

April 21, 2004

Hon. Cari M. Dominguez
Chair
U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507

Dear Chair Dominguez:

Thanks for the April 6, 2004 response from Lisa A. Fisher (Acting Director of Communications and Legislative Affairs) to my January 27, 2004 letter.

I am delighted that you plan to consider the "7-step proposal" from the coalition of civil rights organizations, employee advocates, and plaintiff's law firms when reviewing and developing recommendations to reform the federal sector complaints process. This coalition will serve you well in accomplishing the goal to look at the strengths and weaknesses of the current process, since they share a wealth of experience in dealing with this process.

However, I have received recently numerous complaints from my constituents regarding the March 25, 2004 memo, from the Acting Director of the Washington Field Office, on the assessment program for processing hearing requests. These concerns include allegations that EEOC will deny many federal employees an impartial hearing and that EEOC will deny an opportunity to supplement the reports of investigations through the discovery process to parties whose hearing requests have fallen in the red and yellow categories. I am extremely worried about these allegations, considering that Ms. Fisher indicated that EEOC planned to go through the formal rulemaking process before making significant reforms to the federal complaints process. I consider these changes, whether limited to the Washington Field Office or applicable to all EEOC hearing units, significant.

Many constituents have also contacted me regarding the issuance of the Management Directive 715 guidance. In particular, these constituents are concerned with the fact that EEOC has:

- 1) introduced nine occupational categories that are incompatible with the PATCO categories that the Office of Personnel Management uses;
- 2) introduced seven race/national origin categories that are different from the ones sanctioned by the Census Bureau and the Office of Management and Budget; and,
- 3) not issued a uniform form that other federal agencies can use to track their

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applicant flow data. These actions have reportedly generated confusion among federal agencies, which has impeded the timely coordination of their affirmative action programs. It is the well-managed affirmative action programs that prevent future discrimination complaints.

I've been told that EEOC has adopted the triage system in the Washington Field Office and introduced the nine occupational categories to emulate the practices in use in the private sector. I believe that whether you are talking about affirmative action or complaints processing, the mission of the federal government is different from the one of the private sector. To improve the federal sector programs, we need federal sector solutions.

Please address the issues raised in this letter. I look forward to hearing from you soon.

Sincerely,

CHRIS VAN HOLLEN
Member of Congress