SSA Union Attorney Wins Big for Employees in 2017

Witold Skwierczynski, Council 220 President and Jessica LaPointe, Unity Editor

The SSA employee Union attorney, Patricia McGowan, has a winning streak going. UNITY spoke with her about three recent successful arbitration cases.

Patti litigates back pay grievances for SSA employees who work at field offices, tele-service centers and card centers. These grievances concern terminations, demotions, suspensions, overtime denials, awards, merit promotion selections and other back pay grievances. Ms. McGowan has worked as the AFGE National Council’s back pay attorney since October 2002. SSA AFGE Locals refer back pay grievances to her for consideration. She evaluates the cases referred and if she concludes that the cases are meritorious, she will litigate the case. If she wins a back pay arbitration, she is entitled to attorney’s fees and a portion of the attorney’s fees that she collects from SSA are placed in a Litigation Fund. This fund is subsequently used to pay for arbitrator fees and other expenses involved in the arbitration process, such as witness travel expenses.

One of her recent cases involved a Contact Service Representative (CSR) from the Birmingham, Alabama Tele-service Center. This employee was charged with using inappropriate language during a performance appraisal discussion and with discourteous behavior when a supervisor criticized her for plugging out of the phone system. (TSC employees are frequently subjected to harassment from supervisors whenever they plug out of the phone system, even when they must use the restroom.) Management issued her a five-day suspension. The employee denied both allegations and filed a grievance contesting the suspension. Management denied the grievance and the union requested arbitration. The case was referred to Ms. McGowan for consideration and she decided that it was meritorious and would represent the employee. McGowan argued that SSA management was engaged in reprisal against the employee as a result of a previous workplace sexual harassment complaint that she had filed against a supervisor in the TSC. Patti argued that the employee had an exemplary record with no previous discipline and that she had been the recipient of numerous performance awards. She also argued that the contract requires SSA to use progressive discipline. (Article 23 of the contract states that the normal penalty for a first offence is an oral warning. The burden of proof in disciplinary action cases is on the Agency.)

Another argument in this case was that SSA was untimely when they disciplined the employee. The contract requires that all proposed disciplinary actions must be issued timely to enable an employee and any witnesses to remember what happened and, consequently, be able to present a reasonable defense.

The arbitrator ruled in favor of the employee and rescinded the suspension, ordered the employee’s file to be expunged and required SSA to pay the employee retroactively for the five days of lost wages.

Patti was pleased with the decision. She explained that in addition to the back pay, a suspension is a permanent personnel record and employees should be concerned about the impact of this record on future personnel actions. Regarding such permanent records, Patti said “their existence could adversely affect the employee’s career especially future promotional opportunities.”

Ms. McGowan litigated another case where an employee was suspended for 14 days for allegedly querying a record and improperly disclosing personal information (PI) from the record.

SSA has unilaterally implemented a table of penalties for PI violations. According to this table of penalties first offenses that incur no financial gain or other benefit are normally penalized with a reprimand. McGowan argued that this PI violation was a first offense and deserved a lesser penalty. The arbitrator agreed and ordered that the penalty be reduced to a written reprimand, the suspension expunged, and that the employee be paid back pay for the entire 14 day suspension.

Ms. McGowan won a third case involving the termination of a Claims Specialist for four minor instances of alleged misconduct. The four charges were: disrupting the office, inappropriate behavior, failure to follow a management directive and Absent Without Leave (AWOL).

The arbitrator concluded that SSA did not prove any of the charges. The arbitrator ordered full back pay from the time of termination, reinstatement to the employee’s position, and restoration of the employee’s seniority.

Ms. McGown encourages all new employees to join the Union and urges them to contact their office steward whenever they feel that they are victims of injustice. She encourages employees to file grievances timely when SSA management treats them unfairly. Employees generally must file a grievance no later than 15 work-days after the event that they are contesting. McGowan concludes that, “Swift and timely grievances regarding contract issues can insure long and prosperous careers for SSA bargaining unit employees.”
The Union Scores the Agency Poorly on 2017 Hurricane Relief Efforts

Hurricane Katrina devastated the Gulf Coast, the Bahamas, and Cuba in August 2005, causing up to 1,840 fatalities and leaving 108 billion dollars in damages in its wake. It was considered the costliest US natural disaster in history. That was until last year, when Hurricane Harvey, the first of several tropical cyclones to ravage the US during the 2017 hurricane season, caused $200 billion worth of damages - mainly due to widespread flooding in the Houston Metropolitan Area. Then category five Hurricanes, Irma and Maria, swept through the Atlantic and Caribbean Regions and created such massive destruction that they were considered the second and first (respectively) worst natural disasters on record for islands such as Puerto Rico, Saint Thomas, and the US Virgin islands.

Unity asked Dana Duggins, National Council 220 Executive Vice President, to rate the Agency’s storm-response effectiveness on a scale of one to five. She gave the Dallas Region a ONE because they had Katrina before and should have known better. She gave the Atlanta Region a FIVE because they gave employees enough time to leave work to secure families and the Union saw few leave issues. She gave the New York region a ZERO since SSA efforts in Puerto Rico were disjointed, not coordinated and communications with employees and the Union were horrible. In addition, SSA made numerous unilateral changes ignoring their contractual and legal responsibilities to give notice and negotiate with the Union. SSA also failed to provide benefits and services to SSA workers that other agencies provided to their employees.

AFGE worked tirelessly to give employees a voice with the Agency when Katrina left many in dire straits. Dana Duggins, had been involved with that effort, and was in charge of Union oversight during most of the Agency Hurricane relief efforts in 2017. She commented to Unity in January 2018 that she did not think the Agency could perform any worse than they did after Katrina - then came Harvey, and Maria. According to Duggins: “It’s as if they learned nothing. On a Friday, Katrina was a category-five and on Saturday offices were authorized to have overtime to clear overpayments. It was appalling. The Union made an issue on The Hill and with the Commissioner, and, yet, here we are again. It amazes me!”

She went on to explain that it has been months since the final hurricane of 2017, and the Union has been misinformed, denied access to offices and information, and has witnessed gross negligence in securing employee safety and well-being, both during the 2017 storms, and in the post-storm recovery and rebuilding process for SSA offices, homes, and livelihoods. Duggins said that all the Union is looking for from the Agency is honesty, cooperation, and compassion.

According to The National Hurricane and Weather Service, Harvey intensified from a tropical depression to a category four hurricane in a 48-hour period prior to hitting the Texas Gulf Coast at Port Aransas at 10 pm August 25, 2017. Duggins commented that the Dallas Region was simply uncooperative with Union efforts to close offices timely. Joel Smith, a Union Steward for Local 3184 that represents the Houston area and southern Louisiana, reported that Management in the Lake Charles, LA area required employees to work while the storm was flooding their streets and destroying the Beaumont, TX and Port Arthur, TX offices -which were only 30 to 60 miles away. In these offices, he reported that management allowed employees to exit only if they used their own leave. Employees that left after their workday drove home in tropical storm conditions without adequate time to protect their homes, children, animals, and property before the storm struck. Duggins insisted that by delaying office closures, the Social Security Administration also sent the wrong message to the public. The Agency kept offices open when the storms had already begun. It put the public in harm’s way because it sent the message that the storm was not severe.

In stark contrast when category five Hurricane Irma hit Florida, the Atlanta region closed every office two days in advance to give people time to secure property and evacuate. Offices in Georgia, South Carolina, and Alabama were also closed early. Duggins explained that the Agency leaves decisions regarding office closure to each region instead of using a nationally directed and uniform system.

Puerto Rico was already dizzy with the blow of Irma, when Maria entered the ring on September 16, 2017, as a category five. Duggins explained how frustration set in when the New York Region sent their Deputy Regional Commissioner with OIG Agents to the island on orders to visit offices, check on the welfare of all employees, and drop off supplies, without inviting the Union. Furthermore, the agents dropped off supplies - including food and water - at offices, but employees were unable to get to the offices to pick them up due to the extreme conditions they faced in the aftermath of the storm. In some offices the employees that were able to make it to work were told by managers that they were not allowed to bring the supplies home.

Duggins received reports that after the storm the Agency tried to contact employees via their cell phones, but cell towers were down and callers were not able to reach many people. They were able to contact a few employees through the Mass Emergency Network System (MENS), though 80% of the 63 employees that responded to a Union survey indicated they did not receive a MENS message. It was OIG’s responsibility to account for missing employees. They were allegedly given orders to do house visits of unresponsive employees. Yet only 18% of the 42 employees that responded to the Union survey indicated they received an OIG home visit. Those that did respond indicated that OIG did not bring supplies nor were asked about their needs. OIG agents only asked if they were able to return to work.

Duggins stated that she was disheartened that, “after such a horrendous experience there was such an uncaring attitude.” She expressed disbelief that when the Agency gave notice of office visits to assess damages they denied Rafael Arroyo, Local 2608 President, an escort in a government vehicle by local authorities along with the rest of the government officials. Power was out on 70% of the island and traffic lights were not working. He was, therefore, left to fend for himself and could not travel timely to offices to assess their safety when SSA was doing office inspections. Duggins considered it unethical and immoral to treat employees and the Union the way the Agency did, since this emergency required management and the Union to put their differences aside and work together to rebuild livelihoods.

Hurricanes Maria and Irma also struck the Virgin Islands. Irma had damaged both the St Thomas and St. Croix offices. The St. Croix office was reportedly completely leveled by Maria with no expected date to reopen. Employees were put on administrative leave or relocated to other offices.

According to Local President Arroyo, office hours were initially limited from 8:15 am to 3:30 pm for both employees, and the public on many islands devastated by Maria and Irma. Employees worked a fixed shift and flextime was suspended. This was not negotiated with the Union and caused issues with employees having to exhaust their leave, use LWOP, or receive an AWOL charge to deal with commuting delays and hazards, unexpected daycare and school closure issues and home repairs.

Duggins reported that most offices were powered by generators and that the Union requested that two offices not be reopened until generators were replaced. They did not
A Budget Update from President Skwierczynski

Folks,

As you know SSA currently is funding its administrative expenses through a continuing resolution (CR) through February 8, 2018. [The Agency commented during a Union/Management Meeting (UMM) on December 12, 2017, that while under the CR they are limiting hiring, overtime and non-essential purchases. They are being told with everything Congress is doing, they expect another CR.]

President Trump has proposed an SSA administrative budget of $12.46 billion for Fiscal Year (FY) 2018.

The House Appropriations committee passed a flat budget for FY 18 that would equal SSA's funding for FY 17, which was $12.14 billion. The $322 million increase that the Trump budget would provide is essentially an inflationary increase but no substantive increase. Staffing (work years (WY)) was projected to increase from 61,104 WY in FY 17 to 61,265 WY in FY 18 or just 161 WY. The House didn't even fund the President's request!

For FY 18, the Senate Appropriations Committee passed a $492 million reduction to SSA's FY 17 budget. Thus, the Senate budget is $11.64 billion. This constitutes a 4.1% cut from the FY 17 budget and a 6.5% reduction from the Trump request for FY18. Neither the full House nor the full Senate has acted on these Appropriations committee actions.

The Obama Administration proposed a $13.07 billion budget for FY 17 in his last budget request in February 2016. Congress passed a budget for FY 17 that was $932 million less than requested by President Obama.

Obama's last budget estimated that SSA would have 68,422 work years in FY 17. The actual budget for FY 17 funds only 61,104 WY or 5,036 less than requested by Obama and Acting Commissioner Colvin.

If you recall, Congress was proposing a $263 million reduction in the FY 17 budget in the summer of 2016. If that passed SSA's budget would have been $11,899 for FY 17. The Senate Appropriations Committee proposal for FY 18 is $246 million below the cut that we were facing last year.

Last year we received information from SSA that an $11,899 billion budget would result in:

- reduced office hrs.
- a return to office closings
- a deterioration in service levels
- more busy signals on the 800 #
- more lost calls on the 800#
- longer waiting times for interviews in field offices
- processing time deterioration especially in hearings wait times
- more backlogs in hearings and PSC workloads

If these were the potential consequences of a $11.9 million appropriation for SSA's administrative expenses, what do you think will be the impact of the Senate Appropriations action to cut SSA's administrative budget to $11.64 billion? That's right, the impact will be even more severe!

Unfortunately, despite repeated requests, SSA has refused to share with the Union what that impact would be. We have put this item on the agenda for the UMM meeting and SSA has informed us that no one is available to discuss it with the Union. I have sent messages to SSA's Budget Director and have received no response regarding my requests for information on the impact of the Senate Appropriations Committee actions.

SSA appears unwilling to inform either the Union or the public regarding the impact of this severe reduction in SSA's administrative budget. We will have to assume that the impact will be substantially more than what SSA projected last year when already facing a $263 million budget reduction. Since SSA estimated then that each $25 million cut in their budget would require a 1 day furlough, we'll have to assume that since this cut is $256 million more than the one that concerned them last year, it will mean at least a 20 day furlough. It will probably be more than that due to the failure of the Senate to account for inflation.

Processing times will be worse, backlogs will increase and the 800 number service and community based office services will substantially deteriorate.

Since SSA won't tell us the level of the deterioration we will have to make some reasonable assumptions. We know from experience that interview appointment schedules will max out and SSA managers will send customers home and direct them to the Internet.

This is truly a crisis situation that requires us to contact Congress and the public and demand that they provide SSA with a reasonable administrative budget.

What is a reasonable budget? One that will restore some of the staff that SSA has lost since FY 2010 when SSA had 68,422 employees. The Obama Proposed budget for FY 17 was $13.067 billion and would budget for 66,140 WY. Inflation per SSA is about $400 million each year. $13.467 billion would be a reasonable increase in the administrative budget that would enable SSA to reduce backlogs, increase processing time and provide the service that the American public deserves.

We have asked AFGE national office to help us to launch a nationwide campaign to demand more funding for SSA's administrative expenses.

Visit our website, www.afgecc220.org, to read the campaign flyer that provides instructions for calling Congress and demanding that they pass the funding needed to run SSA.

Visit our website or Facebook page "Rally Point" to sign a petition with Social Security Works requesting Congress to fully fund SSA.

We need to make this a priority so we can avoid furloughs and he day-to-day problems with stress of inadequate staff forced to process impossible workloads. This will be an opportunity for us to get energized and for employees to get active to save your jobs and the Social Security Administration as a whole.

Witold Skwierczynski, President

Follow us on Facebook! www.facebook.com/SSARallyPoint/
EVP Duggins Speaks on the Harassment Prevention Officer Program

Jessica LaPointe, Unity Editor

The Social Security Administration sent notice to the Union that they would be changing the Standard Operating Procedure (SOP) for how they handle allegations of workplace harassment from employees effective November 1, 2015. These changes updated the Agency Policy on the Prevention and Elimination of Harassment in the workplace by introducing a cadre of trained Harassment Prevention Officers (HPOs) assigned to conduct investigations in offices when harassment is alleged. The Agency stated that the changes to the SOP and the formation of the HPO cadre were intended to do the following:

- To ensure a consistent approach when harassment is alleged.
- To provide procedures for handling harassment allegations separate from the Equal Employment Opportunity (EEO) process.
- To establish the HPO and a dedicated cadre of investigators across the Agency.
- To ensure a neutral, fair, objective, and timely investigation process.
- To protect the confidentiality of individuals who make harassment complaints, to the extent possible.
- To reinforce a zero tolerance for reprisal or retaliation against an employee who alleges harassment or against an employee who provides information about a harassment allegation.

On November 6, 2015, the Union requested to bargain the changes and the Agency refused based on their reasoning that the SOP is not a change of condition of employment, but an establishment of an internal management process.

AFGE file an unfair labor practice charge after SSA’s refusal to bargain, but the charge was dismissed by the FLRA.

Two years after the implementation of the changes, Unity interviewed Dana Duggins, Executive Vice President of Council 220, to talk about how effective the program has been in carrying out it’s goals.

UNITY: During a Union and Agency meeting in July 2015 you asked if the changes to the SOP involving HPOs would be reviewed to ensure the end goal was achieved. To your knowledge has this review occurred?

EVP Duggins: To my knowledge no review has occurred.

UNITY: Since the Agency initiated the changes have you witnessed a better process for employees who allege harassment in the workplace?

EVP Duggins: No, definitely not. Managers hear harassment and kick it to the HPOs instead of taking care of the problem right away. Harassment allegations should not always go this route. It overloads the system and slows down the process. I believe managers do this to avoid responsibility and this exacerbates the situation. I see this as a sign of a weak manager and should be a red flag that a manager does not have the skills to manage. I believe the SOP should only be used if an EEO Complaint is filed.

UNITY: How are the HPOs notified of harassment allegations?

EVP Duggins: If the employee contacts the Equal Employment Opportunity Commission (EEOC) to make a harassment allegation, the EEOC will refer to the HPO Cadre. If an employee goes to a manager with the allegation, then management will refer to the HPO Cadre directly. If the employee goes to the Union with the allegation, depending on circumstances, we will file a grievance or refer it an employee to the EEOC. Sometimes the Regional Labor Employee Relations (LERT) team notifies the HPO Cadre about an office allegation when the Union files a grievance. This holds the grievance in abeyance, which should not happen per the Contract.

UNITY: Is it obligatory that the employee participate in the HPO investigation?

EVP Duggins: They can say they don’t want to pursue the allegation, but they have to drop the complaint. The Union’s argument is that if there is a grievance alleging harassment then the employee should not have to go through the HPO process. The Union’s stance is only EEO complaints should trigger an HPO investigation.

UNITY: If the EEO process allows for accusers to remain anonymous, does the HPO investigation violate this safeguard?

EVP Duggins: It should not, but unfortunately the offices are small and the process is invasive. The Agency sends in a team to question every employee. By the time they are done the whole office is involved. Employees have an idea of who is being accused, and of what, based on the line of questioning. Also, employees fill in the gaps and gossip spreads creating more disruption in an office. People get hard feelings and turn on each other.

UNITY: Are workplace reprisals increasing because of HPO investigations?

EVP Duggins: Yes

UNITY: Are Union representatives allowed to accompany bargaining unit employees during the entire HPO investigative process?

EVP Duggins: We are finding that the HPOs are inconsistent with this. The employees have a right to representation. Under the EEO process employees are entitled to a personal representative. When managers question employees about alleged misconduct they are entitled to a Union representative. Often managers and HPO officers are refusing to allow a personal representative and a Union representative to be present. We think it violates the law in both situations. The EEO process is statutory under Title VII and the right to a union representative is afforded to employees under Title V. Either way, the law allows a representative. This issue is being grieved by the Union right now.

We advise any employee that believes that they may be disciplined as a result of the HPO process to request a Union representative to ensure that the official is recording statements truthfully, not down playing or talking an employee out of what he or she experienced, not demeaning him or her, or obstructing the investigation with coercive behavior.
Letter To The Editor

Say No to Budget Cuts – Protect your Job

I am very concerned about the proposed congressional cuts to the Social Security Administration budget of $492 million. The President’s proposed budget would slash $74.2 billion from Social Security and SSI benefits over 10 years, including $72.4 billion over 10 years to Social Security’s disability program. They are proposing an additional $4 billion out of the retirement, survivors’ and disability programs. These cuts will have a devastating impact on everyone, especially the disabled and low income Americans. This budget would set the clock back 50 years for the rights of people with disabilities.

National surveys consistently show that Americans overwhelmingly support strengthening and expanding Social Security, and oppose benefit cuts. The budget cuts will not only hurt the poor and disabled, but also the hard working employees at Social Security with an estimated 20 days of furlough. We all know there is too much work to do and not enough employees, and if this budget passes you will end up with more work, a pay cut, and management will expect you to work twice as hard to get the work done.

Did you know that this budget proposes significant cuts in federal retirement benefits while giving tax cuts to the wealthiest citizens? I don’t know about you, but I’m tired of paying for tax cuts for the 1%! Isn’t it about time we say enough is enough! We need each one of you to get involved and make your voices heard. Divided we stand, United we are Strong! We need you to take action! Please call Congress and tell them to vote no to cuts to Social Security. Call 1-844-669-5146 or 1-888-775-3148 to speak with your lawmakers regarding the budget. Text “AFGE” to 225568 on your personal cell phone for alerts. Isn’t your job worth 5 minutes of your time?

Loni Schultz
AFGE Council 220
Chicago Regional Vice President

⇒ Do not call Congress during duty time or send information regarding lobbying Congress to others using government equipment. Do not use your government email address, or government phone in contacting your member of Congress. Call on your cell phone at lunch.

The Union Scores the Agency Poorly on 2017 Hurricane Relief Efforts (con’t)

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supply enough power and employees felt unsafe. Interviews were actually conducted in the dark. Also, some generators were run indoors when they should have been outside. Generator fumes caused respiratory problems and exposed employees to carcinogens.

Below are some of the post hurricane Agency issues that employees faced in Puerto Rico:

- The Agency was in too big a hurry to reopen offices without infrastructure or knowing if the employees were able to return work.
- The Agency excluded the Union from inspections, reopening plans, workload assignments, staff migration, available relief, proper advanced notices or bargaining ability.
- The Agency did not inform the employees in the San Juan TSC and DPU of OPM disaster relief guidance for over three months upon return to work and by then the timeframe for relief had expired.
- Employees in the Manati office were relocated to the Arecibo office without assessing the impact on them including health and safety issues and limited restroom space.
- The Guayama, Humacao, and Fajarado offices were relocated to private spaces without assessing the staffing needs and the security of the space.
- The Agency offered limited hours of operation from 8:15 am – 3:30 pm and showed little understanding for employee childcare or eldercare circumstances. Employees were charged AWOL, LWOP, annual and sick leave, and managers failed to excuse most absences for tardiness involving hazardous commuting conditions unless managers experienced them themselves. Employees from closed offices were relocated to the ODAR component where the conditions were unsafe, unhealthy, and disorganized. OSHA complaints were filed. The Agency prematurely opened the Ponce Operations Office relocating employees and exposing them to unhealthy conditions. Employees returned home from work with symptoms from strong humidity, odors, eye itching, sore throats, and headaches. The same happened to employees in the San Juan TSC and DPU.

Post hurricane problems that still persist in Puerto Rico:
⇒ A police strike since late October has resulted in dangerous conditions, especially after dark with no power and reduced security. Schools and medical facilities continue to operate under reduced hours.
⇒ No power in large portions of the island
⇒ No running water in some places
⇒ No WiFi
⇒ Landlines are still down
⇒ 80% of traffic lights not working
⇒ Office computer systems are unreliable because generators are weak.
⇒ Limited working cell towers result in limited cell coverage

According to Council 220 National President, Witold Skwierzynski, in the aftermath of the storms the Council asked for two things from the Agency:

1. The Agency hold two briefing calls a week with Richard Kirchner, the Council’s New York Regional Vice President, and Rafael Arroyo, Local President in Puerto Rico, to engage in an ongoing dialogue about issues with office conditions and re-openings and employees health and safety issues.

2. The Agency sends a management team to go on a tour of offices with Richard and Rafael to talk with employees and assess the conditions in offices. The purpose of these two requests for ongoing communication is to establish a platform for Management and the Union to work together to solve issues in the best possible way.

The Agency has rejected both requests. The Agency has only sent limited emails as a mode of communication to President Arroyo and refuses to engage in ongoing productive dialogue about employee concerns and office conditions.

In the words of Local 2608 President, Rafael Arroyo: “I am not going to address the lack of proper abatement plans for SSA employees [who experienced firsthand] the disastrous consequences of the Hurricanes’ landfall. I will spare you of the details of the effect of the disaster on fellow employees who lost everything or who overnight became victims of the nefarious attack of nature against their livelihood. At this point, I have to address the Agency’s mishandling of resources and lack of compassion, sensitivity and common sense to deal with the general [post hurricane] infrastructure crisis, and the simple measures they did not take to ease our interest in returning safely to our duties with our employer. Why? Because there is still an opportunity to amend errors, and because the next hurricane season begins next summer, and like we say over here: “no hay mal que dure cien años ni cuerpo que lo resistía”. The possibility of a second round of negligence appears unbearable and unnecessary, at the least.”
2018 Contract Bargaining
Q and A with President Witold Skwierczynski

UNITY: Do you have a favorite story from past Contract bargaining?

President Skwierczynski: In the first Contract when I was a rookie (about 30 years old) we went from June of 1980 to May 1981. After 11 months we agreed to 6 minor articles. We went into arbitration with a mediator to resolve the rest of the Contract. We sat at the bargaining table for almost 60 straight days. We would start at 9 am and go until 7-8 at night. We had 3 all-night bargaining sessions. At the last one we left bargaining at 5:30 am, shook hands with management, and went to breakfast independently. The AFGE bargainers walked into the Double T, a diner in Baltimore, and who did we see - but management. It gives you an idea of how hard we worked to get the first Contract done. It was tough.

UNITY: In the current 2012 Contract, is there a topic you wished would have had a better outcome for employees?

President Skwierczynski: I always want more. With work-at-home, we had a major step forward with getting our foot in the door. We agreed on basic parameters and started a pilot. Unfortunately, the Contract has us in a non-bargaining relationship with the pilot. At the time, we thought the only way we could get our foot in the door was to give management more leeway then we normally would. As we are doing the pilot now I wish we hadn’t done it that way. But we made the decision at the time based on the idea of getting our foot in the door, and I have no regrets about accomplishing that.

In the next Contract, we will strive to have a more solid agreement on everyone’s right to work at home.

UNITY: What is your proudest win for employees in your history of contract bargaining with SSA?

President Skwierczynski: We negotiated flextime, credit hours, and 5-4-9 in the early 1990s. That was tough. Every progression of flexibility for employees in the field office was like pulling teeth. Management was always worried about their ability to manage, and did not want to have flexibility in hours because they felt it would impair their ability to manage the work site and to guarantee they had sufficient staff available on any given day. It took a few contracts for us to get the flextime, credit hours, and 5-4-9 system that we have now. We insisted that management needed to treat employees like conscientious adults. The goal was to have a dedicated work force with an interest in serving the public, but, in order to do so, employees needed flexibility to engage in family and personal life, as well as work life.

It is not even a thought anymore by the Agency to reduce flextime, credit hours, or 5-4-9. Even with diminishing resources we are still able to manage workloads and have flexibility so that employees have work/life balance.

UNITY: The current Contract was set to expire in 2017. Who decided to delay negotiations and why?

President Skwierczynski: On December 14, 2016 we signed a one-year extension. It was a mutual decision between Union and management. After the election, we were uncertain about what kind of person President Trump would appoint as Commissioner and what kind of demands that person would make to change conditions of employment at Social Security. President Trump has yet to appoint a Commissioner.

At the beginning of the Trump Administration, we anticipated him making radical changes in government operations and the budget. SSA’s union leaders couldn’t be tied down in Contract negotiations—we needed to be able to deal with what we felt were very damaging things, that were unrelated to and apart from, Contract negotiations—things like the size of government and the ability of the Union to function. We felt it better to be fighting these battles legislatively than to be tied up at the bargaining table.

UNITY: When will negotiations start for the next Contract?

President Skwierczynski: Our current Contract extension is set to expire March 31, 2018. On December 7, 2017 The Agency gave notice to AFGE that they elected to terminate the extension and begin negotiations on all 41 articles in the 2012 National Agreement, along with all MOUs, and any other joint agreements from April 6, 2004 to March 31, 2018. The Agency, also, proposed to negotiate three new Contract articles:

- Information Requests
- Unfair Labor Practices
- Office Space.

UNITY: What are the Bargaining Unit roles and responsibilities during Contract negotiations?

President Skwierczynski: We are always stronger if employees are supporting their Union. The first part of supporting your Union is to join. If we have a good-sized membership, it makes us more effective at the bargaining table.

We can’t negotiate in isolation from the workforce. We are going to be sending surveys for employees to identify what they would like in a new

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Sandy Matthis Honored

Monique Buchanan, Staff Writer

The San Diego and Imperial Counties Labor Council honored our very own Sandy (Sandra) Matthis with the “We Are One” award. This honor was bestowed to only those unionists who demonstrated steadfast devotion to the labor movement and civil liberties of all. Sandy was nominated by AFGE’s 12th District National Vice President (NVP), George E. McCubbin, III. Sandy’s “We Are One” award was inscribed, “For Outstanding Service to the Labor Movement”. The award was presented to her at the Labor Council’s 29th Annual Awards dinner on June 24, 2017.

Sandy had been actively involved with the San Diego and Imperial Counties Labor Council since 1979. Her tireless efforts within the Labor Council included volunteering her own time by performing community activities, helping union brothers and sisters in their time of need, and lobbying and supporting other unions within the Labor Council on important issues.

Sandy has devoted her time to AFGE Council 220, Regional Council 147 and Local 2879—where she has presided as Local President since January 1986. Sandy also has served as Chair of AFGE Council 220’s EEO Committee since 1990, C220’s Child Care Committee since the late 1990s, and the National AFGE AEP Committee since 1992. She was also successful in an EEO class action suit that awarded vision impaired employees with equal training rights.

Those who know Sandy can attest to her devotion to the labor movement and she is truly deserving of this honor and many more.

A message from Sandy:

“I was honored to receive the “We are One Award” from the San Diego and Imperial Counties Labor Counties. I have worked with the Labor Council since the late 1970s. It gives me a good feeling to be able to help the brothers and sisters in the labor movement and our membership, whether it is meeting with Congress, taking a sick and shut in member to the doctor, or out there on the picket line. I know that this generation of Union Activists will keep on fighting and will be proud to have Union in front of their name. Thanks to my NVP George McCubbin for this honor.”

2018 Contract Bargaining

Q and A with President Witold Skwierczynski (con’t)

Contract. We will be keeping employees informed throughout the negotiations and, in turn, need them to participate by writing letters, signing petitions or picketing in front of their offices. If we have a unified, high participation Union and employee partnership throughout the negotiation process, with employees engaging in active assistance, we will do much better - especially if we run into trouble. That is just the way it works.

UNITY: What are the hottest topics for change and what articles will you propose to add?

President Skwierczynski: We went through an analysis of the Contract to determine that the appraisal system, merit promotion, work at home, credit hours on Saturday, enhancement to the transit subsidies, the vision program, and health and safety all need to be addressed.

We probably will want to have a new article on veteran rights that takes into account the kinds of problems veterans are encountering at the worksite.

UNITY: How do you gather input for Contract changes?

President Skwierczynski: We keep track of litigation and grievances. If we lose cases because of the way the Contract is written, or have disputes over specific language, that is a sign we need to change something. We follow what 3rd parties are doing. We survey employees.

UNITY: If members need a certain issue addressed in the new Contract whom should they contact?

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Winter is here, and the temperatures have been brutally cold. From around Christmas Eve, through the first week of January, many areas around the country were hit with record low temperatures, and even lower wind-chill factors. Baby, it was cold outside - in some places, inside, too.

SSA employees around the country often work in uncomfortable and unhealthy temperatures. So, why are we not allowed to use a personal space heater? Personal space heaters have, at times, been involved in a few fires in SSA facilities; therefore, in 2013, the Agency announced a complete ban on space heaters. That is until this year’s polar blast brought a new chilling contradiction to the story. In some locations, SSA-office furnaces failed, or a structural heating defect caused some offices to become very cold. Employees were wearing coats and gloves at work. And where there was no fix in site, SSA did a very curious thing. It brought in space heaters—lots of them—to try to keep offices open and Bob Cratchit at his workstation.

Council President, Witold Skwierczynski, identified this hypocrisy and fired off a memo to Local Presidents around the country, advising them not to let management put employees into a health-and-safety danger - the same danger SSA proclaimed over 4 years ago. Instead, to insist that offices that had no heat be closed until the problem was fixed.

As a result, some offices in the Midwest were closed at the Union’s insistence, while their heating systems awaited parts or restructuring. Some remained open, with space heaters all over the place. Where both employees and Union reps were left scratching their heads (with gloves on), inquisitive about what management holds to be a true health and safety concern.

As a reminder, the 2016 Space Heaters MOU did not say, “Employees could bring in and use their own space heater.” Instead, it said that when management wanted to remove an employee’s existing space heater, or when an employee wanted to bring one in, management was required to fix the “thermal-comfort” issue. If SSA cannot correct the employee’s chilly environment by any other means, then SSA should request approval from GSA and provide a space heater for the employee. If management neither fixed the problem nor provided a space heater, this failure was grievable.

The MOU’s negotiated procedure was simply for employees who were cold at work - whether they had health issues or not. However, the MOU recognized that employees with serious health concerns could choose to get a space heater to warm their workplace through a reasonable accommodation request (follow-ups could be made through the EEO process).

In a situation where an employee is cold and wants that corrected, employees and their Union should work together. You can find detailed guidance on understanding and following the MOU on Council 220’s website, www.afgec220.org or by sending an E-mail requesting the Space Heaters Advisory to james.campana@ssa.gov.