

Congress of the United States

Washington, D.C. 20515

March 23, 2022

The Honorable Charlotte A. Burrows
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Chair Burrows:

In March 2020, the U.S. Equal Employment Opportunity Commission (Commission or EEOC) ceased its regular operations to protect its staff from the then-unknown risks of COVID-19. With two years having passed and other federal agencies returning to in-person work,¹ we write seeking information about EEOC's plans to return to in-person work.

We are concerned EEOC does not have an immediately executable plan for returning its personnel to in-person work. In January, a news report on EEOC's plans suggested that the agency may have halted re-opening efforts because of continued bargaining with the American Federation of Government Employees (AFGE).² Unfortunately, there still appears to be a disagreement between the Commission and the AFGE. While a recent article outlined EEOC's plans to return supervisory and non-bargaining unit employees by April 11, we are unaware of any plan for the Commission to return the remainder of its workforce of approximately 2000 employees to in-person service.³ The Commission's failure to return to work delays justice for individuals who have filed discrimination charges with the agency and are entitled to have them reviewed and resolved.

The EEOC's mission is to "prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace."⁴ However, with no offices open for claimants to file their discrimination charges and no publicly available plans outlining EEOC's return to regular operations, we are concerned the Commission is not meeting its obligations to workers.

¹ See, e.g., Rebecca Rainey & Paige Smith, *Punching In: Rank and File Returning to Labor Department Desks*, BLOOMBERG L., Feb. 22, 2022, <https://news.bloomberglaw.com/daily-labor-report/punching-in-rank-and-file-returning-to-labor-department-desks-27>.

² John Hewitt Jones, *EEOC Pauses Reentry Plans, Agrees to Bargain with Union on Telework*, FEDSCOOP, Jan. 12, 2022, <https://www.fedscoop.com/eec-pauses-reentry-plans-agrees-to-bargain-with-union-on-telework/>.

³ Erin Mulvaney & Shira Stein, *EEOC Staff to Return to Office After Omicron Spike Delay*, BLOOMBERG GOV'T, Mar. 9, 2022, <https://www.bgov.com/core/news/#!/articles/R8HEY2DWLU6B>.

⁴ EEOC, STRATEGIC PLAN FOR FISCAL YEARS 2018-2022 (Feb. 2018), <https://www.eeoc.gov/us-equal-employment-opportunity-commission-eeoc-strategic-plan-fiscal-years-2018-2022#introduction>.

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We therefore ask you to bring EEOC personnel back to in-person service and re-open all offices throughout the country immediately. We also request that you provide the following information:

1. All documents and communications since January 20, 2021, regarding plans to return EEOC personnel to in-person work status—including, but not limited to, how the AFGE's unfair labor practice complaints against EEOC have complicated these plans;
2. Timetables for reopening each district, area, field, and local office;
3. An explanation of why offices remain closed in states and localities where private businesses and state and local government agencies have returned to in-person work;
4. An analysis of the impact of closed offices on intake and processing of charges;
5. An explanation of whether EEOC has ensured each remotely working employee is being paid in accordance with the locality in which their remote worksite is located; and
6. An explanation of whether employees in EEOC's currently expanded levels of teleworking employees are being paid in accordance with the locality in which they reside and from which they work instead of where their official duty station is.

We look forward to your response with the information we have requested by April 6, 2022. Thank you for your attention to this important matter.

Sincerely,



Virginia Foxx
Ranking Member
Committee on Education and Labor



James Comer
Ranking Member
Committee on Oversight and Reform

Cc: The Honorable Jocelyn Samuels, Vice Chair
The Honorable Janet Dhillon, Commissioner
The Honorable Keith E. Sonderling, Commissioner
The Honorable Andrea R. Lucas, Commissioner