



Council 216 in Washington, DC, February 2012

Fighting the Attacks—Why We Do the Things We Do

Under attack from a number of politicians, who find our salaries and benefits an easy target; under attack from EEOC managers, who want more with even less; and sometimes under attack by frustrated members of the public—we press forward fulfilling the Agency's mission.

Through tough times that are getting tougher, we persevere.

While the work piles up on our desks, we have little tolerance and no inspiration for working on making news headlines. We have much work to do. We do not have time to sit and wait for visits from headquarters or the district office. It is a waste of agency resources to be reminded

to be 15 minutes early to a meeting for which these leaders are late. In fact, when it comes to awards, most employees do not even get as much as a "thank you." Rather, they get a push to do more.

So why do front line employees persevere? In spite of it all, we come to work each day and give it our best effort, because it is not about our leaders, not about the press releases and not about the awards. We come because of the opportunity to be of service and help people. The people who come to us often have risked it all. Not only have these individuals endangered their jobs and families by filing charges and naming witnesses, but the jobs and families of their witnesses are at risk, as well. The public we serve are

often enduring a work and home life that has been ravaged by storms of stress. We come because we can help and comfort workers despite the weight of the targets and sting of arrows hitting our own backs.

We come to work despite the fact that most of our accomplishments go unnoticed, unrewarded, and are taken for granted. It is because people need our help that we continue to give our best to make things better. We should hold our heads high and continue to make a difference for others. That is a higher calling than making the 5 o'clock news. Know that your Council not only understands, but gets it, and has your back....arrows and all!

Council 216 Goes to Washington



Rachel Shonfield and Gabrielle Martin with Keynote AFGE Civil Rights Luncheon speaker Wade Henderson, Esq., President and CEO of The Leadership Conference on Civil and Rights and The Leadership Conference Education Fund.

By Rachel H. Shonfield, Council 216 Legislative Coordinator, Local 3599

Wow!—Describes the exciting feeling I had during and after the AFGE Legislative Conference 2012. I hope that each of you reading this gets involved in your Local and has an opportunity to join us at an AFGE Legislative Conference. It is so energizing! It is the opposite of feeling powerless, because you can't get to all of your work done and management doesn't want to hear your ideas for doing things better. The Legislative Conference is an opportunity to put your concerns into action.

To combat powerlessness, what common sense changes do you want to see? How about a dedicated intake unit, to free up investigators to get to their pending investigations? Are you an isolated IRR harassed to increase "agent phone activity," but would like to contribute to the full charge filing process? Are you an AJ or

other professional without support staff to enable you to get to your substantive work? Trial attorneys: Have you had to cancel depositions because of lack of funding or video teleconference equipment? Would you volunteer to telework 3 days a week for a smaller office that would save the agency money on the lease? This is what your union went to Washington to talk about.

This year just felt like a particularly successful year. All eight Locals again participated. We had brand new people along with seasoned hands helping each other. Our small group of fewer than twenty Council members visited a record 135 Congressional offices!

We launched our efforts this year by speaking at the AFGE Women's and Fair Practices (WFP) Civil Rights Luncheon. This was our opportunity to educate the 580 civil rights/union activists in attendance about EEOC, so that they would

also share our talking points on the Hill. Our National President of Council 216, Gabrielle Martin, spoke on how EEOC is making changes to the Federal Sector process that could rob Federal employees of discovery and a right to a hearing. I followed up at the podium by pointing out that this is the first year in EEOC's history that our budget to enforce civil rights laws has been cut, but that there has been virtually no news coverage and no outrage.

However, the outrage in that room was palpable. This is a group committed to preserving the Civil Rights Act that is Martin Luther King's legacy.

The Council had great response from our visits on both sides of the aisle. It seems everyone understands that civil rights is a bipartisan issues. While we were in Washington, we received the good news that despite a tough budget year, the President has requested \$373 million for EEOC in FY13. This would represent a much needed increase after EEOC's budget was cut from \$367 million in FY11 to \$360 million in FY12.

So for FY13 it appears Congress was listening: EEOC House Oversight Subcommittee has recommended increasing EEOC to \$367 million and the Senate to \$373 million.

But, in an election year, the budget process often ends in a continuing resolution or omnibus bill. This could mean level funding or across the board cuts.

In the mean time, we have a total hiring freeze, with no backfills. As in the past, EEOC's dedicated employees will do their best to serve the public despite inadequate resources. However, the Union with your help will continue to advocate for implementing common sense efficiencies, such as: the intake plan; 10:1 employee to supervisor staffing; and voluntary expanded telework, which will save money, help the public and help you combat feeling powerless at work.

**Not a Member? Join Today. See Your Steward.
Stewards' names are posted on the union bulletin board.**



Council 216 met in February to set the agenda for the coming year.

Meet a Member: Jessica Deshotel



Jessica Deshotel is a legal technician working in the Houston office of the Equal Employment Opportunity Commission (EEOC). It's a position she has held for two-years. Her

grandmother died a short time before Jessica started working for EEOC, and so to honor a promise made to her grandmother, and though Jessica was raising two young children, she returned to college. She already held her Associate degree in Paralegal Studies.

On March 10, 2012, Kaplan University of Miami, Florida held its graduation ceremony, and Jessica was in attendance. Standing with her class mates and dressed in cap and gown, Jessica ascended the stage to receive her Bachelor of Science degree in Legal Studies with a focus on Alternative Dispute Resolution. Jessica says while at the ceremony she could feel the light of her grandmother beaming through her as the promise was fulfilled.

Jessica proudly states "I am one of the next generations of federal workers and I am ready for our future!"

Jessica wants to be a mediator for EEOC and already has a number of mediations under her cap. She has been conducting volunteer mediations for the Fort Bend County Dispute Resolution Center (DRC).

After working for EEOC all day and conducting mediations every other Friday on her day off, Jessica still finds time to be an active volunteer and Vice President of a Parent Teacher Organization at her daughter's school. She also volunteers at her son's high school where she was a former student.

Jessica says her next endeavor may include law school but certainly more mediations are in her immediate future. She believes her grandmother is most proud of Jessica's service to the community through her accomplishments. Jessica desires so that her accomplishments and her unyielding love of family and friends be a limitless reservoir of inspiration to one and all that they too can be the best they can be.

National Council of EEOC Locals No. 216 Officers

Gabrielle Martin
President

Rachel H. Shonfield
1st Vice-President

David W. Skillman
2nd Vice-President

Levi Morrow
Treasurer

Danny Lawson
Secretary

Local Presidents

Patricia Floyd
Local 2667

Gabrielle Martin
Local 3230

Stephanie Perkins
Local 3504

Donna Walcott
Local 3555

Sharon Baker
Local 3599

Regina Andrew
Local 3614

Joseph Wilson
Local 3629

Levi Morrow
Local 3637

216 WORKS
Official Publication of the National
Council of EEOC Locals No. 216
AFGE/AFL-CIO

Denver District Office #410, 303 E. 17th
Avenue, Denver, CO 80203
ATTN: Gabrielle Martin, President
Phone: 1-303-866-1337 • e-mail:
Prezc216@gmail.com

Solidarity Makes Us Strong

By Steve Mellos, Local 3504



Hello to all my AFGE brothers and sisters. My name is Steve Mellos. For those of you who don't know me (probably most), I am the Vice President of Local 3504 and am an Investigator in the Detroit Field Office of the EEOC. This year, I was privileged to attend my first Legislative Conference in Washington D.C. It was certainly an exciting, informative and eye-opening experience. Like most of us, my knowledge of what my union does on a daily and continuing basis in an attempt to protect our rights, benefits, and even our jobs was limited. Union grievances, local MOU's, counseling members, RESOLVE mediations, and things of that nature, I was very aware of these occurrence and number of filings (which is too often). Attending this conference, I discovered firsthand some of the other issues going on. Kind of a bigger picture, if you will, and a deeper appreciation of what our union is and how important it is that we all stand together. We are all aware of the political winds blowing. I hear conversations all the time about how government workers are getting the blame for all the problems we now have.

Seeing all the hard work, preparation, organization and teamwork that it takes to accomplish our goals makes me prouder than ever to be an AFGE member. I saw how things seem to work up on Capitol Hill. Everybody has an agenda and pushes

their agenda hard. I met and spoke with Representatives and Senators and many of their staffers. What I found was they are all aware of the issues facing us. Some were supportive, some not so much. The biggest thing was they all were willing to meet with us and discuss the issues. I'm convinced it was not so much because they care that much about us, but that they care about how much clout we can muster and how we can affect them and their positions. I realized that power truly does come from numbers. One of the best moments of the week was when AFGE members from all over the country and from all different organizations gathered together and marched on the hill, carrying signs, chanting and singing. Everyone took notice and I'm sure had some new thoughts about AFGE. This is why it is so important for all of us to get involved. Together we can have an impact. We can make changes. We can make a difference.

The issues facing us affect us all. We need to work together to keep what we have, protect our rights and protect our jobs. So I urge everyone to get involved, to whatever extent you can. If you are not an AFGE member, join. Write to your elected officials, text them, send emails. Do what you can when you can. Remember, together we can accomplish much more than we can alone. Remember, solidarity makes us strong!



I Make a Difference

By Consuelo Nodar, Local 3504

The legislative conference was an exciting learning experience.

It was a lot of work but at the same time I felt I made a difference in the process.

The ability to speak on behalf of my coworkers and being in the place where my voice counted was unreal. Anyone who is able to attend should do so next year.

A Profound Disconnect

By Anne Gusewelle, Local 3624

This year, for the first time, I attended the National Council meeting and AFGE Legislative Conference in Washington, DC. I am a Senior Trial Attorney in the Kansas City Area Office, and I have worked for the EEOC for eleven years. I've also served as an elected union officer for the last several years.

At the EEOC Council meeting I was not surprised to learn how many of us are struggling with the same labor issues across the country. The time is long overdue for the Commission to put its house in order so that it can be effective in addressing employment discrimination in the private sector. At the Council meeting, union officers consistently reported, among other things, poor management driving employees from the Commission and disabled employees unable to obtain reasonable accommodations. There is a profound disconnect between the EEOC's mission and how it treats its own employees. The Commission will never fulfill that mission until this changes.

By contrast, it was exciting to hear Wade Henderson, CEO of the Leadership Conference on Civil and Human Rights, speak at the AFGE Legislative Conference Civil Rights luncheon. He passionately noted that each of us is responsible in this next election to ensure that the poor are not deprived of the right to vote by the new voter verification laws enacted in many states. He insisted that we recognize



that the recent attacks on federal employees are an attempt to strip all employees of the rights the unions have fought hard to secure. And that we all face losing these rights if we don't fight back.

Later in the week I met with Congressman Emanuel Cleaver from Missouri and legislative aids for six representatives in my district: Kansas, Missouri, Oklahoma and Nebraska. My purpose was to help the representatives understand the impact budget cuts have had on our civil rights enforcement efforts and encourage them to restore our budget. Democrats and Republicans alike seemed to appreciate that weak civil rights enforcement undermines the viability of our economic recovery. And in a time when funds are hard to come by, investment in the EEOC is worth the sacrifices elsewhere.

It remains to be seen, however, whether Congress will restore the agency's budget, or if there will be a budget at all.

THANK YOU DAVID

David Skillman, Council 216 Second VP and Local 3230 Council Delegate, is leaving for the next stop on his career journey with USCIS. For the past nineteen-years, David brought tireless energy and creativity to his work for the union. As newsletter editor, David stepped into huge shoes. Our vision of a first class newsletter created by and for the membership, and our social media presence were advanced by David. David's creativity will also be missed at our meetings and trainings. We are indebted to David and wish him well on his journey. Thank you David!



Not In Vain



By Glenda Bryon Brooks, Local 3599

I was thrilled to represent the EEOC's union in Washington DC at the AFGE Legislative Conference 2012.

I watched our union representatives hard at work discussing issues regarding EEOC policies.

At the Council meeting, training was held on our visits to Capitol Hill; i.e., what questions to ask and topics to discuss.

The highlight of my trip was when I met with Congressman John Lewis, of Georgia.

We discussed the need for EEOC to hire more staff, the backlog of cases, a permanent intake unit in each office, not reducing the EEOC's budget, not subjecting EEOC employees to a proposed furlough and giving the Administrative Judges subpoena power.

During the meeting Congressman Lewis complimented the AFGE Locals from Atlanta and Birmingham, for our work in general.

Congressman Lewis' office, later wrote to an AFGE official, stating that he had a great meeting with the AFGE locals and that he was happy that our union armed us well with information about protecting federal employees—and that the rally held on the day before was great.

After hearing this information, I knew that my trip was not in vain.



David Skillman with Rep. Eleanor Holmes Norton (D-DC)



Regina Andrew, President Local 3614, applauding AFGE legislative conference speakers



AFGE rally held on Valentine's Day



AFGE rally



AFGE Secretary Treasure J. David Cox at rally with EEOC sign in background



Rep. Mel Watt (NC-D) with Rachel Shonfield



David Norken, Sen. Benjamin Cardin (D-MD), and Regina Andrew



Rep. John Lewis (GA-D) with Glenda Bryan-Brooks



AFGE rally passing by the Capitol

President's Report: Behind the Veil

By Gabrielle Martin, Local 3230

EEOC loves to call itself the "Model Employer." Entrusted with enforcement of 13 civil rights laws, it would seem that the agency could model what is required by the law. Instead, it hides its blemishes, rather than expose them, learn from them, or use the opportunity for improvement.

EEOC has submitted several reports that make it seem as though the Labor Management forum is healthy and thriving. Behind the Veil, the reality is that besides providing reports to the President's Council, the LMF has not been active.

While the LMF constituted several work groups, the work groups have been stymied. For example, a group constituted to examine cost savings consistently was prevented from obtaining data. Behind the Veil, EEOC did not want anyone to realize the excessive amount of waste occurring. As another example, there was a 7106(b) (1) workgroup that reviewed examples and past policies for negotiating numbers, types and grades of employees to improve delivery of services. Although the workgroup reviewed and developed a policy for greater dissemination, the policy languished. Now that a report is due, the policy is being re-written to appease senior managers.

Another veiled example is what is happening with Telework. While EEOC loves to count every employee who ever teleworked, if only for an hour, it has failed to move the program forward. The number of employees who telecommute on a regular basis is declining, given the draconian requirements. Behind the Veil, the laptops available for teleworking or mobile work, were assigned with outdated software that prevented Wi-Fi connections. The connections constantly drop. Behind the Veil, EEOC attempted to save money by issuing older model equipment.

Behind the Veil, EEOC ignores the findings of its Inspector General that space could be saved using telework for numerous positions at EEOC including investigators, attorneys, AJs and Mediators. Instead, EEOC remains in costly holdover leases, rents more space and spends money on moving companies and new furniture.

Other waste Behind the Veil includes not monitoring spending, but relying

solely on whether there are overages. Wasteful purchases like new furniture because someone has a title, rather than based on need. Also Behind the Veil - moving the furniture on the weekend and paying weekend rates for no good reason; purchasing flat screen televisions and ordering monthly cable/dish/direct TV services for break rooms or lobbies while working equipment is pushed into the corner or stored.

Behind the Veil, EEOC has wasted money on monthly Blackberry contracts for Blackberries that sat unused for months. The Union requested information on the agency's Blackberry Program to review costs in light of the fact that employees had been notified they would be subjected to a 1.5 day furlough in a memo from the Chair.

For two years now, despite Congressional interest in the Union's intake plan, which would create efficiencies and lower costs and investigation processing times, EEOC has steadfastly refused to implement the plan.

Behind the Veil, EEOC also refuses to implement cost savings ideas. For two years now, despite Congressional interest in the Union's Intake Plan, which would create efficiencies and lower costs and investigation processing times, EEOC has steadfastly refused to implement the plan. The Union also suggested that the agency find ways to rehire on a part-time basis, some of the retiring Investigators to help out. Instead, Behind the Veil, EEOC rehired managers and other higher graded employees, while the backlogged cases get dumped.

Publicly, EEOC touts its systemic investigation program. Behind the Veil, EEOC has legal units filing class and systemic lawsuits it cannot afford to litigate. EEOC has an enforcement model to investigate class and systemic cases, but has closed down those specialized units. Behind the Veil, EEOC's method of tackling systemic cases ties up all the investigators in the offices to in effect dig dry

wells. In the meantime, the people who risked their jobs and jobs of co-workers to come to EEOC, sit and wait 9 months, while EEOC employees are forced to dig deeper at dry wells. Far too many of the cases just don't pan out, and with our limited resources, the approach must change. Behind the Veil, EEOC's interest is less about efficiencies than "5 o'clock news headlines."

Behind the Veil, EEOC paid over \$500,000 each year for an outside contractor to handle computer assistance for employees but recently brought the work back in-house. What EEOC is doing with the savings needs to be unveiled. Why—because to the extent that employees telecommute, employees, not EEOC, fund most of the equipment for the program. EEOC provides only a laptop with outdated programs. Only the lucky have been able to get working VPNs.

Behind the Veil, who is running EEOC? Questions that go into the Chair's office remain there for long periods of time, even years. EEOC champions non-retaliation for charging parties. EEOC will litigate a case solely on an employer's refusal to agree to non-retaliation provisions in a settlement agreement. Yet, when it comes to its own employees, despite having been placed on notice regarding the lack of those same protections for employees who have used its ADR program, and despite the Former Program Director having issued a statement on retaliation, the current Chair refused to issue a statement or policy for over a year. When she did issue a statement on this issue it only caused more confusion. The matter needs further clarification so it's likely it too will be pending for a year. EEOC's reasons for continuing to treat its employees like second class citizens must come out from Behind the Veil.

Despite these many issues needing to be addressed, EEOC has done little to create any transparency. As a public agency, EEOC needs to cease pandering for the 5 o'clock news headlines it so desperately seeks and get from Behind the Veil for its own employees. It is time for EEOC to come out from Behind the Veil, to make decisions which increase our ability to get our work done and to stop wasting our limited resources.

A Bad Situation Gets Worse

By Malcolm Loungeway, Local 3230

For the first time since her appointment two years ago, Chair Jacqueline Berrien visited the San Francisco District Office on March 21st, while in town for the 2012 American Bar Association National Conference.

I was inspired to look back to an article in our 216 Works newsletter from November of 2010. I am saddened to see how little has changed for the better since her arrival. In the newsletter, Council President Gabrielle Martin discusses the then fairly recent installation of the new Chair and comments, "What has changed? The backlogs have continued to rise, employee morale remains low, the overtime case remains pending and the processes which hamper our ability to work remain unchanged. Despite my meetings with the Chair to outline problems and discuss potential solutions, things seem to be stalled."

Welcome to March of 2012. Finally, we seem to be in one of the final phases of the overtime case (but word is that management will fight every claim) backlogs are still climbing and overwhelming, morale is still pathetic, staffing is inadequate and current staff is leaving (especially shocking considering the lack of jobs out there), we rank among the worst agencies to work for, we have the lowest leadership fairness scores for women in the government,

our ability to hire is frozen solid, and we are just getting set up with Office 2007 replacing Office 2003, while Office 2010 has been on store shelves for close to two years. We are technological Neanderthals.

Offering a friendly assortment of benign platitudes, Chair Berrien assured the office that she understands that the agency is under a tight budget, hiring freezes, and challenging conditions. Berrien made it clear that although our level of resources is out of our control and there is noth-

Essentially, the strategic plan is a plan to make a plan. And we wonder why we have such difficulty getting anywhere.

ing really that we can do except plead to Congress, she will be there on Capital Hill to argue our case. On the plus side, we have thankfully averted furloughs as a by-product of our high attrition rate.

A Supervisor actually asked the Chair what can be done about the stress, burnout, conflicting messages, lack of efficiency, and focus on numbers. The Chair deftly skirted the issue for ten minutes, like a skilled politician. She responded



that she has avoided issuing "initiatives" like Chairs in the past as she feels they can increase pressure and strain. She pointed to the recently published 2012-2016 Strategic Plan as our means to direct priorities. This is the same Strategic Plan that states our main strategy to combat employment discrimination is to implement a Strategic Enforcement Plan that establishes EEOC priorities. Essentially, the strategic plan is a plan to make a plan. And we wonder why we have such difficulty getting anywhere.

The most important statement of the meeting came after an Investigator asked Chair Berrien about our biggest internal weaknesses. The Chair pointed out that we need to operate as "One EEOC" and stop being so competitive. She commented that the way we divide work, attention, and motivations is not always rational.

In a workplace that changes the term "quota" to "goals" and rewards whoever can resolve (shut down) the most cases by the end of the fiscal year, these words need to be taken to heart, starting at the very top. Instead of bragging to Congress about how many charges we closed the year before and skewing the numbers to look like we obtained more "merit factors" than we did by pushing unwarranted settlements and counting withdrawals as victories, we need our leadership to remember that our true goal is enforcement of Civil Rights laws.



Chair Berrien with (to her right) General Counsel David Lopez and SFDO District Director Michael Baldonado, and the San Francisco District Office employees.

Feds: Facebook with Care this Election Year

It's an election year and everyone has an opinion on the candidates and parties, but don't let your enthusiasm get you in trouble.

The rise of social media has complicated these matters further as it has become an important part of our daily work and personal lives.

Practically every federal agency and worker has a presence on one or more social media outlets.

Do you recall hearing or reading about the agency that had links on its web site that lead to a web page being maintained by a third party for a presidential and vice presidential candidate? It was likened to placing yard signs on the agency lawn, and thus a violation of the Hatch Act.

Fortunately, for this agency it was able to remove the link without suffering a penalty.

Federal employees found to have violated the Hatch Act may not be as lucky.

According to the web site for the U.S. Office of Special Counsel (OSC), the agency charged with Hatch Act enforcement, "[a]n employee who violates the Hatch Act shall be removed from their position...."

Removal is the only punishment.

The one grace is that "if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than a 30-day suspension without pay shall be imposed by direction of the Board."

Although when violations are not sufficiently egregious to warrant prosecution, "OSC may issue a warning letter to the employee involved."

Frankly, why bother to engage in activities that warrant OSC determining whether a violation was or was not egregious.

Clearly, it's important to know what actions or activities constitute a Hatch Act violation. We can't go into all the nuance here...there is not enough space or time. However, according to the OSC, "federal employees may not solicit, accept, or receive campaign contributions at any time. Further, they may not use their official authority or influence to affect the results of an election. Additionally, they may not engage in political activity while on duty or in a federal workplace."

With these kinds of stakes it is wise to: save your activity for home, when you are not working, not on government property or using government equipment.

See more at the OSC web sites "Frequently Asked Questions" section at <http://www.osc.gov/haFederalfaq.htm>.

Two Cents with Perkins:

Stephanie "Detroit" Perkins Pontificating Cost Savings

What does it mean when an office within a District gets all new furniture? And, I mean an entire office full of brand spanking new furniture! While the rest of the District sits on old worn-out furniture and endure pay freezes, budget cuts, no new hiring (which creates more work for those who remain) and dipping and dodging trying to avoid being a victim of a furlough. The answer to this question, I was told, is that the money came out of the 2010 budget. Now, to me this is not a valid or reasonable answer, especially when there are other offices within the district who desperately need basic office supplies, clerical support and working equipment; which, as I recall, was very much an issue in 2010 too. EEOC - stop the unfairness and cronyism and work together with the Union to ensure we all receive our fair share of the bounty as well as the sacrifice.



*Stephanie Perkins,
President, Local 3504*

"You Didn't Ask Me But... Labor Management—What a Waste!"

It might surprise you to learn but the National Labor Management Forum is not the only dysfunctional forum - many of the District Labor Management Forums have been woefully neglected and have only met to receive the FLRA training. There have been no meetings to establish and/or discuss local agenda items and worst of all, there has been little or no communication between labor and management to try to correct this problem. President Obama just appointed three more members to the National Labor Management Forum suggesting a high level of commitment to this process on his part, but the bigger question to me is why? With virtually nothing being done or having been done for over a year since the inception of the Forums at EEOC, what does any of this mean. Well, we long term EEOC employees see it as just more of the same. I liken it to going on the game show the "Price is Right" where everybody knows for guessing wrong you will get a "ZONK" and go home with no prizes. At EEOC it does not matter how you choose or what you suggest the results remain regrettably the same.

POINTS TO PONDER

- Why did it take months for the Chair to confirm EEOC employees shouldn't be retaliated against for participating in RESOLVE?
- Why does RESOLVE still refuse to add nonretaliation provisions in settlements?
- Why does EEOC pay nts/wkends so blackberry holders won't be inconvenienced with 2 phones?
- Why EEOC won't provide dedicated support staff for its AJs?
- Why isn't the Union's dedicated intake plan in the strategic plan?
- Why does the disability coordinator report to OHR instead of the Chair?

The Dreadful State of EEOC's Labor Management Councils



*Levi Morrow,
Chief Negotiator*

*By Levi M. Morrow, Council 216
Chief Negotiator,
Local 3667*

On December 9, 2009 the President of the United States signed into law Executive Order 13522. The order required agencies to establish labor-management councils to help identify problems and propose solutions that would better serve the public and the mission of the agency. The Executive Order allows employers and their union representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable without regard to whether those matters are typically a negotiable subject of bargaining, and to also provide the employers and the union representatives with information that would help in the attempt to resolve workplace issues and problems.

In other words, and this point is crucial, in order for the councils to function members must have access to a wide range of information in order to be able to make the best possible contributions and decision. The EEOC's National Labor Management Council was formed acting under a national agreement signed by the Chair of EEOC and the President of the National Council of Locals #216. This agreement authorized the establishment of councils in each district in the field and a council in its headquarters location.

The National Labor Management Council is responsible for championing effective Council success nationwide. The EEOC National Labor Management Council has the potential to improve labor-management relations in the agency.

However, changing the culture of EEOC first requires a willingness to move away from archetypal labor-management relations. Hostility and dysfunction have no place in the room or in interactions. Essential in the process is a commitment

from the highest levels of management, time, and training, plus occasional travel to bring people together for solving problems.

None of this is free, and so doing any of it on the cheap is a recipe for disappointment and finally failure. In some cases both union and management members of District Councils have a common desire for their Council to be successful but this has been the exception rather than the rule during the past 18 months.

I have witnessed too many district directors whose anti-union and anti-partnership beliefs overshadow any desire to allow the District Council to operate in accordance with the President's Executive Order and the EEOC National Labor Management agreement. If Labor-Management Councils are to be successful then EEOC management must allow the Labor-Management Councils, at the national and district level, to tackle workplace issues that matter, but so far they have failed.

Labor Management in St. Louis—Crashing and Burning



By Patricia Stewart, Local 3629

Having worked under a similar Labor Management Committee, (LMC), in the mid 1990's, I was excited to be appointed to this Committee. I viewed this as a great opportunity for all employees, (both labor and management), to provide input on the way we do business, and how to ensure our success.

Our Committee met in January, 2011 for training to establish ground rules, and to select members to perform specific tasks.

Strike 1: Our trainer was sick and unable to provide the necessary training. So, we were given the information and shown flash cards of what the trainer would have provided.

Strike 2: After approximately 2 meetings, we were finally told that it was not in the budget for us to be properly trained, and that we should visit the website on training, and train ourselves.

In spite of these issues, the Committee pushed forward, and gave employees the opportunity to provide input, voice concerns, etc.

This was done via an Employee Survey. Not all employees participated in completing the survey, and many voiced their concern that nothing would change.

The St. Louis District Office received a total of 35 completed surveys from the employees. Many of the responses did not reflect favorably on the Management staff, or the way we do business. Based on my experience with the leadership on the Committee, there appeared to be hurt feelings. There was what I considered to be a literal "cat fight" between two labor and management staff. Labor asked Management to provide input on concerns that were raised in the surveys but received only a deafening silence.

Approximately eighteen months after the Committee was formed, and after agreeing to follow established procedures and guidelines, the following is what we have accomplished:

- We will try to recruit interns to perform some of the clerical duties.
- One office has been approved to have pot luck lunches, and their conference room will be unlocked.

Strike 3: On at least two occasions, we were informed that, contrary to popular belief, the District Director had the final say with regard to approval and implementation of proposed changes. The Agreement, signed by both the District Director and the President of Local 3629 does not reflect this belief, or state this is a "one man show."

It is the assessment of many that this Labor Management Committee has crashed and burned.

Taking Care of Our Own

Here at EEOC, we take care of many people who walk through our doors, send us mail or call us. EEOC splashes headlines about the people for whom we toil. EEOC splashes headlines about how much money, training and jobs were protected as a result of its actions as it “takes care” of the public. Never mind that most of the public waits 9 or more months for a case to wind through the system.

As the headlines concerning electronics from China played out in world headlines, I thought about EEOC. Though EEOC deals with civil rights and is not a manufacturing plant, it operates in the mentality of one. The push for numbers and headlines is incredibly wearing on its employees. At EEOC, we are people dealing with people, not people dealing with “things.”

Many employees at EEOC have need for accommodations. In an astounding number of cases that have come to the Union’s attention, employees who requested an accommodations, had problems of some sort or another.

For some employees, the request is denied outright, without having any conversation with the employee or any participation in an interactive process, as required by EEOC’s Reasonable Accommodation Order and the laws governing reasonable accommodation.

When there is an interactive process, it seems that the purpose is to avoid having to provide an accommodation, rather than to see how the medically recommended accommodation might be implemented so the employee can continue to work. For those employees who have actually received an accommodation, the end is/was around the corner. Numerous employees with need for accommodations have suddenly “retired” after extremely cumbersome requests for medical information and the length of time it takes to complete the “non-interactive” process. Others have received disciplinary notices, been placed on leave restrictions or been subject to other abuses.

For those employees who waded through the medical requests and submit additional information, the answer is often that the employee is “not disabled,” despite the medical doctor’s opinion. Some employees who request accommodation are actually given something that management feels should work, but less than what the doctor ordered. When the wrong accommodation does not work, management takes action to remove or demote the employee.

When management denies the medically requested accommodation, employees should persist. Often, in the zeal to deny the accommodation, the managers have overlooked information already on the doctor’s submission. Sometimes perseverance wins the day. Even in those cases, retaliation on the back-end seems to be the agenda, as we see heavy scrutiny of the work and work schedules follows. When will EEOC live up to its self professed title of Model Employer and take care of its own, instead of demoralizing them? When will it create a neutral disability coordinator position that does not report to OHR? In the meantime, see your union representative to help with your request for an accommodation.



Gabrielle Martin

Brick Head Award



The entries for 216 Works’ BRICK-HEAD AWARD were numerous this cycle, but as we neared the finish a clear winner emerged from the crowded field.

San Francisco ADR supervisor, Michelle Nardella surpassed her competition by illegally searching her absent employee’s desk not once but twice.

The employee was in the field conducting the agency’s business while Nardella coolly advised staff she would be on annual leave during the first illegal entry.

During the second search she broke the lock off the desk, which boggled the employee’s imagination.

The employee, by customer accounts, gives stellar customer service and has always supported the ADR unit including Nardella. So why Nardella found it necessary to search the employee’s desk?

Nardella didn’t leave a note, call, or send an email notice to the employee that she had been in her office, desk, or state her reasons for searching the desk. This, despite the employee’s inquiry whether she could help the supervisor with anything. Nardella’s lack of notice prompted the employee to call the Federal Protective Service. The FPS police came and took a report which is being investigated. The employee wanted the breach of trust and lack of respect shown by Nardella investigated, but those offenses are not part of FPS’s jurisdiction.

We here on the BRICK HEAD Awards committee congratulate Nardella for displaying a level of craftiness and deception reminiscent of many a great BRICK HEAD.



IMPORTANT REMINDER: Overtime Claims Must Be Filed By May 29, 2012

Eligible employees (Investigators GS 9/11/12, Paragals GS 9/11 or Mediator GS 12/13) who worked overtime hours between 4/7/03 and 4/28/09, must file their overtime claims by 5/29/12. Please be aware that if you do not file a claim by the deadline, you will not be eligible for compensation for any overtime. If you did not receive your notice of the claims process or have questions, please contact the Union representative, Barbara Hutchison, at bbhattync@aol.com.

Speak Your Truth!

2012 Federal Employee Viewpoint Survey

OPM notified employees that the Employee Satisfaction Survey is coming out soon and the survey will run through June. This year, OPM will more than double the number of employees who receive the survey – it will be sent to 1.8 million Federal employees. The survey responses are used by the Partnership for Public Service to come up with its annual “Best Places to Work” list, which agencies take very seriously, especially because it also points out the worst places to work. Council 216 has used the list to back up our claims of problems in certain offices and within the agency overall. Our local Labor-Management Forums can use the survey as part of their metrics to measure employee satisfaction. It is very important that we have the largest possible number of bargaining unit employees take the survey and tell it like it is. Please share this message out to as many of your co-workers as possible and urge each and every one of your co-workers who receive the survey to take it and to speak the truth.

Commerating Black History Month

By David Skillman, Local 3230

During Black History month this year several of my coworkers from the San Francisco District office and I attended the “Black History Month Commemoration” ceremony at the San Francisco Federal building on February 23, 2012. On the program this year was Dr. Laura B Lyons. Dr. Lyons has come a long way from making \$18 per week as a live-in nanny and maid in post depression segregated “Jim Crow” south. She was born and raised in Birmingham Alabama. At 18 years of age her boss forbade her from reading after dark to conserve electricity. Dr. Lyons turned his restrictions into her resolve for seeking knowledge. Her perseverance resulted in her earning two advanced degrees and authoring several publications published across the globe. Dr. Lyons is the author of “Lyons Guide to the Career Jungle” and recently received the Cities of the Bay Chapter Woman of the Year Award put on by the American Business Woman’s Association. During her time at the podium she spoke of having fortitude in the face of adversity for her life was a textbook example having risen from such a meager starting place.



L to R—Joseph Einikis, Krystal Clark, Kenneatha Clark, San Francisco City Council Member Malia Cohen, Malcolm Loungeway, Rachel Gomez, and Dr. Laura B. Lyons