

National Council Digest

National Council of SSA Field Operations Locals

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Agency continues to harass Union officials around the nation; arbitrator will have to decide issues

The use of “official time” will have to be decided by an arbitrator.

In a recent letter to Witold Skwierczynski, the designated spokesman for AFGE Council 220, the agency denied a grievance which accused Social Security of several contract violations:

- Implementing a nationwide policy concerning the use of “official time” while a Union official is on a Performance Assistance (PA) plan and restricting the amount of leave they can take;
- Refusing to approve official time for replacement 100% union representatives;
- Restricting the time that can be used for Equal Employment Opportunity (EEO) cases.

“The agency’s focus is on the time needed to accomplish the *agency’s work* or improve,” wrote Milt Beever, the Associate Commissioner in the Office of Labor-Management and Employee Relations. “In fact, the agency could deny all official time requests while a representative is on a P.A...”

“I continue to be amazed by the higher-up’s in Baltimore and what they think they can do,” says Debbie Fredericksen, the Executive Vice President of Council 220.

“I’ve never been convinced these Union Reps should even be on PA,” she continued, “but as soon as they are, the agency goes out of its way to limit their official time. Ultimately, this hurts every member of the bargaining unit who needs help, but the agency really doesn’t care about them.”

Dana Duggins, the third Vice President of Council 220, has invoked arbitration over the matter but it’s not certain when a hearing will be held.

CEOs continue to get richer

The numbers are staggering.

According to a new report, the Chief Executive Officers (CEOs) of large U.S. companies each received nearly \$11 million in total compensation last year – and that was more than 364 times the pay of average workers in this country.

This study was written by the Institute for Policy Studies and the group United for a Fair Economy. It also used information obtained by Forbes magazine, which estimated “the top 20 private equity and hedge fund managers pocketed an average of \$657.5 million...that’s 22,255 times the pay of an average U.S. worker.”

The report pointed out that in 2006, the federal minimum wage was raised for the first time in ten years “but the inflation-adjusted value of the new minimum (wage)...stands 7 per cent below the minimum wage level a decade ago. CEO pay, in that decade, has increased over inflation by roughly 45 per cent.”

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Dejuliis clarifies Article 10 credit hour provisions

(The following is reprinted from the AFGE 3172 Local Line newsletter.)

Ralph Dejuliis is a long-time AFGE advocate who responded to questions regarding credit hours.

Question: Do we have to take OVERTIME instead of Credit hours?

Answer: No. This violates the Contract. Please note the use of the word "WILL", in Article 10, Appendix A, Section 14--Credit Hour Provisions, A. *General Provisions: Employees eligible to work credit hours will be permitted to do so, provided there is appropriate work available and it can be performed at the requested time(s).*

Question: Is working on specific assignments a change?

Answer: During the bargaining of the 2000 contract, the Union tried to get SSA to agree to let employees do what they wanted (i.e., work their own backlogs) on CH. Management balked as it was assignment of work, a management, non-negotiable right. We agreed. We explained and management agreed that if the employee requested to work CH and management assigned something the employee didn't want to do (like take late interviews), the employee could sign out and leave.

Question: Do we have to change from a credit hour request to overtime because management wants us to use up overtime?

Answer: This violates the Contract. Please note the use of the word "WILL", in Article 10, Appendix A, Section 14--Credit Hour Provisions, A, cited above. HOWEVER, changing credit hours to overtime is permitted (Article 10, Appendix A, Section 12.D.4). I would say that the employee has the option to work the time as credit or overtime, depending on whether the time or money is more valuable to the employee. *After thought:* employees who want a promotion, after building up their leave balances (which may mean earning and using credit hours to save leave), might want to consider working overtime. One of the attitudes that management seeks when promoting is going above and beyond which is demonstrated by working overtime.

Question: My OS says credit hours can't be stored up or used as leave. Is this correct?

Answer: This violates Article 10, Appendix A, Section 14--Credit Hour Provisions, Section 12. F. *Earning Credit Hours: An employee may earn up to two and one-half (2 1/2) credit hours per work-day. Credit hours may be earned in one-quarter (1/4) hour increments. An employee may accrue up to 28 credit hours during a pay period, however, only a maximum of 24 credit hours may be carried over from the prior pay period. Part-time employees may not carry over from the prior pay period more than one-half of their weekly part-time tour. Credit hours must be earned in advance of their use.*

See my after thought above regarding use of credit hours to build up a leave balance. This is important for employees dealing with child care, elder care, or their own medical conditions.

Question: Do we have to sign up for overtime even if we want credit hours?

Answer: No. This violates the Contract. Please note the use of the word "WILL", in Article 10, Section 12--Credit Hour Provisions, A, given in the first question.

Official time can be worked during credit hours

Need to talk with an employee, but he or she wants to wait until after the office closes to the public? Want to read your union mail, but the mornings are taken up with meetings and training? Need to craft a grievance but the incessant ringing of the phone drives you to distraction?

You know you can't work overtime to conduct representational business, but what about credit hours?

Unless you are traveling, you can use credit hours at the end of the day for official time purposes. Since management does not decide what is appropriate for official time (that's up to the Union, the contract and the law), your request for credit hours to perform official time work should normally be approved.

Linda McMahon still pushing employees to do more with less

Linda McMahon, the Deputy Commissioner of Operations for Social Security, recently released her end of the fiscal year message and tried to paint a rosy picture while simultaneously acknowledging some very dire circumstances.

“Many of our knowledgeable, seasoned employees are leaving the Agency, and with their departure, we lose a great amount of institutional knowledge and experience,” she wrote. “Unfortunately, we are not able to replace all of them...”

“I don’t think Linda realizes why we are losing employees,” says Steve Kofahl, Regional Vice President of the Seattle region and a member of the Council 220 Executive Committee.

“People are bailing out as fast as they can because they’re tired of the constant harassment from managers and supervisors,” Kofahl continued. “In Linda’s eyes, no one can work hard enough or fast enough. Teleservice centers are essentially sweat shops, field offices can’t keep up with increased workloads and the number of clients they have to deal with, and many Payment Centers have backlogs going back six or seven months.



“She’s one of the officials responsible for these problems but she has never acknowledged that.”

McMahon also wrote:

“We have a new Commissioner who is focused on strengthening and expanding our electronic services and providing enhancements to automation that will allow us to adequately serve the baby boom population that is already increasing our workloads.”

“This means the agency wants to close field offices and put even more pressure on teleservice center reps,” Kofahl believes. “Management will also use automation as a way to cut field office

staff. Their philosophy has apparently become: if you’ve got a computer, you can do these claims yourself. Well, what happens when our clients don’t understand a question, or get it wrong, or the agency’s computer system crashes?

“There’s a reason the public wants to go into an office and be helped. Our Service Reps and Claims Reps are highly trained. We know the answers – but Linda only considers us an expense that should be eliminated.”

Expect NO computer privacy at work

By Suzanne Moseman, Local 3129

Picture this. In a rare slack moment you log on to your email and check out a “Read on your own time” message from the union. Within moments, a manager is standing by your station saying “You can only read union communication during breaks or lunch!” How did the manager know what you were doing? Guess what—management can and does monitor your computer in real time.

Think about it. Do you want management to see your bank account balances? Watch you pay bills online? Know what you’re ordering for your fall wardrobe? Track your hobbies and political interests? How would you like them to see you make a medical appointment online? Refill a prescription for some kind of mental health medication like Prozac?

How bad is it? Ask the people in one region who were suspended for passing around a mildly risqué joke via email. Ask how many employees were suspended. Ask whether the management official who sent them the joke was suspended or disciplined in any way. The answers are: 39 suspended and no discipline for the management official. The employees? All suspended for 2 days or longer. The Union is using “fairness and equity language” in all of the grievances filed since management suffered no penalty for forwarding the joke to the employees.

TB interviewing policy protects employees

By Howard Egerman
Chairman, Council 220 H&S Committee

TB (tuberculosis) is a contagious airborne disease, spread orally by coughing, sneezing and spitting. Getting the disease is not that easy but individuals with compromised immune systems such as people with HIV or taking cancer treatment may be more susceptible.

A TB interviewing policy was adopted in April 1996. The Council 220 Health and Safety committee proposed this policy as a result of increasing concerns expressed by field office workers interviewing individuals susceptible to drug resistant TB.

Article 9, Section 1, of the AFGE/SSA national agreement states that management will provide employees with a safe and healthy work place. Section 6.B. states that the agency will make appropriate arrangements for employees interviewing individuals with known serious communicable diseases.

The article points out that if an individual is exposed to someone on the worksite (a co-worker as well as a claimant) who has active TB, the employee will be offered a TB screening test during working hours at no cost to the employee. Management will keep records of employee exposure and employees will be given information about filing for workers compensation.

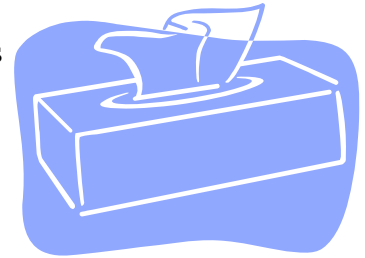
While it is recognized that everyone who desires an in-office interview can have one, the preferred interviewing method is to use teleclaims and telephone contacts for individuals who are afflicted with TB. Third party contacts such as advocacy groups are also recommended as an alternative. TSRs are also encouraged to make telephone appointments for individuals.

If an employee discovers a client has TB, the employee can interrupt the interview and refer the case to management.

Once management learns a person has untreated or inadequately treated TB, management can solicit a volunteer to finish the interview or have it completed via the telephone.

There is policy stating the right of an employee to refuse a job assignment if her or his health or safety is in danger: 29 CFR 1960.46(a) states an employee can "decline to perform his/her assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm coupled with a reasonable belief that there is insufficient time to seek effective redress through normal hazard reporting and abatement procedures established in accordance with this part."

AFGE encourages all interviewing employees to make certain that their interviewing areas have tissues. Also, good information on TB is available from the CDC, Center for Disease Control's web site at www.cdc.gov or the American Lung Association, www.lungusa.org.



Over-120 day details must solicit service comp date

Recently, a solicitation for a detail in Baltimore was posted that did not meet the requirements for details under Article 27, Section 9, of the contract, according to Council 220 President Witold Skwierczynski.

The contract provides that for details in excess of 120 days, management must give serious consideration to the most qualified senior employee who volunteers for the detail.

"The solicitation did not request employees' service computation date, nor the length of the detail, so the solicitation could not possibly comply with the contract," Skwierczynski said.

Management usually solicits for details that do not exceed 120 days to avoid the contractual agreement and promote applicants without regard to seniority. These details should not be extended beyond the 120-day limit, although management does re-solicit for another detail.

Being alert means being safe

By Ken Keillor, Local 3272

A couple recent events reminded me that we live in a dangerous world and we need to be vigilant.

The Security Guard in one office had to intervene to prevent gang members from fighting. Some women from rival gangs were arguing and it looked like it could easily have turned violent. Right in the reception area. Luckily there were no weapons.

We had a fire drill and an “in place” emergency drill (like for tornados) on consecutive days in my office. Afterwards, I found I had forgotten how long it had been since the last ones.

On the bus to work one day, I listened to a man talking about the Oklahoma City bombing. He was expressing the theory that the government knew in advance of the bombing. He was describing some of the alleged “facts” that conspiracy theorists claim support that contention. Like explosives found in the Murrah Federal Building prior to the bombing and how FBI and other Federal agents were absent at the time of the bombing and how the children weren’t supposed to be there at the time of the bombing.

We know there are a lot of bad guys out there. They may be Al-Qaeda or home grown militants. We know that some of our “customers” are prone to violence. We know that they may choose us or our offices as targets. This requires us to be alert.

We need to make sure that we have good procedures in place for emergencies. We need to be sure that management is completing the 3114 incident alert forms for all incidents and sharing that information with the on-site representative.

And we should make it a habit to follow the procedures. One of my pet peeves is watching an employee use the automatic door opener (designed for the disabled and handicapped) and then walking in without making sure the door closes before an unwanted visitor comes in.

Let your Local Rep know if there are problems with the security procedures.

Lawmaker angered over delays at SSA

By John Oertel, Staff Writer

U.S. Senator Byron Dorgan (D-North Dakota) has become the latest member of Congress to criticize the Bush Administration about the amount of time it takes Social Security to process Disability claims.

“SSA will have lost about 4,000 positions from the beginning of Fiscal Year 2006 to the end of this Fiscal Year,” Dorgan recently wrote in a letter to the President. “This will leave SSA at its lowest level of staffing since the early 1970s...”

Dorgan also noted that State Disability Determination Services (DDSs) have also lost about 1,100 jobs since the beginning of Fiscal Year 2006, and he believes this has led to long delays for Americans who file for Social Security Disability or Supplemental Security Income (SSI).

“On average, it will take SSA three months to process each of the 586,000 pending initial disability claims...(and) nearly 300 days elapse, on average, from the point of the initial filing to the time a decision on reconsideration is made,” Dorgan wrote.

He was especially concerned because “more than 60 per cent of denied claims that are appealed are eventually overturned.” That process, however, can take anywhere from 17 months to three years.

“These people who are unable to work and need immediate assistance to avoid financial collapse do not appear to be a priority for your Administration,” Dorgan charged.

He also pointed out that many “baby boomers” will start to file for benefits in 2008 and recent changes such as the new immigration rule could have a significant impact on Field Offices. At the same time, the White House wants to *under fund* the agency by approximately \$800 million “that your previous Social Security Commissioner, Jo Anne B. Barnhart, said is needed to serve older Americans, people with disabilities, and the poor.”

Union members gather in Albuquerque

By John Oertel, Staff Writer

Nearly three dozen Union officials from across the country gathered in Albuquerque late last month to receive training on a number of issues.

“Eighteen teleservice centers were represented,” said Dave Sheagley, the 800-number Committee Chairman for Council 220. The information was geared to TSC employees and the training lasted three days.

“We discussed service observations, unannounced monitoring of phone calls, filing and following-up on information requests, and the PACS process,” Sheagley added.

The trainers were himself, Council 220 President Witold Skwierczynski, Executive Vice President Debbie Fredericksen, and First Vice President Charlie Estudillo.

“The feedback was very, very positive,” Sheagley said. “It was the first time that TSC reps had met in one place, received training, and talked about their issues.”

Participants also discussed complaints which have arisen at the teleservice centers, including restrictions on sick leave, increased demands for

medical certification when sick leave is involved, managers questioning the use of leave, and employees having reduced opportunities to take time off.

Many TSRs also feel “like their careers are stagnating,” according to Sheagley, “and they can’t move to another part of the agency. That creates low morale.”

How is the agency handling this problem?

“There seems to be a general feeling that management cares more about numbers than their employees or public service,” Sheagley concluded.

AFGE members victims of Utah mine accident

Two AFGE members were among those killed and injured in the Utah mine accidents this summer.

Gary Jensen, a mining safety professional and long-term member of Local 3416, was one of three rescue workers killed during an effort to rescue miners who were trapped in the Crandall Canyon mine. As an employee of the federal Mine Safety and Health Administration (MSHA), Jensen was passionate and committed to the health and safety of miners.

Frank E. Markosek, also an employee of MSHA and long-term member of Local 3416, was one of six seriously injured in the tragic accident. Frank suffered injuries to his leg, which was broken in two locations, a broken tailbone, three broken ribs, a seriously fractured eye socket, along with numerous scrapes and bruises.

Two funds have been set up for those who wish to make a donation: Zion Bank, Huntington Branch, PO Box 60, Huntington, UT 84528. One fund is titled “Crandall Canyon Rescue Workers” donation account. The other is the “Gary L. Jensen” account. You can mail your donations to the above address; make a deposit at any Zion Bank, or call-1-888-788-1099 to make a credit card donation over the phone. Please consider donating to one or both of these funds.



TSC training instructors Debbie Fredericksen and Dave Sheagley in New Mexico during a break.