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# Special Report for HR Professionals

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## 2010 Federal Enforcement Budgets Get Large Increases

### INSIDE THIS ISSUE

- 1 2010 Federal Enforcement Budgets Get Large Increases
- 2 DHS Proposes Regulation to Expand Employment Record Verification
- 3 *Before Diversity*
- 3 Xerox Names First Black Woman as CEO
- 4 E-Verify Requirement Delayed Again
- 4 Subscriptions...

Both the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs (OFCCP) will be allocated greater budgets for the Fiscal Year 2010 which will begin on October 1, 2009.

The result of those budget increases will be higher levels of staffing and more probing of systemic discrimination allegations leveled against employers of all types. In states that have reciprocity agreements with the EEOC to handle employment discrimination complaints that fall within their state boundaries, there may be some funding available to pay for state staffing in that arena.

### **EEOC Budget**

This independent agency will receive almost 12 percent more money in FY2010 than it did in FY2008. The allocation will rise to \$367 million, which is almost 7 percent higher than the predicted FY2009 expenditure. In the private sector, the Obama Administration predicts a 63 percent bulge in backlogged cases from FY2008 to FY2010. There were a total of 56,964 pending cases in 2008 and the 2010 estimate is for 92,917 cases. That backlog happens with only an estimated 5 percent increase in new complaint intake. (95,402 new cases in FY2008 and 100,155 new cases in FY2010.)

Clearly, the Office of Management and Budget (OMB) has accepted EEOC's prediction that it will retain cases for a longer period of time, a trend that appears to be happening now. Employees who file charges with the agency can expect their cases to take well over a year to resolve from now on. And, employers will be living with the uncertainty of agency decisions until those many additional months have passed.

[SOURCE: <http://www.gpo/fdsys/pkg/BUDGET-2010-APP/pdf/BUDGET-2010-APP-1-31.pdf>]

**Go to Budget on Page 2**

**Budget Continued from Page 1**

### **OFCCP Budget**

*Employers should know that enforcement agency staffing will be increasing and investigation activity will grow beginning in FY 2010.*

The Office of Federal Contract Compliance Programs (OFCCP) is an agency within the Department of Labor's Employment Standards Administration (ESA). OFCCP's budget allocation will grow by nearly 36 percent in FY2010 from FY2008. And, its restated focus will be on federal contractor systemic discrimination issues, an emphasis created in the last Administration. The FY2010 allocation will be \$110 million.

According to the budget filing by OMB, "OFCCP programs cover close to 100,000 work-sites with a total workforce of 12 million persons. OFCCP monitors contractors' compliance through compliance evaluations, with a focus on systemic discrimination cases, and reporting requirements. In 2010, approximately 2,500,000 individuals will be covered through 5,000 compliance evaluations, 175 complaint investigations, and 2,400 other compliance actions." OFCCP also plans to "conduct 600 compliance assistance events in FY2010."

Federal contractors should recognize that their chances of being audited by OFCCP will grow through this expanded budget allocation.

[SOURCE: <http://gpo.gov/fdsys/pkg/BUDGET-2010-APP/pdf/BUDGET-2010-APP-1-16.pdf>]

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## **DHS PROPOSES REGULATION TO EXPAND EMPLOYMENT RECORD VERIFICATION**

The U.S. Department of Homeland Security (DHS) published a proposed rule (regulation) on May 22, 2009, that would give it more widespread powers of investigation and allow exemptions to privacy requirements anytime the government cites need due to an on-going investigation.

The Department says, "The exemptions proposed ... are standard law enforcement and national security exemptions exercised by a large number of Federal law enforcement and intelligence agencies."

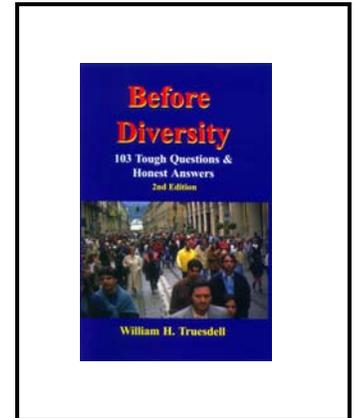
Specifically, the proposal would exempt part of the Compliance Tracking and Management System (CMTS) from some provisions of the *Privacy Act*. The government does not want to be bound by the *Privacy Act* requirement to disclose to individuals whose records are accessed during an investigation that such an investigation is taking place. Two of the CMTS data systems are Systematic Alien Verification for Entitlements (SAVE) and E-Verify.

You have until June 22, 2009, to submit your comments. The two-page proposal in PDF format is located at <http://edocket.access.gpo.gov/2009/pdf/E9-11966.pdf>

## *Before Diversity: 103 Tough Questions & Honest Answers*

Employers today need to understand the differences among Equal Employment Opportunity, Affirmative Action and Workplace Diversity. With proper design and implementation all of these programs can work in concert to improve your organization through increased production, employee participation and loyalty. This volume presents honest answers to 103 tough questions that supervisors and managers must face today. Before you venture into a diversity management program in your organization, read the answers you will need to have for employee discussions.

<http://www.management-advantage.com/products/beforediv.htm>



## **XEROX NAMES FIRST BLACK WOMAN AS CEO**

For the first time in any Fortune 500 company, a woman CEO has handed the corporate reins over to another woman CEO, and this time it is a minority woman. Anne Mulcahy will remain Chairwoman of Xerox's Board of Directors, but the CEO job belongs to Ursula Burns as of July 1, 2009.

According to ABC News, Ms. Burns started with Xerox as the Assistant to the CEO, an intern. Now she is the CEO. She was a single mother in New York's projects and now she is the leader of one of the world's most recognizable global enterprises.

According to Ms. Mulcahy, Ursula Burns has worked closely with her for the past ten years. All that time, she has been groomed for the top job. She has a Masters Degree in mechanical engineering from Columbia University. She moved into product development and planning and led several business teams. After a stint as director of the company's global research and product development organization, she rose to the job of corporate president in April 2007.

[http://www.xerox.com/go/xrx/template/inv\\_rel\\_newsroom.jsp?app=Newsroom&format=landing&view=Main&Xcntry=USA&Xlang=en\\_US](http://www.xerox.com/go/xrx/template/inv_rel_newsroom.jsp?app=Newsroom&format=landing&view=Main&Xcntry=USA&Xlang=en_US)

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## E-VERIFY REQUIREMENT DELAYED AGAIN

The U.S. Citizenship and Immigration Services (USCIS) has announced that federal contractors will not be required to use the E-Verify system of employment eligibility checking until later this year. The requirement was to go into effect today, June 6, 2009.

The new implementation date is September 8, 2009. Federal contractors who do not now use the E-Verify may continue to wait to register and participate if they wish. Until the September date, participation will remain voluntary. Some states now require participation by employers who meet certain conditions. So, be sure you talk with your management attorney to be sure you are meeting the requirements that apply to your organization.

For a copy of the government's announcement about the new implementation date, go to:  
<http://www.uscis.gov/portal/site/uscis/>

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