

February 10, 2010

National Black Coalition of Federal Aviation Employees

MD-715 Compliance Effort

TALKING POINTS

BACKGROUND: In late 2008, NBCFAE sent a letter to the FAA Office of Civil Rights requesting a copy of each of the last five years' **MD-715 Report** from FAA to the Equal Employee Opportunity Commission (EEOC). The FAA responded to that request by sending the reports for years 2004, 2005, 2006, and 2007. Upon receipt of those reports, the NBCFAE contracted with Dr. Herbert Wong and Associates to conduct an expert analysis of that information. That analysis was completed and the associated report was delivered to NBCFAE in the summer of 2009. Among the many conclusions drawn from that analysis, the following items stood out:

- ❖ The FAA/DOT is the least diverse agency/department, when compared to all the Executive Branch Departments in the Federal Government.
- ❖ The FAA/DOT has the lowest Percentage of Minority Employees in the Federal Civilian Workforce, when compared to all other Executive Branch Departments in the Federal Government.
- ❖ African Americans constitute 9.47 percent of the FAA Workforce as compared to 17.6 percent in the Federal Civilian Workforce. Thus, the FAA would be required to increase their complement of African American employees by 8.13 percent to reach parity with the Federal Civilian Workforce.

That information was very compelling and prompted the NBCFAE National Executive Board to seek cause(s) for the sustained under-representation of minorities and women within FAA.

In July of 2009, we sent an introductory letter to the FAA Administrator, and requested to meet with him concerning disparate treatment and under-representation in FAA. That request was denied, and we were informed the Administrator would not meet individually with Employee Associations. However, he would continue the practice of meeting with all employee association representatives jointly, at the National Employee Forum. That answer was not acceptable to the National Executive Board.

So, in October 2009, the board sent a follow-up letter to the Secretary of Transportation, and the FAA Administrator. That letter outlined our position that FAA is not in compliance with certain provisions of the EEOC's Management Directive (MD) 715, or the U.S. Supreme Court decisions related to the **Adarand** Construction, Inc. v. Pena, and the City of Richmond V J.A. **Croson** Co. We, again, requested to meet with the FAA Administrator. *(The specifics of these decisions will be placed on our website)*

WHAT IS MD-715?

Management Directive 715 (MD-715) is the policy guidance which the Equal Employment Opportunity Commission (EEOC) provides to federal agencies for their use in establishing and maintaining effective programs of equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e *et seq.*, and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 *et seq.* **MD-715** provides a roadmap for creating effective equal employment opportunity (EEO) programs for all federal employees as required by Title VII and the Rehabilitation Act. It also sets forth the general reporting requirements for all federal agencies. MD-715 took effect on October 1, 2003.

WHY SHOULD WE BE CONCERNED ABOUT THEIR NON-COMPLIANCE?

Under-representation of minority, women, and disabled employees is apparent in the FAA Workplace. Because of the agency's failure to comply with the provisions of MD-715, there is no actionable plan to effectively address those conditions. Thus, we continue to experience huge disparities in Hiring, Selections, Promotions, Pay, Awards, and Training/Development Opportunities, as compared to other federal employees.

WHAT ARE WE DOING?

A group of senior members of NBCFAE (TEAM 7) drafted a plan to move the FAA towards the desired diversity in their workforce. In January 2010 that plan was approved by the National Executive Committee. While we will not reveal the full details of that plan, the following initiatives have been completed or are now in progress:

- ❖ As indicated above, we requested to meet with FAA Administrator Babbitt. That request was denied. However, on February 4, 2010 we met with official of FAA. The results of that meeting will be forthcoming. Meeting participants were:

Federal Aviation Administration

Fanny Rivera, Associate Administrator
for the Office of Civil Rights

Ventris Gibson, Associate Administrator
for the Office of Human Resources

Jerry Mellody, Attorney for the Office of
General Counsel, External Affairs

Julia Rhodes, Attorney for the Office of
General Counsel, Personnel and Labor
Law

National Black Coalition of Federal Aviation Employees

Shaun Sanders, National President

Roosevelt Lenard, National Vice President

Margarete Berrios, Washington Headquarters
Regional President

Ronald Bagley, EEO Action Committee
Chairperson

- ❖ We have re-directed a portion of our National Operational Budget to support this effort.
- ❖ We are building a coalition of supporters from entities, outside the FAA, that possess the power to influence the FAA to do what is legally required, and right for its employees. The first organization to sign up is the Reverend Jesse Jackson and Rainbow PUSH. Other Organizations we hope to bring on board include the NAACP, National Urban League, and Blacks-In-Government.
- ❖ We are contacting selected U.S. House and Senatorial Representatives about the ongoing problems, and requesting their assistance to call the FAA to task.
- ❖ We are re-initiating our efforts to gather information concerning discriminatory practices in the FAA.
- ❖ We are re-tooling our EEO Complaint training in order to educate members on more effective ways to address their EEO issues and/or successfully navigate the EEO Complaint process.

WHAT CAN YOU DO?

- ❖ Become intimately familiar with the effort and be prepared to discuss it with others. (Members and Non-members)
- ❖ Join other civil rights based groups such as the Rainbow PUSH, NAACP, and Urban League, at the local level.
- ❖ Go to our new Website. Tailor the contact letter to fit your needs. Print the letter and mail it to your respective congressional representatives.
- ❖ Document the specifics of your personal experiences concerning FAA discriminatory practices, and send that information to:

Mr. Ronald Bagley
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2120 Grand Gleaton Pass
Conyers, GA 30013
Cell (770) 815-6885
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- ❖ Learn the EEO process for yourself. Be available, and participate in the NBCFAE provided EEO Complaint training.