA, AL, FL, NJ, NY, MD, and DC in the wake of Hurricanes Isaac and Sandy?
- Why does the EEOC, which enforces the ADA, prefer to force disability retirements over providing accommodations?
- Again...why after almost 3 years won't the EEOC adopt the Union's cost efficient dedicated intake plan?
- Why does EEOC only remember Labor Management Councils when an OPM report is due?
- When will EEOC catch up with the private and Federal sectors and embrace telework?
- Why doesn't EEOC follow the Telework Enhancement Act and treat teleworkers the same as office workers?
- Why does EEOC make investigators and attorneys profile respondents for litigation when the regulations call for litigation as a last resort?
- When in 2013 will employees receive agency goals for 2013?

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