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Commission on Federal Appeals Processes Is No Substitute for Adequate Resources Kelley Says

Washington, D.C.—A proposal to establish a commission to consider changes in federal employee appeals processes misses the real issue, the leader of the nation’s largest independent union of federal workers told a House subcommittee today.

“It appears as though a concern with the processing of equal employment opportunity issues is the main issue driving the desire for change in the appeal process,” said President Colleen M. Kelley of the National Treasury Employees Union (NTEU). This answer to this problem is not a new commission, she added, but rather “adequate funding and staffing at the Equal Employment Opportunity Commission (EEOC) and other agencies” so they have the resources to do their jobs.

“I feel that this commission is being charged with fixing a car when the only problem is that the gas tank needs to be filled,” Kelley told lawmakers in testimony before the House Government Reform Subcommittee on the Federal Workforce and Agency Organization. President Kelley said it is clear that the EEOC is under-funded, even as the administration proposes a further cut of \$4 million in its budget.

NTEU’s position, Kelley said, “is to let us first give the necessary agencies the resources they need to do their jobs, and then, if problems still exist, explore structural, legislative and procedural changes.”

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The idea for a commission to recommend changes in federal employee appeals processes grew out of a subcommittee hearing last November on a proposal to combine all appeals processes for federal workers into a single Federal Employee Appeals Court.

President Kelley expressed NTEU's strong opposition to the idea at that time, and repeated her concerns about it in today's testimony.

"NTEU takes very seriously the proper adjudication of the statutory and contractual rights of our members and any acts of discrimination or unfair treatment toward them," Kelley said. At the same time, she said, the union "does not believe that replacing or consolidating agencies with specialized expertise with a new entity with no particular expertise serves the objective of resolving cases quickly without compromising justice and fairness."

The NTEU leader told the subcommittee: The jurisdictions of the various affected agencies—such as the Federal Labor Relations Authority and the Merit Systems Protection Board—cover complex subject matters, and the career staff has built up significant expertise.

NTEU stands ready, Kelley told lawmakers, to work with Congress on other alternatives that improve the process without diminishing any parties' rights. "We particularly stand ready to work with the Committee to win adequate funding for agencies such as the EEOC," Kelley said.

As the largest independent federal union, NTEU represents some 150,000 federal workers in 30 agencies and departments

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