

**Equal Employment Opportunity Statement
From NTEU Chapter 208 President
Dale Yeilding**

(December 9, 2008 - edited for clarity)

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CHAIRMAN KLEIN: Well, normally at this meeting we provide the union an opportunity to make comments. Dale Yeilding, would you like to make some comments?

MR. YEILDING: Thank you, Chairman, Commissioners. My name is Dale Yeilding. I'm the local Chapter President of the National Treasury Employees Union.

Labor/Management Partnership - I've noticed a new term of art here at this meeting: partnership and partnering. I think the union probably was instrumental in giving birth to that term about 10 years ago during the Clinton/Gore administration when an executive order instituted labor-management partnerships. Now, since there are so many other type of partnerships mentioned today, I counted 24 on the slides, I'm going to have to instill all our Union partnerships to put labor-management in front of the phrase to make sure we differentiate which partnerships are involving the union.

We're also hoping for sometime after January 20th to see a new executive order from the administration in the White House (we're pretty confident that one will be coming) that will instill some kind of program to promote partnership. We've continued partnership on an active basis here at the NRC. NTEU thanks NMSS and Region I for quoting the attributes of your union partnerships in today's briefing.

Joint Labor/Management EEO Committee – One of the Commission comments was how could the committees be proactive? I'm going to have to take an action item from that comment. Years ago there was another committee sitting in the committee chairs. It was the Joint Labor Management EEOC Committee, which has not been very active for the past few years. As president I haven't appointed any labor partners to the committee. I'm going to look out in the audience here and ask people that are listening on the regional link that if anyone is interested in participating on that labor management committee to contact me. It has similar motives and goals and mission as the existing EEO committees with a generic basis, I'd be willing to get that committee back on an active status, contributing into the joint EEO committee statement as it has in the past.

Anti-Harassment Program & Increase in Discrimination Cases - Ren commented there was an increase from 14 to 24 EEO discrimination cases, and made a statement that there is a new anti-harassment program. I'm not sure if that supports the increase from 14 to 24, but I think I've mentioned in my previous Commission statements that this new anti-harassment program might be statistically tracked. I'm not sure what's in the Commission information briefing booklets, but you see that there's an increase from 14 to 24 EEO cases. Since we have this new anti-harassment program maybe the Human Resource representative for the program might be included as part of the EEO briefing panel to report on how many anti-harassment cases were handled in this lower level environment that did not escalate up to an actual EEO discrimination case.

Union Grievances - And on the same tone, a grievance could be considered in the same light. A grievance is sometimes alleging the same wrongdoing, such as -- merit selection, appraisal, plus

other subjects. Many times an employee that files a grievance might not want to come forth and claim that the cause of that grievance was discrimination. They'd rather just tackle it on it's own face value saying I deserve the stated remedy. A closer look at the grievance process might also show some attributes of employee unrest or ways the agency could be improved.

Employee Option for Alternate Dispute Resolution - Ren mentioned that there's a goal to increase Alternate Dispute Resolution (ADR) to 50% to resolve discrimination cases. The choice of whether or not to use Alternate Dispute Resolution is the employee's choice and they can either use the EEO counselor or ADR. Basically if they choose Alternate Dispute Resolution they have a one or two day event with a mediator and they would then not use the services of an EEO counselor. Alternate Dispute Resolution extends the resolution process from 30 days to 90 days. Many employees that have a conflict are trying to resolve it quickly. Employees may be asked to choose ADR at their first meeting with the EEO counselor and sign a form. Employees usually want to resolve the issue quickly if it can be done in less than 90 days.

February Begins Collective Bargaining - Ways of improving the agency - Hopefully, the union and Human Resources can shape the future of this agency and we're beginning to collective bargain in February. We've already exchanged proposals. I'll probably be publishing the Union's proposal pretty soon to show how the union is trying to shape the agency. We can look at the Human Resource's or the agency's proposal to see what changes they are attempting and how they plan to shape the agency. Hopefully, we will reach agreement in a few months. The Commission might keep a look over Jim's shoulder and my shoulder to see how we're doing during negotiations.

EEO Discrimination Flow Chart Misses Union Grievance Process - The process to resolve an EEO complaint is pretty well defined in the web page flow chart of all the various stages including required counseling. I've always had a bit of disgruntlement that the EEO flow chart is lacking the portion where an employee can choose to resolve their EEO complaint through the Negotiated Grievance Process. I've asked Ren to put that part of the flow chart on the webpage but it hasn't been included. If you look in the EEO statute it shows the Negotiated Grievance Process as an employee choice after the counseling phase eliminating the need to go into the formal complaint stage.

Human Resource Obstructs Union Email Announcements – I have heard three quotes at this meeting:

open, collaborative work environment;
Valuing differing views;
instilling trust and honest and open communications.

I don't want to sound like a complainer, but in the past three months I have been basically silenced by Human Resource in issuing my traditional monthly network e-mail Union announcements. I've had to resort to litigation and lately I think everyone has seen Union Newsletters in their in-box. To alternatively communicate, I have had to resort to cutting down trees because now I'm issuing my announcements via a paper newsletter in lieu of previous electronic email. I'm not asking for any Commission help because the case is currently in litigation. The Union claims the agency has committed an unfair labor practice. Silencing the Union's view by not issuing network announcements is not valuing the union's differing view, which is contrary to the quotations mentioned to the Commission in this EEO briefing.

Thank you very much.

CHAIRMAN KLEIN: Well, I'd like to thank all of you for your great presentations. We have, our glass is more than half full as opposed to being half empty. I'd also like to thank all of our advisory committees for all the work that you all do to help us. I think in terms of our diversity and our success in the small business area and all of that is due to our people, our employees. I think the real thanks go to all of our employees for all of their participation, discussion to make us the great place we are to work. Thank you very much. The meeting is adjourned.