

UNITY Contract Edition

Volume 39, No.1

American Federation of Government Employees, AFL-CIO, General Committee

Feb 2019

SSA Says Bah Humbug, Walks Away from the Table

Jessica LaPointe, UNITY Editor

The Union and Management exchanged contract proposals in September 2018 and it soon became clear to Chief Union Negotiator, Rich Couture, that SSA felt empowered by President Trump's May 25th Executive Orders. This is after AFGE sued the Whitehouse on August 25 and a Federal judge ruled in the Union's favor invalidating most of the Orders' legality. Couture surmised that the President directed agencies like SSA to create regressive, anti-employee contract proposals that gutted civil service protections. Agency proposals included reducing Union representational time by 80%, evicting the Union from Agency office space and equipment, eliminating benefit programs, and creating over 20 grievance exclusions surrounding appraisals, awards, and discipline. Couture explained that conversely, the Union's proposals were designed to create a frame work for healthy work environments by establishing employee benefits and rights with a method of seeking justice. Contract bargaining ended abruptly mid-December with the Agency requesting to be released to the Federal Services Impasses Panel (FSIP). With much of the contract still unnegotiated, the mediator complied with the request, but sent both parties back to the table for one more week of intensive bargaining. Despite SSA's unprecedented approach, the Union was still successful negotiating to maintain much of the current contract language, adding an article on veteran's issues, and reducing the severity of many of the Agency's new proposals. With the FSIP not yet declaring jurisdiction, and much of the of the contract still open for negotiations, the Union remains hopeful and optimistic that the Agency will have a change of heart and return to the table.

If the Agency decides to continue with impasse, the most important employee rights and protections that are at risk for elimination by (the Trump appointed) FSIP are issues in Article 24, the ability for employees to use the grievance process to

seek justice for unfair appraisals, awards, removals, and other matters, Article 30, drastically reducing union time to represent employees, Article 11, eliminating union use of Agency office space and equipment, and article 41, telework as we know it.

The Union has already been successful negotiating to maintain key rights, protections, and benefits like Article 13, transit subsidy and Article 3 Section 2 A, the fair and equitable treatment clause. They met in the middle on other issues, like Article 21, performance improvement plans now limited to 60 days and a two-year sunset date on advancing grievances to arbitration. However, the Agency claimed that it will terminate the vision program for all SSA employees (not just AFGE bargaining unit employees), a move AFGE opposes.

When Couture and the Union's team of negotiators questioned the Agency on their motives for such harsh and drastic proposals, he reported they responded with the notion these are no longer Whitehouse ideas, but SSA ideas on how to run a more efficient workforce. To that disingenuous response the Union filed an unfair labor practice grievance, which is pending arbitration.

Couture witnessed Agency proposals that did not respect employees as human beings, he added, "It was clear by their proposals that they viewed employees as cogs in a machine that can easily be replaced if they do not do what they are told or if a manager thinks they do not produce enough work." He predicts that these draconian contract articles, if imposed on employees by the anti-labor FSIP, will ultimately foster a culture of bad management that lowers employee morale and increases stress to harmful levels causing hardworking veterans, college educated, and career-long civil servants to quit.

Couture argued that the Union position going into bargaining was that they wanted to create a frame work for healthy work environments, improving employee rights and a method of seeking justice. The 2012 Contract accomplished this, therefore, the Union only wanted to improve upon a few articles like:

Article 41 telework, Article 21 performance and awards, Article 24 Grievance and Arbitration Procedure, Article 3 Employee rights, Article 18 EEO, and Article 26 with promotions, the best qualified list, and stagnation in grade; and add an article on veteran's issues. Dealing with management in these negotiations, according to Couture, "was like pushing a boulder up a hill. The entire federal sector labor relations apparatus is stacked against us. If the Agency gets their way with this contract, employees will find it hard to enforce their rights. Management will have a blank check to discriminate and do a lot of damage. The Federal Agencies are carrying Trump's water. By doing that, they are de-professionalizing the Federal work force."

As we sit and wait for the Agency to return to the bargaining table or the FSIP to assert jurisdiction, employees can help get a fair contract by attending lunch and learns and rallies. Recruiting new Union members is also important because the Agency will be more sympathetic if they see increased membership numbers during contract negotiations. The Union will also continue to do legislative work and fight the necessary battles. Thanks to Union lobbying efforts, seventy-one Congressional leaders signed a letter written by Representative Jan Schakowsky to Acting Commissioner Berryhill expressing their concern for SSA workers and requesting she return her team of negotiators to bargain in good faith.

Union Contract Bargainers are now asking every Federal employee, concerned members of the public, and Congress to join in and speak out against SSA's unwillingness to bargain in good faith to preserve employee rights, protections, and benefits.

Contract Bargaining Update

The Vision Program

Get your glasses now while the Agency is still paying for them!

- For 30 years, SSA saw value in reimbursing employees' time and money for eye examinations and corrective lenses upon doctor and manager signature.
- Currently, around 10,000 employees a year utilize this benefit to mitigate the harm and financial burden SSA's equipment is causing them.

SSA has now decided to end this program to save money that will still be spent on worker's compensation claims the Agency will have to process and pay.

Telework

SSA declares impasse on their proposal to scrap much of Article 41 and leave most of the decisions of telework up to the discretion of Deputy Commissioners.

If the Federal Service Impasses Panel rules in the Agency's favor, this will leave no contractual right to enforce fairness and equity.

Managers will be able to choose only their favorites to telework.

A brief history of SSA Telework:

- ◆ 2010 - Congress signed the *Telework Enhancement Act* to maximize yearly telework participation in the Federal workforce.
- ◆ For two decades employees in the hearing offices, appeals council, and quality review offices have been enjoying the experience and benefits of telework.
- ◆ The 2012 National Agreement established a uniform Telework Program with Article 41.
- ◆ 2014 - the Telework Pilot for Operations (TSC, PC, DOC, and FO) began. Currently about 200 out of 1200 field offices are participating.
- ◆ 2018 - Management declares impasse on their Contract proposal to drastically reduce Article 41 leaving most of the decisions of Telework up to Deputy Commissioners.

The Union wants to negotiate and expand the telework program because it serves as a tool for:

- ⇒ Recruitment and retention that attracts good hardworking people to the Agency;
- ⇒ Aligning with the Agency's flexible environment that promotes work and home life balance;
- ⇒ Reducing employee stress attributed to noisy open floor plans;
- ⇒ Reducing employee expenses and stress associated with commuting;
- ⇒ Contributes toward a cleaner environment;
- ⇒ Saves the Agency money on space and costs;
- ⇒ Benefiting the public customer because employees work longer hours and during weather related office closures.

Grievance Exclusions

SSA declares impasse over their proposal to eliminate grievances on:

- Performance discussions
- Ratings
- Awards
- Performance plans
- Letters of proposed discipline
- Adverse Actions over 14 days
- Removals

The Union did not agree because of a demonstrated need for these topics to remain in the contractually enforceable grievance process.

Every year, for the last five years, AFGC submitted a national grievance requesting to make minority, disabled, General Schedule (GS) 11 and lower grade employees whole after Agency PACS rating data exposed unlawful discrimination and bias to these groups.

Every year, nationwide, employees file grievances over their appraisal ratings, appraisal comments and management's use of information to assess their performance.

Every year, nationwide, employees file grievances over non-receipt of and unfair treatment in award amounts.

Management contract proposals to eliminate the employee's ability to grieve these managerial mistakes would take away their reliable and timely method and framework for seeking justice. Aside from harming employees and their families, the Agency, public, and taxpayers will also lose their investment in SSAs workforce if turn over increases as a result of unfair bias.

No one wins if employees are stripped of their basic rights and contract protections.

Act Now!

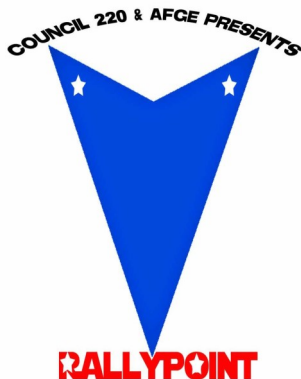
Support Union contract negotiators who are working hard to preserve this needed employee benefits and rights.

- ⇒ Join the Union with <http://www.afgfc220.org/1187-f.pdf>
- ⇒ Recruit a non-member.
- ⇒ Join your fellow brothers and sisters at rallies and events on your lunch or after work.
- ⇒ Call your Congress person to express your concern – **only on personal equipment and time.**
- ⇒ Stay informed at <http://www.afgfc220.org>
- ⇒ Like and follow us on Facebook @SSARallyPoint
- ⇒ Show support - Wear red on Wednesdays #redforfeds



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New Sunset Date on Grievances

Heads Up Union Reps

During recent Contract negotiations the Union and SSA agreed to place a **two-year** sunset date on either party's power to schedule and hear an arbitration case invoked *after* the effective date of the new contract.

This was an important union win at the table. Previously, new cases had 2 ½ years from the date of invocation. The Agency initially proposed only six (6) months.

For cases invoked **prior** to the effective date of the new contract, a party must have the case scheduled and heard within **one year** from the effective date of the new contract. The Agency originally proposed only six (6) months.

Locals should promptly consider their pending arbitration caseloads and make decisions about scheduling arbitration hearings. It is probable that a new contract will take effect later this year.



Opinion

SSA Declares War on the Union

Patti Davis-Soto

A military veteran recently told me that the first enemy target is usually its communication system because you gain a significant advantage by removing the enemy's ability to communicate. Metaphorically speaking, the Agency has declared war on the Union and the employees we represent with contract proposals that target communications, take away needed resources such as space, equipment and representational time and limit employee recourse.

Employees only need to look at management's final proposal for Contract Article 11, Use of Official Facilities and Communications, to see this strategy in action. The agency has removed the entire section on use of agency space (Section 1) from the National Agreement. All union offices will be gone, and employees will no longer have a safe place to speak privately with Union representatives away from the prying eyes of management. The Union can no longer use Agency video equipment, mail, photocopier machines, or voice mail. Union bulletin boards will not be available in new office locations. Employees will no longer receive a general notice of the exclusive recognition granted to the Union with a list of Union-designated representatives and their work locations and telephone numbers.

Management's final proposal for Article 30, Union Time, continues the attack. Management added language in this Article to restrict retired Union officials, or anyone other than current SSA employees, from performing representational activities. In over 30 years of AFGE/SSA National Agreements, we have never had this restriction. The reason management added this language, of course, is because non-SSA employees, such as retired Union representatives or attorneys, are not restricted by the significantly reduced official time that is also a part of management's final proposal.

Previous contract language allowed for up to 250,000 hours (per fiscal year) for Union Official Time. The final management proposal allows for 50,000 hours nationwide, a reduction of 80% from current allocations. In addition, time that was previously not counted towards these total hours are no longer excluded, i.e. contract negotiation, time working with the Federal Labor Relations Authority (FLRA), and time used during the Equal Employment Opportunity (EEO) complaint process. EEOC regulations state, "Both the complainant and the representative, if they are employees of the agency where the complaint arose and was filed, are entitled to a reasonable amount of official time to present the complaint and to respond to agency requests for information, if otherwise on duty." 29 C.F.R. § 1614.605(b). By charging EEO official time to the individual Union representative's Union official time cap and the Union's bank, SSA is treating Union representatives who handle EEO complaints differently than EEO Personal Representatives who are not Union representatives. This disadvantages the Union by limiting the time Union representatives can spend on other representational issues like bargaining management-initiated changes and grievances. With a reduced cap of 50,000 that will be a big problem.

Another management strategy is to reduce employees' ability to file grievances on issues important to them. Management's final proposal for Article 24, Grievance Procedures, increases grievance exclusions. Most notably, they want to prevent employees from filing grievances on their performance discussions and ratings, placement of an employee on an OPS performance plan, awards, long-term suspensions, demotions and terminations.

Many employees take our contract and rights for granted. Management

is counting on employee inaction and apathy. Without strong employee resistance and push back to these management proposals, the agency will continue to pursue these proposals. Our workplaces will become a place where discrimination and favoritism are regular occurrences and employees will be afraid to stand up against these practices. The Union's ability to make sure all employees are treated fairly and that employment laws are followed will be severely hindered by management's proposals.

See all management proposals at http://www.afgec220.org/index.cfm?zone=/unionactive/view_page.cfm&page=20182F201920Contract

UNITY

Published bi-monthly by Council 220, organized under the American Federation of Government Employees (AFL-CIO):
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 PO Box 47638,
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Employee Letter to Acting Commissioner Berryhill

Dear Acting Commissioner Berryhill,

We are writing to you as bargaining unit employees out of grave concern that management has prematurely requested release to the Federal Service Impasses Panel during contract negotiations. We are respectfully requesting that you send Social Security Administration (SSA) negotiators back to the table and bargain in good faith with our employee union, the American Federation of Government Employees (AFGE). SSA has a long tradition of having a model relationship with employees, a relationship we should all be proud of. Yet now, SSA is requesting impasse over drastically damaging contract proposals that do not benefit the Agency, employees, or the public we serve. We are particularly concerned about Agency proposals that place restrictions on necessary grievance topics, rollbacks on the popular benefit of telework, elimination of the needed Vision Program, and employee timely and efficient access to their union.

SSA's proposal to deny employees the right to file grievances on performance discussions, ratings, awards, performance plans, and removals is dishonorable to them and devastating to morale. Throughout the years, the Union and SSA have both demonstrated a need for these topics to remain in the grievance process. For example, every year for the last five years, AFGE has submitted a grievance requesting to make minority, disabled, and lower graded employees whole after Agency PACS rating data exposed unlawful discrimination and bias to these groups. Your proposals will lead to increased unfair treatment, discrimination, and abuse of managerial discretion in SSA. Aside from harming employees and their families, the Agency and taxpayers will lose their investment in SSA's workforce. No one wins if you strip employees of their basic rights and contract protections.

SSA's unwillingness to further negotiate Telework is deeply disheartening to us as employees. Your proposal that now leaves most of the decisions of telework up to the discretion of each Deputy Commissioner will cause uncertainty and chaos for the employees that utilize the benefit, managers that are tasked with administering it fairly and equitably, and

the public who rely on operations to run smoothly. It also risks violating the Telework Enhancement Act of 2010, which Congress designed to maximize yearly telework participation in the Federal workforce. Four years ago, you approved the historic commencement of the SSA Telework Pilot for field operations. Since, the pilot has provided consistent guidance and structure for managers and employees in the field. The Agency's proposal would tear up not only this, but also two decades of telework experience and benefits enjoyed by employees in hearing offices, the appeals council, and quality review offices alike.

Another important employee benefit we are asking you to save is the Vision Program. For thirty years, SSA has seen the value of reimbursing employees' time and money for eye examinations and corrective lenses upon doctor and manager signature. Currently, around 10,000 employees a year utilize this benefit to mitigate the harm and financial burden SSA's equipment is causing them. SSA has now decided to end this program to save money that will still be spent on worker's compensation claims the Agency will have to process and pay. Please preserve the Vision Program. We need it.

Lastly, SSA's proposal to drastically reduce union representational time and use of Agency space and equipment will make office environments less productive and disrupt public service. In the words of a disabled military veteran, who serves as an SSA field office employee, "The union management relationship allows for crucial conversations to take place which brings a higher level of professionalism and peace to my office. It saves everyone time." The Union also has an important role in offices to ensure the health and safety of employees. They are trained to negotiate respectfully with management on behalf of the employees. This creates an effective team that allows all to have a voice.

Please accept our sincere request for the Agency to return and bargain with AFGE over the valuable rights and protections in the grievance process, the benefits of telework and the Vision program, and the ability for employees to have timely access to their union. Please listen to the words of your workers and over 70 Federal lawmakers that have already asked you to return and bargain in good faith. We ask that we all act with heart, for the good of the public we serve, and work out an agreement in house.

Thank you kindly,

Social Security Administration Bargaining Unit Employees

To add your name go here:

<https://www.surveymonkey.com/r/2019berryhillletter>

**Support your
Union Contract Bargainers
Wear
Red-4-Feds
on Wednesdays!**

A Special Thank You to Those Fighting for SSA Employee Rights!

Richard Couture – SSA Union Chief Contract Negotiator

Witold Skwierczynski – Chief Negotiator Emeritus

John Gage - Chief Negotiator Emeritus

Dana Duggins, Earl Tucker, Agatha Joseph, Barri Sue Bryant, Chele Taylor

Katrina Lopez, Louetta Keene, Ralph DeJulius

Amelia Glymph, Chad Harris, Iris Rakowski,

Damion Barco, Beverly Wilmer, Cheryl Bellamy-Bonner, Debbie Glenn,

April Lott, Greg Senden, Jackie Burke

All AFGE SSA Union Councils and Locals

David Cann, Marlin Jenkins - AFGE Field Services

AFGE General Counsel's Office

Representative Jan Schakowsky

Members of Support in the US House of Representatives and Senate

Eric Schulman, AFGE Council 220 Union Lobbyist

All the brothers and sisters of AFGE SSA and beyond that garner
solidarity and support for each other every day.

In Solidarity!

“We rise up together for the greater good. We defend one another like family”

-Sue Carney, American Postal Workers Union



Hard Pass on Impasse

Joel Smith, Staff Writer

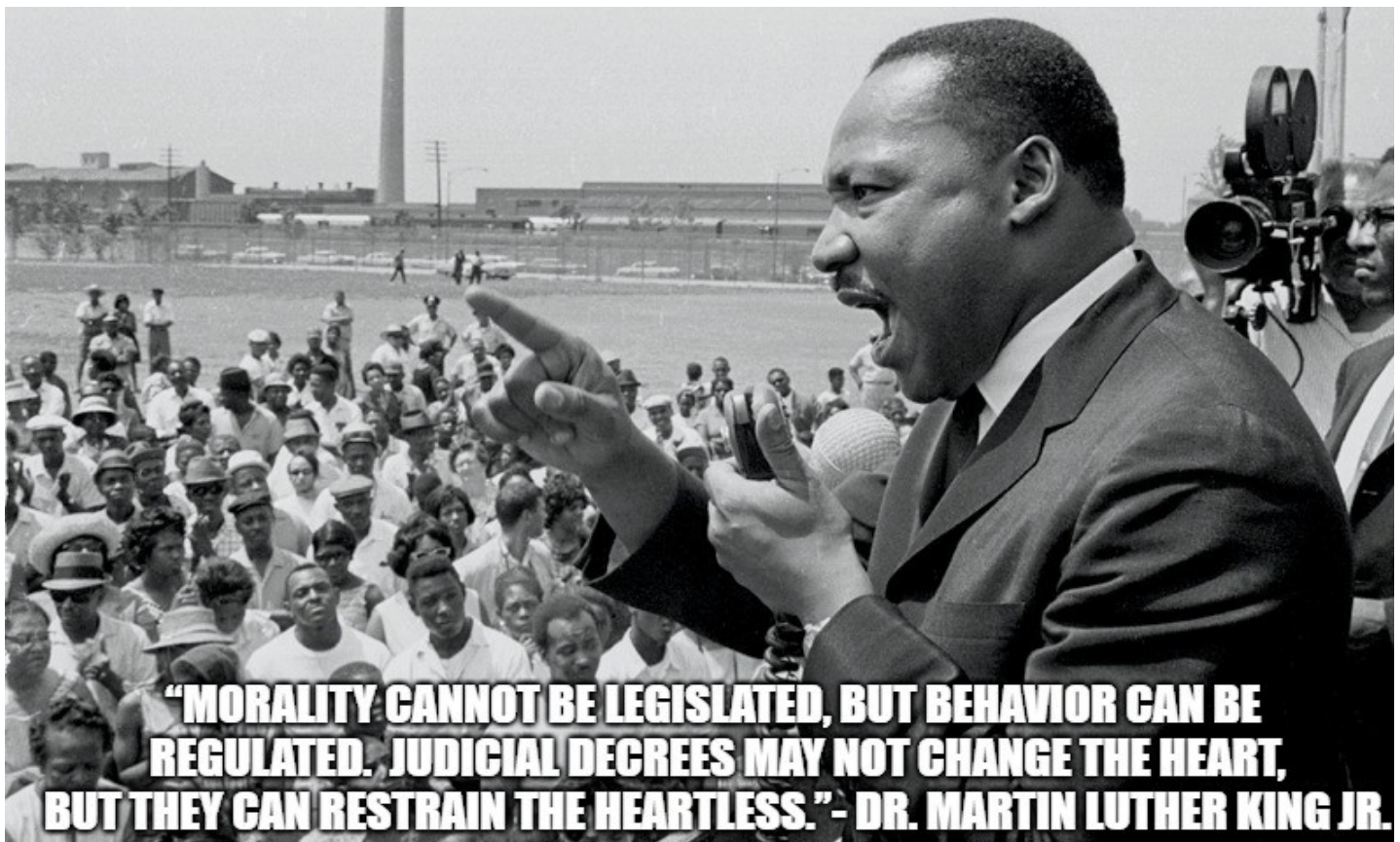
The fate of AFGE and SSA's Contract currently rests in the hands of the Federal Service Impasses Panel (FSIP or the Panel). FSIP is composed of a chair and six members appointed by the President. The Panel was intended by Congress to serve as an impartial third party that resolves Federal bargaining disputes. If they assert jurisdiction, the FSIP will utilize dispute-resolution tools (i.e. mediation-arbitration) in an attempt to reach a voluntary settlement. If these efforts are unsuccessful, the Panel will impose a contract.

Since President Trump's appointments, FSIP has demonstrated an anti-Union, anti-employee rights mentality. In the case of DVA and NNOC, 18 FSIP 42 (2018), FSIP exceeded management's anti-labor proposals by choosing to take away the Union's right to bargain when the Agency made changes in working conditions. In Dept. of Agriculture and AFGE, 18 FSIP 032 (2018), the Panel vested the agency with the right to punish an employee who legitimately takes leave.

It appears the Trump Administration is pushing to eliminate effective representation and workplace rights for all Federal employees. Since the White House drafted their anti-Union and anti-Federal employee May 25 Executive Orders, SSA has been one of the first major Federal agencies to undergo Contract negotiations.

It seems the White House is working through SSA to carry out the guidance in the EOs with a forced Contract by moving bargaining to the Panel as fast as possible. SSA's Contract will, therefore, set precedent as other Federal agency labor agreements continue to expire under his watch.

AFGE is opposed to going directly to the Panel this early for several reasons. One, the negotiated ground rules state bargaining will continue until March. Two, the Agency has demonstrated a continued unwillingness to negotiate. Three, a large number of articles have not yet been fully discussed.





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Inside:

- Pg 1... SSA Walks Away from the Table
- Pg 2... Contract Bargaining Update
- Pg 3... New Sunset Date on Grievances
- Pg 4... Agency Proposals Weaken Union
- Pg 5... Employee Letter to Berryhill
- Pg 6... Special Thank You
- Pg 7 ... Hard Pass on Impasse
- Pg 8... Congress Calls on SSA for Fairness

Congress Calls on SSA to Negotiate Fairly

Shawn Halloran, Staff Writer

AFGE's Congressional lobbying efforts proved successful because Congress has taken notice of the anti-worker and anti-Union negotiating tactics SSA employed during contract bargaining. United States House Representative Jan Schakowsky took action to aid SSA employees by initiating a letter to Acting SSA Commissioner, Nancy Berryhill, urging the Agency to stop pursuing drastic proposals that hurt employees and their rights. As many as 70 additional members of Congress joined Representative Schakowsky in co-signing the letter.

President Trump's well documented Executive Orders, aimed at undermining collective bargaining and busting the union, were issued in May and implemented on July 9, 2018. Despite the fact that most segments of the orders were overturned and deemed unconstitutional by Federal Judge Ketanji Brown-Jackson in August 2018, Social Security was intent on enforcing these measures through bad-faith and mean-spirited contract negotiations.

Schakowsky's letter stated that the Congressional Representatives were "deeply disturbed that the SSA is pursuing anti-labor policies in contract negotiations". It goes on to say, "It is our understanding that the SSA is attempting to circumvent the court decision and guidance, seeking to implement the substance of those invalidated provisions... We strongly oppose that action and urge you to negotiate in good faith."

The letter specifically decries SSA's attempt to implement draconian cuts in the time Union Representatives are allowed to engage in employee representation in order to defend employees who may have been "victims of illegal discrimination or whistleblower retaliation".

It also takes issue with SSA's proposal to ban employees from disputing performance appraisals, awards, discipline or removal from service through negotiated grievance and arbitration procedures. Rep. Schakowsky notes that this measure, "leaves employees with little recourse to ensure fairness in performance assessment and disciplinary actions, taking away AFGE's often successful efforts."

AFGE greatly appreciates Congressional interest and action aimed to assist employees with gaining a fair Contract. About 100 representatives of SSA's employee Union, their Lobbyist, Eric Schulman, and AFGE Contract negotiators, will travel to Capitol Hill in February, during AFGE's Legislative Conference, to continue meeting with House and Senate members over Contract and budgetary concerns.