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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-182398

JUL 1 1975

CH The Honorable Edmund S. Muskie
United States Senate

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Dear Senator Muskie:

Your October 9, 1974, letter requested that, in reviewing the Equal Employment Opportunity Commission, we consider the issues raised by Ms. Priscilla Doel of Fairfield, Maine, in a series of letters to your office. Ms. Doel expressed dissatisfaction with the way the Commission's Boston district office processed her charge. She specifically requested an inquiry into the Boston office's (1) resolution of charges (particularly those filed by Maine women), (2) processing times for charges by Maine women compared to other charges, (3) procedures for resolving women's charges, and (4) relationship to the Maine Human Rights Commission. p. 2957

Our October 25, 1974, letter to you stated that, while we could not judge the merits of Ms. Doel's complaint, we would consider the information provided by her letters in our [overall] assessment of Commission policies and practices.]

Upon visiting the Boston office and inquiring into the four matters cited by Ms. Doel, we found no pattern of differences in the processing and resolution of sex discrimination charges filed by Maine women compared to the processing and resolutions of all other types of charges. However, delays usually occurred in the early stages of the processing of many sex discrimination charges filed by women against institutions of higher education because the Boston office sent such charges to Commission headquarters for a decision. Charges were sent to headquarters when the issues they raised had no Commission precedent or the Commissioners had decided to expand upon or change a precedent. The decisions were then made by the entire Commission.

The Boston office's operations have been hampered by (1) a high personnel vacancy rate and (2) a failure to effectively control the initial administrative disposition of charges and monitor charge progress. These problems are especially serious in view of the office's large and growing backlog of unresolved charges.

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BOSTON OFFICE CHARGE RESOLUTION

The Boston office did not treat sex discrimination charges-- including those filed by Maine women--differently from other charges, according to the following comparison we made of fiscal year 1974 charge resolution statistics.

<u>Resolution activity</u>	<u>Boston district office</u>						<u>Nationwide</u>	
	<u>Maine women</u>		<u>Other women</u>		<u>Other charges</u>		<u>All charges</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Administrative closures	14	77.8	182	76.5	476	78.2	23,637	70.7
No-cause determination	2	11.1	17	7.1	60	9.8	5,289	15.8
Successful conciliation	<u>2</u>	<u>11.1</u>	<u>39</u>	<u>16.4</u>	<u>73</u>	<u>12.0</u>	<u>4,519</u>	<u>13.5</u>
	<u>18</u>	<u>100.0</u>	<u>238</u>	<u>100.0</u>	<u>609</u>	<u>100.0</u>	<u>33,445</u>	<u>100.0</u>

As shown in the table, most charges were disposed of by administrative closure. Reasons for these included lack of jurisdiction, the complainant's unwillingness to proceed, inability to locate the complainant, and the successful resolution of the charge by a State fair employment practices agency. Upon investigating charges filed by Maine women, the Boston office found two charges to be lacking merit (no-cause determination) and two other charges were resolved through conciliation.

We were unable to include in this table the charges that were not successfully conciliated because definitive data on them was not available.

BOSTON OFFICE CHARGE-PROCESSING TIME

As indicated by an analysis of the pending charge inventory of the Boston office as of June 30, 1974, sex discrimination charges filed by Maine and other New England women generally take no longer to process than other types of charges. Of the 2,498 open charges,

most were still in the investigation stage after being open an average of about 8 months and those charges awaiting the completion of conciliation efforts had been open about 25 months.

Many sex discrimination charges filed by women against institutions of higher education were sent to headquarters for nonprecedent decisions. This usually caused delays in the early stages of the processing of these charges. However, all charges pending as of June 30, 1974, had been open for about the same average time--from 23 to 27 months. While sex discrimination charges constituted only 35 percent (869) of the total charge inventory as of June 30, 1974, they represented 53 percent (16 of 30) of the charges referred to headquarters for nonprecedent decisions.

According to Commission officials, sex discrimination charges against institutions of higher education, such as that raised by Ms. Doel, frequently raise nonprecedent policy issues because the Commission's jurisdiction over the employment practices of institutions of higher education dates only from the 1972 amendments to its enabling legislation. Many of the charges are complex and require time-consuming, full-Commission decisions before conciliation may be attempted. Policy issues and problems presented in these charges include

- job descriptions that are often flexible and performance measures which are often subjective,
- difficulties in measuring compliance by statistical means because of relatively static numbers of faculty positions and low turnover, and
- the evaluation of tenure procedures.

OTHER BOSTON OFFICE PROBLEMS

Commission officials noted that the Boston office cannot deal effectively with its caseload because of (1) a high personnel vacancy rate and (2) a failure to maintain effective controls over the receipt, tracking, and referral of charges.

High vacancy rate

On November 22, 1974, the Boston office had 9 vacancies in its 37 positions--a vacancy rate of 24.3 percent. This was well above the Commission's national rate of 9.8 percent. The vacancies include 4 of the 16 investigator positions. The office director cited the heavy workload as a cause of the high vacancy rate.

According to a Commission headquarters official, vacancies are a problem throughout the New York region, which includes the Boston office.

Problems in Preinvestigative
Analysis Unit

This unit, which is a component of all Commission district offices, is responsible for (1) receiving charges, (2) tracking charges as they are processed, (3) responding to complainants' inquiries about the status of their charges, and (4) referring applicable charges to State fair employment practices agencies. The Boston office unit, in accordance with Commission policy for class A (large) district office staffing, consists of two equal employment technicians (paraprofessionals) and two clerks. However, the office's pending-charge inventory is currently over 2,500 and continues to increase with the approximately 200 new charges received each month.

According to its officials, the Boston office's high level of charge activity has hampered the unit's effectiveness by contributing to (1) improperly kept records, (2) confusion as to which charges have been referred to State fair employment practices agencies, and (3) many severe communication problems between the Boston office and complainants. To deal with the unit's workload, investigators were diverted on an as-needed basis from their normal duties to help the unit's staff to receive, screen, and process charges.

The Commission is redesigning the Preinvestigative Analysis Unit concept in its district offices to upgrade its positions and redefine its duties. The plans for this will be circulated for comment to the field in 1975.

BOSTON OFFICE-MAINE HUMAN RIGHTS
COMMISSION RELATIONSHIP

The Equal Employment Opportunity Commission's enabling legislation requires it to defer action on and refer charges, upon receipt, to approved State or local fair employment practices agencies for resolution. Generally, if the agencies do not act on the charges in 60 days or a State has no such agencies, the Commission assumes responsibility for processing the charges.

The Maine Human Rights Commission is an approved State fair employment practices agency. Among other duties, it handles, on

a contractual basis, charges referred to it by the Commission. Under its contract for the period June 1, 1974, to May 31, 1975, the Maine agency received \$28,000 to investigate 100 charges and conciliate a minimum of 40 charges.

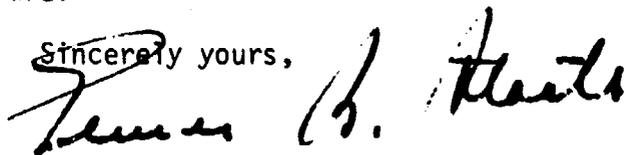
The Maine agency officials told us they were generally satisfied with the cooperation the Boston office has shown in answering requests for information and advice. However, the agency's director stated that both the New York regional and Boston district offices lack formal tracking systems for referred charges. Consequently, instances of confusion, such as those cited by Ms. Doel, have occurred. The Boston office director acknowledged this problem and noted that the Commission recently issued new guidelines for a tracking system. In addition, a State and Community Affairs Liaison Officer for the Boston office will be appointed shortly to monitor its relationships with the Maine agency and other State fair employment practices agencies.

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The problems noted at the Boston office will be considered in our current nationwide review of Commission activities. In our report we will make recommendations to improve Commission operations and effectiveness. As your office requested, we did not submit a copy of the report to the Commission for comment.

We are also sending a copy of this report to the Senate Committee on Labor and Public Welfare.

Sincerely yours,



Comptroller General
of the United States