

LABOR AND EMPLOYMENT LAW SECTION



The District of Columbia Bar

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COMMENTS OF THE LABOR AND EMPLOYMENT LAW SECTION OF THE DISTRICT OF COLUMBIA BAR ON THE EEOC'S PROPOSED REGULATIONS CHANGING THE FEDERAL SECTOR EEO COMPLAINT PROCESS

to be filed with the
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND THE CHAIRS
OF THE RELEVANT CONGRESSIONAL SUBCOMMITTEES

Prepared by John P. Mahoney, Esq., Chair of the Section's Public Sector Committee

One-Page Summary for D.C. Bar Reviewers

The U.S. Equal Employment Opportunity Commission (EEOC) has undertaken efforts to amend its Federal sector complaints process through proposed regulatory changes to 29 C.F.R. Part 1614. *See* 63 Fed. Reg. 8594 (proposed Feb. 20, 1998). The purpose of the proposed regulations is to improve the effectiveness of the EEOC's administrative processes governing its enforcement responsibilities in the federal sector. In addition, the proposed regulations implement the goals of Vice President Gore's National Performance Review (NPR), including eliminating unnecessary layers of review, delegating decision-making authority to front-line employees, developing partnerships between management and labor, seeking stakeholder input when making decisions, and measuring performance by results.

The Section's attached comments reflect the view that the federal EEO process should indeed be changed to provide more expeditious and effective enforcement of federal civil rights laws to deter future discriminatory conduct and to compensate victims of discrimination. Furthermore, the comments state that the Section's representatives believe that the EEOC's federal sector complaints process should also be re-designed to better combat both individual and class-based discrimination and that scarce government resources should be targeted to addressing colorable claims of discrimination.

In addition, the comments state that EEOC should be at the forefront in the development and use of appropriate alternative dispute resolution techniques and in the education and training of employees working in the federal EEO arena at the EEOC and at other federal agencies. The comments recognize that there may be additional changes that possibly need to be addressed through legislation, most notably the fact that agencies charged with discrimination investigate themselves and make the initial determination of whether or not they have discriminated. Overall, the comments generally support the efforts taken by the EEOC thus far to improve the effectiveness of the federal sector EEO complaint process.

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Paul M. Igasaki, Esq.
Acting Chairman
U.S. Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, D.C. 20507

RE: The EEOC's Proposed Regulations Changing The Federal Sector EEO
Complaint Process -- Comments of the Labor and Employment Law
Section of the District of Columbia Bar

Dear Acting Chairman Igasaki:

On behalf of the District of Columbia Bar's Labor and Employment Law Section and its Public Sector Committee, we are writing to express our support for the Equal Employment Opportunity Commission's (EEOC) efforts to amend its Federal sector complaints process through proposed regulatory changes to 29 C.F.R. Part 1614. *See* 63 Fed. Reg. 8594 (proposed Feb. 20, 1998). The views expressed herein represent only those of the Labor and Employment Law Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.

The EEOC's proposed regulations have a laudable goal: improving the effectiveness of the EEOC's administrative processes governing its enforcement responsibilities in the federal sector. In addition, the proposed regulations properly implement the goals of Vice President Gore's National Performance Review (NPR), including eliminating unnecessary layers of review, delegating decision-making authority to front-line employees, developing partnerships between management and labor, seeking stakeholder input when making decisions, and measuring performance by results.

Like the EEOC, we believe that the federal EEO process should be changed to provide more expeditious and effective enforcement of federal civil rights laws to deter future discriminatory conduct and to compensate victims of discrimination. Furthermore, we believe that the EEOC's federal sector complaints process should be re-designed to better combat both individual and class-based discrimination. Scarce government resources should be targeted to addressing colorable claims of discrimination, so as not to undermine the credibility of the federal sector EEO complaints process or impair the rights of those with meritorious claims.

In addition, the EEOC should be at the forefront in the development and use of appropriate alternative dispute resolution techniques to resolve allegations of discrimination at the earliest possible stages. Furthermore, the principles governing the

Paul M. Igasaki, Esq.
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EEOC's proposed regulations are correct in that continuing education and training for employees working in the federal EEO arena at the EEOC and at other federal agencies is vitally important. Although there may be additional changes that possibly need to be addressed through legislation, most notably the fact that agencies charged with discrimination investigate themselves and make the initial determination of whether or not they have discriminated -- which leads to widespread perceptions of a process that is not impartial -- we support the efforts taken by the EEOC thus far to improve its effectiveness in enforcing the various statutes that prohibit workplace discrimination in the federal government.

Please do not hesitate to contact us if you would like more information about these comments or if we can be of assistance in any other way.

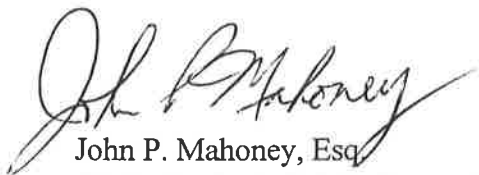
Very truly yours,



Eric L. Siegel, Esq.
Section Co-Chair



Mary E. Signorille, Esq.
Section Co-Chair



John P. Mahoney, Esq.
Chair, Section's Public Sector Committee
(principal author)

cc: Frances M. Hart
Executive Officer
Executive Secretariat
Equal Employment Opportunity Commission

Hon. Thad Cochran
Chairman, Senate Subcommittee on International Security Proliferation and
Federal Services

Hon. John L. Mica
Chairman, House Subcommittee on Civil Service

JPM:hs