

National Council Digest

National Council of SSA Field Operations Locals

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PACS self-assessment: be positive

*"You've got to accentuate the positive
Eliminate the negative
Latch on to the affirmative
Don't mess with Mister In-Between."*

From the 1944 Bing Crosby hit
"Accentuate the Positive"

Sometimes we're our own worst enemy. When we receive a compliment, we downplay the effort made, when a simple "thank you" will suffice.

When it comes to the annual Performance Self Assessment, employees risk being overly general, or—worse—negative in their evaluation of their work. Perhaps they don't bother to write a review of their work at all, missing a golden opportunity to have the supervisor see something other than the day-to-day grind.

Yet, when the final appraisal is received, the employee asks the Union for help in filing a grievance.

Employees ask, "I do my job really well: I complete my work, take on extra work and make sure beneficiaries get the right check at the right time, so why does my supervisor rate me no more than Level 3?"

Indeed, just what does it take to get a Level 5? In any element, let alone all four, which is required to be eligible for a Quality Step Increase under the current contract. (Article 17, Section 4.A.)

What standards must an employee meet to achieve a Level 5? Have those standards been communicated during mid-year appraisal discussions?

In many, if not most cases, the answer is "no." When supervisors and co-workers are on a merry-go-round of 120-day details here and not-to-exceed positions there, employees are left holding a bag of shifting priorities and ever-increasing workloads. While one supervisor empathizes with the workloads, another is ready to place employees on assistance plans.

The self-assessment is a valuable tool to plead the employee's case for Level 5 summaries. The challenge is to accentuate the positive: clearly and succinctly show how the employee met the following performance element standards from October 1 through Sep-

tember 30. The employee must literally match examples of their work to the standard.

Does the work translate to an objective standard? Not even close for many "standards": for example, how do you quantify an "attitude," the apparent Level 5 Standard for Interpersonal Skills? But the employee should have asked the question and written down the supervisor's response. And if the response is, "it can't be done," record the response: it's a contract violation.

Here's a summary of Level 5 standards:

Interpersonal Skills

Contributes to developing trust, respect and cooperation among unit members.

Participation

Demonstrates initiative by voluntarily assisting other employees.

Promotes teamwork and engages other members in the group's efforts to achieve goals.

Demonstrates initiative in seeking out and completing additional work assignments.

Contributes to implementation of change through suggestions that facilitate change and/or by eliciting contributions from other team members or components.

Demonstrates Job Knowledge

Demonstrates initiative by voluntarily sharing information, knowledge, skills and best practices.

Develops material that is used for reference, training and mentoring.

Processes the most complex work accurately and effectively, and develops options and recommendations that result in improved work unit performance.

Contributes to introducing the use of automation tools and fosters their use within the work unit.

Achieves Business Results

Makes a significant contribution to achievement of work unit goals by completing extra work assignments.

Maximizes use of available time and resources.

Identifies barriers to completing work timely and develops reasonable solutions likely to result in improvement.

Develops creative procedures and approaches for using technology.

Go to www.afgrec220.org/library for PACS help

SSA EEO process: Does it stop discrimination? Or does it reward managers who practice discrimination in the workplace?

By *Loni Schultz*
President, Local 1346

During my experience litigating Equal Employment Opportunity (EEO) complaints, I have found that most employees do not file frivolous complaints. They do it as a last resort because they feel they have no other alternative to stop the harassment, discrimination and disparate treatment by Social Security management.

SSA claims it will not tolerate discrimination based on race, color, age, sex, disability, or sexual orientation. However, the agency's actions in providing inequitable representation belies its pronouncements and has the direct effect of supporting discrimination and reprisal against the employee filing a complaint.

If you file a complaint will you receive equal representation? The answer is emphatically *NO!* Employees around the country who have taken a stand by filing a complaint have discovered the agency is more concerned with protecting *management* than stopping discrimination.

If the employee agrees to mediation in an effort to solve the issue informally, SSA will support the alleged discriminating official with a legal team consisting of an agency attorney and a technical assistant. At the same time, the agency has refused to fund travel expenses for the employee's personal representative. One Regional Commissioner says he encourages management to mediate complaints, but does he put his money where their mouth is? Though mediation would save hundreds of thousands of dollars, SSA stacks the deck with a process that favors the accused discriminating official.

If your case goes to an Equal Employment Opportunity Commission (EEOC) hearing, the agency supplies the discriminating official with two attorneys and a technical assistant. What does the employee have to fight this legal arsenal? One personal representative that the employee must

find on their own. The agency refuses to allow the employee parity with management's legal team. Who pays for this representation? The average EEO complaint costs the agency about \$60,000 for each hearing. This money comes out of SSA's budget, so it appears the Social Security Administration would rather spend millions of dollars *fighting* employee complaints instead of *stopping* its managers from discriminating and harassing employees.

In Wisconsin, I have been involved in several EEO cases and I have noticed another disturbing trend that rewards managers for discriminatory behavior. It appears that the more EEO complaints a manager has filed against them, the more rewards they reap. Even if you testified against an employee at a hearing and the EEOC Judge found discrimination, your future may include a promotion or a large award.

This behavior reminds me of the CEO who destroys a company through poor management skills but leaves with millions in stock options and a large buyout.

Why would anyone file an EEO complaint? If you have been discriminated against, the only way you are going to stop discrimination is to fight. If you do not stand up for your rights, you are agreeing it is alright to have your rights violated. You have an obligation to yourself and others to fight this behavior. How do you stop a bully? You let the bully know you will not tolerate their treatment and you take the necessary steps to stop them.

How do we improve the EEO process, so all people are treated fairly? One way is to support your Union. We are fighting for your rights in contract negotiations. Get involved and stand up for what is right. Go to www.mycontract2009.org and see how you can make a difference in civil rights, your work environment, and the future of all workers.

SSA managers wonder: What happened to quality? What about service?

(Part two in a series)

“No matter how one defines quality, accuracy, timeliness, efficiency, courteous and personal service, we’re missing the mark. We’re pushing through just because there are no alternatives.”

- **Unidentified Social Security manager**

Management officials within the Social Security Administration are fed up, and many of their concerns deal with a lack of quality and public service.

They were able to express their frustrations while responding to a survey conducted earlier this year by the National Council of Social Security Management Associations, Inc.

“We never focus on quality anymore,” wrote one District Manager. “We have almost no reviews and almost no discussion about how to improve the quality of our work product.”

An Assistant District Manager (ADM) praised their staff for working very hard, “but they interview pretty much nonstop, day in and day out. There is little or no time to process the gigantic volume of work that comes in. The stress is overwhelming at times.

“I feel like there is this belief in Central Office that the field has done so much for so long with so little, that they believe we can now do anything with nothing.”

According to one Management Support Specialist: “There are a variety of reasons for quality not being as high as in the past. Certainly, we need more staffing, but there is so much work and not enough staff to do the work. There is not enough time to devote to training to learn new policies and procedures.”

A District Manager admitted that “employees are literally pushed to the brink...it’s scary out there,” while an ADM believes “there is always a drumbeat: just get it done; just get it done.”

Public service is also a concern, especially when someone tries to contact an office by telephone.

“Field Office telephone service is essentially

non-existent in terms of incoming calls,” another District Manager wrote. “This is due directly to the fact that Field Offices are generally understaffed...This is a failure of agency management and of oversight.”

Another management official stated it’s “mathematically impossible” to do all the work demanded of their staff:

“We serve a population that I suspect a large percentage of will NEVER be able to conduct their business on the Internet. Many of the people calling and coming into our offices cannot read, nor can they always interpret the spoken word.”

Pope Benedict supports Unionism in encyclical

Pope Benedict XVI recently issued an encyclical, *Caritas in Veritate* (Charity in Truth), and discussed the global economy and its affect on all nations (both rich and poor) around the world.

The pontiff also noted that employee rights are being threatened and their right to form Unions should be strengthened:

“Through the combination of social and economic change, trade union organizations experience greater difficulty in carrying out their task of representing the interests of workers, partly because Governments, for reasons of economic utility, often limit the freedom or the negotiating capacity of labor unions. Hence traditional networks of solidarity have more and more obstacles to overcome. The repeated calls issued within the Church’s social doctrine, beginning with Rerum Novarum, for the promotion of workers’ associations that can defend their rights must therefore be honored today even more than in the past, as a prompt and far-sighted response to the urgent need for new forms of cooperation at the international level, as well as the local level.”

Several religious organizations have voiced their support for the Employee Free Choice Act, which would help workers in the United States as they attempt to Unionize.

Local management insistence on dress code is tiresome violation of the contract

Union officials are again having to remind management that Social Security does *not* have a dress code.

Bob Harrington, the Assistant District Manager in the Modesto, Calif. SSA office, recently told his staff that ‘even though we don’t have a dress code, we expect you to dress in an acceptable fashion which would be consistent with other businesses in the area.’

He also said jeans and tennis shoes are not considered proper attire. That was followed by another remark, which some employees took as a threat:

‘If you want to be considered for promotion in this office, you might want to dress appropriately, if any of you have aspirations of going further in your career.’

Howard Egerman, a Vice President of AFGE Local 3172, filed a grievance with Regional Commissioner Pete Spencer soon after he heard those comments.

‘I don’t want to sound like a broken record,’ Egerman told the **Digest**, ‘but this agency has *no* dress code. *None!* And the idea that management is tangling this carrot out there -- dress nice and you’ll get promoted -- is absolutely ridiculous. Employees should be promoted because of their abilities, not their clothing budget.’

In his grievance, Egerman noted that Article 3 of the AFGE/SSA National Agreement deals with employee rights.

‘Some employees as a result of their religion, their disability, their height or weight may have to dress in a different manner than other workers,’ he wrote. ‘... Having a dress code that might not take into consideration for promotion such factors as someone having to wear support hosiery or socks as a result of arthritis is not in the spirit of this provision.’

Egerman later filed an information request with the agency, asking for ‘the type of training material (cotton, polyester, linen, synthetic, etc., as well as dresses, pant suits, skirts and blouses, shirts and ties, shirts and trousers, etc.) employees need in order to dress for promotions in Modesto and elsewhere (and) the type of publications that they will need to read (and) whether such publications would include Vogue and GQ.

‘In addition, such information should include, but not be limited to the type of assistance Modesto management (and others) will supply...such as clothing scholarships, discounts at certain merchants, or a listing

of merchants including consignment and second-hand clothing facilities that will provide the type of business attire discussed by ADM Harrington in his meeting with employees.’

Defense budget bill holds key to fed benefits

Plans that would make it more attractive for former feds to resume their government careers, for retirees to return to the fold, to permit workers to go part-time into retirement and to cut down on sick-leave usage are tied to a defense authorization package to be voted on in September.

A benefit already passed is a Roth option within the Thrift Savings Plan. The mid-2011 change will permit employees to fund both pre-tax 401(k) accounts and an after-tax Roth option. Workers could put a total of up to \$16,500 in either account or split the amount between the traditional investment option and the Roth plan.

The options up for consideration are:

- A change that would make it possible for former feds who worked under the FERS (Federal Employees Retirement System) to "buy back" their previous service time.
- CSRS retirees, like FERS employees, could transition to part-time employment with their annuities computed on their highest three-year average salary rather than their actual part-time pay.
- Give FERS employees, who are now under a use-it-or-lose-it sick leave system, an incentive to stay healthy. If approved, FERS employees — who make up 80 percent of the work force — would get service-time credit for unused sick leave when otherwise eligible to retire. A year of unused sick leave (2,080 hours) can boost the CSRS annuity by 2 percent. It would raise the FERS retiree benefit by about 1 percent.

According to Washington insiders, it will be weeks before potential beneficiaries of any of these proposals know their fate. The House and Senate must pass the big defense bill, but it could be delayed because of the push for health care reform legislation. Indications are the FERS sick leave language will be stripped from the bills because of the long term costs.

Reps' Corner: *It has come to my attention...*

By Charlie Estudillo
First Vice President, Council 220

Travel outside of work time requires compensation

It has come to my attention that the agency has scheduled and held a number of training classes and conferences of various types (bilingual training, Frontline Conference, etc.) over the last few months. Many of these are held offsite at hotels and require travel orders and overnight lodging. When I asked employees if they'd been released from duty to travel to the event (and then get home after the meeting was over but while still on duty time), I was met with blank stares.

Apparently nobody in management told these employees they are eligible to travel on the agency's time and the agency's dime.

Pursuant to the contract, travel is supposed to be scheduled within normal working hours:

Article 8 Section 1. Compensation and Travel

A. The Parties recognize that employees may be required to perform essential travel away from their official duty station. The Parties further agree that such travel should be arranged and scheduled so as to minimize the effect of such travel on employees. Travel reimbursement will be paid in accordance with applicable Federal Travel Regulations and this agreement.

B. When the employee is required to travel during non-duty hours, the employee will be paid overtime when such travel constitutes hours of work under 5 U.S.C. or the Fair Labor Standards Act, if applicable.

If an employee is required to travel on non-duty time, SSA will make every reasonable effort to give a written explanation prior to traveling. If notice is not provided before traveling, it will be provided subsequently upon request of the employee.

C. To the maximum extent practicable, time

spent in travel status away from an employee's official duty station will be scheduled by the Agency within normal working hours of the traveling employee(s). To this end, the Agency agrees to the maximum extent practicable:

- 1. whenever possible, schedule events to allow employees to travel during their normal duty hours.*
- 2. allow an employee to travel on the day preceding and/or after an event when travel on the day of an event would be outside the traveling employee's regular duty hours.*

D. Employees retain the right to travel on their own time if they so choose, but are responsible for any additional cost incurred to do so.

E. If an employee is unable to return home during normal duty hours, the employee may request to do so during non-duty hours, and if approved by an authorized management official, will receive appropriate compensation in accordance with the law and this agreement.

If employees in your Local have been denied payment for travel time and were required to travel on their own time, they can get overtime or travel compensation time (OPM issued a regulation providing for Travel Comp Time in 2004). My feeling is that managers are not informing employees of their right to travel on duty time and advising them to leave the office in time to make sure their travel time is on the clock.

Please find out if employees in your Local have been granted time to travel to these trainings and conferences and if not, let me know. If the problem is nationwide, we will likely file a national level Section 10. If the problem is local, it will have to be dealt with locally or regionally.

A Grievance can go back six years for claims against an agency and a loss of payment for travel falls under the Back Pay Act.

Share this information with employees, especially new hires who may not know their rights while in travel status.

Reflections on 40 years of service to SSA

*By Howard Egerman
AFGE Local 3172*

*"Eighty percent of success is just showing up."
-- Woody Allen*

I thought about that statement when I recently got a call from the Regional Personnel Office in Richmond, Calif. I was told I had 40 years of Government service this year and would be recognized for that accomplishment.

"Just a minute," I said to myself. "It hasn't really been 40 years!" Back in "those days" I was going to graduate school, but Selective Service stopped most deferments. Almost instantly, I joined the Navy, did four years of typing for my country, and then received an honorable discharge.

There was just one problem: nobody would hire me because military service was looked down upon. Fortunately, Social Security gave me a chance in December, 1973 – and without even working one day for the agency, I already had credit for four years of service.

Getting paid wasn't as easy. I showed up (as Woody Allen recommended) but went two months without a pay check. What did I do? I saw my Union rep and she wrote to Congressman Ron Dellums; he contacted personnel and I eventually got paid. I also continued to show up.

At the time I began, federal employees did not have the rights they do now. We operated under executive orders, and the Civil Service Reform Act was an idea whose time hadn't come. That wouldn't happen until the election of Jimmy Carter.

I joined AFGE because I came from a Union household; my grandfather came to San Francisco from Russia in a cattle boat seeking religious freedom. He taught me that every person who works deserves dignity and respect and Unions give that respect. Our contract was regional in nature. There was no national agreement.

There was also the day-to-day routine of being a Service Rep. Times really were different then. I remember attending an office Christmas party and leaving the public alone in the reception area. That wasn't such a good idea, because when the em-

ployees returned, we realized someone had walked out with two typewriters and adding machines.

Other incidents were much more serious. A female co-worker was raped when she went to the bathroom; in those days, employees and the public used the same restroom facilities, but thanks to changes in the law and AFGE negotiating for all members of the bargaining unit, that type of sharing doesn't happen anymore.

As time went on, I became more active in health and safety activities at the regional and national level. I am a grandchild of a 1906 San Francisco earthquake survivor and that led me to advocate for the need to bolt filing cabinets and other equipment to the floor. We were told the agency didn't have any money for such things – until the 1989 Loma Prieta earthquake which destroyed whole sections of the Bay Area. Management then decided there was money to take action. Amazing how that happens sometimes!

There have also been some deadly events which have affected Social Security greatly. Several years ago, the Payment Center in Richmond, Calif. had to be closed for awhile because a janitor died of Legionnaire's Disease. In 1995, the Murrah Federal Building in Oklahoma City was destroyed by a domestic terrorist. Because of those incidents and many others, AFGE continued to fight for employee protections. Management originally balked at most of them but eventually gave in.

Life as a Social Security employee has evolved over the last 36 years. Computers which once consumed entire rooms can now be carried in a briefcase. Policies have changed, more people are receiving monthly benefit checks, and the agency has become more politicized. We still have some good managers, but too many are consumed by statistics and a drive to advance their own careers while the staff is pressured to do more with less.

Through it all, I keep showing up. Why? Because of one of the most beautiful words in the English language – Union – and I am very grateful to mine. It's given me a chance to advance, to help people when they needed it most, and to have a successful 40-year career.

Local managers' credit hour rules violate law

(The following email was recently sent by Charlie Estudillo, the First Vice President of Council 220, regarding the implementation and use of credit hours. It was addressed to Local Presidents, Regional Vice Presidents, and Union activists.)

Below are arguments I wrote in support of a Section 10 grievance in my Local. We are hearing of managers who believe credit hours are theirs to sparingly dole out or not at their discretion. Credit hours were established by law to allow employees to work them at their election or choice. In my view, management has no legitimate argument to deny the working of credit hours as long as there is appropriate work.

Whether work is "appropriate" goes to the type of work itself, not the time it is worked. Thus work that is appropriate at 4:30 pm when an employee's regular 8 hour workday ends (for example) is also appropriate at 4:31. Also, management must deny credit hour requests in writing and state the reason. Feel free to file this or if you decide to use it, modify it as you wish.

As the Astrue Administration plods along in the footsteps of former President Bush, we are seeing a number of managers who continue to resist affording employees their contractual and legal rights. Unless an office is caught up and without work to do after the completion of 8 hours, there is appropriate work to be done on credit hours.

Statutory provisions:

5 U.S.C. 6122:

(a): Notwithstanding 6101 of this title, each agency may establish, in accordance with this subchapter, programs which allow the use of flexible schedules which include-

- (1) designated hours and days during which an employee on such a schedule must be present for work; and
- (2) designated hours during which an employee on such a schedule may elect the time of such employee's arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

(b) Notwithstanding any other provision of this subchapter, but subject to the terms of any written agreement referred to in section 6130(a) of this title, if the head of an agency determines that any organization within the agency which is participating in a program under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional costs because of such participation, such agency head may:

- (1) restrict the employees' choice of arrival and departure time,

- (2) restrict the use of credit hours, or
- (3) exclude from such program any employee or group of employees.

Thus, credit hours were enacted into law by Congress to be available to employees as a right, to work pursuant to provisions of a collective bargaining agreement, to be used in conjunction with flextime. The accumulation of credit hours is for the purpose of reducing the length of the workweek or another workday.

Additionally, once credit hour provisions have been negotiated as part of a collective bargaining agreement (see 5 USC 6130), the agency must follow those provisions and only the head of the agency (the Commissioner) can restrict the use of credit hours as provided for in the National Agreement, and then only after making the case for and prevailing before the Federal Service Impasses Panel (see 5 USC 6131). Management in the office does not have the authority to refuse to allow employees to work credit hours as provided for in the contract - only to direct employees in what work is to be done during credit hours.

Applicable contract provisions:

Article 10 Section 2

"Credit hours" means those hours worked in excess of an employee's basic work requirement in which an employee on a flexible work schedule elects to work so as to vary the length of a succeeding workday or workweek. The use of credit hours cannot be used in a pattern that represents a 4/40 schedule. Employees who occupy positions designated for fixed work schedules and employees working 9 and 10 hour FWA schedules are not eligible to earn credit hours.

Article 10 Appendix A

Section 3. Scope

All full-time bargaining unit employees (including temporary employees) working in Field offices are covered by this appendix. Part-time employees may work flextime on those days that they work an 8 hour tour.

Section 12. Credit Hour Provisions

A. General Provisions

Employees eligible to work credit hours will be permitted to do so, provided there is appropriate work as determined by management, and it can be performed at the requested time(s).

And -

C. All full-time employees may participate in the credit hour program consistent with the provisions and requirements of this appendix. Part-time employees are covered on those days that they work an 8-hour tour. Part-time employees may also earn up to 2½ credit hours on their non-tour day(s).

Continued on Page 8

Credit hour rules, cont'd.

Continued from Page 7

D. Requesting Credit Hours

1. *The Employee has the option to request the opportunity to earn credit hours orally, or in writing by completing a form designated by management. The request will ordinarily be made on the workday preceding the day the hours are to be worked, and will be submitted to the immediate supervisor. In the supervisor's absence, the request will be submitted to the next available line manager. Denials must be in writing and returned to the employee as soon as possible.*

2. *The procedure described in Section 12-D.1 above does not preclude submission of, and approval of a request to work credit hours for more than one workday in the future.*

3. *The procedure described in Section 12 D.1 above does not preclude requesting same-day credit hours.*

And -

F. Earning Credit Hours

An employee may earn up to two and one-half (2 1/2) credit hours per workday. Credit hours may be earned in one-quarter (1/4) hour increments. An employee may accrue up to 28 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.

Briefly going over the contractual rights stated above:

Credit hours are worked at the election of the employee, that is, if the employee decides she/he wants to work credit hours, that is their election/decision and if there is appropriate work there, they must be allowed to work the credit hours requested.

This contractual right is extended to all full time bargaining unit employees and part time employees under certain conditions.

“Employees eligible to work credit hours will be permitted to do so”: this is self explanatory - if an employee is eligible to work credit hours, he or she has a right to work them.

“Appropriate work” is work that the employee is normally assigned during the workday that can be worked either during regular working hours, on overtime, or on credit hours. If work is appropriate during the employee's first 8 hours of the workday, it is also appropriate the minutes following the completion of the 8 hour tour. If clearing a claim or completing an SR work item taken during the first 8 hours of the workday is “appropriate work”, for example, then it is also appropriate work to adjudicate that work item to completion

on credit hours. It is management's right to direct the employee what to work on, whether on credit hours or even during the regular work day.

Credit hour requests must be denied in writing. Management has failed to follow this contract provision by trying to discourage employees from exercising their rights to work credit hours by refusing to provide written denials. The Union insists that management put all credit hour denials in writing and explain the reason.

Employees may earn up to 2 1/2 credit hours per workday or in the office, during the regular workweek, 2 credit hours would be the maximum that should be approved for employees to work daily.

In sum, credit hours are a contractual right that the union negotiated for our employees. Management violates the contract when it denies employees the right to work credit hours. As a remedy, we ask for employees to be credited with the amount of credit hours they would have worked but for the denial of management's refusal to approve credit hours. Pursuant to statute, we are seeking 6 years of back credit hours for each eligible employee at the maximum rate of 2 hours per workday for each full-time employee and 2 hours per 8 hour workday for part time employees.

Swine flu update

In addition to regular seasonal flu shots, this year, there is expected to be two H1N1 shots once clinical trials are over. The agency should be providing administrative time to get these shots and pay the cost of administering them.

The contract, in Article 9, Section A, provides that SSA will pay for flu shots.

The contract doesn't limit the number of shots nor does it provide any maximum payment. Therefore, SSA is responsible for paying for flu shots with no limit on cost. The same section provides administrative leave for obtaining shots.

Section D of the national agreement states that the agency will provide timely testing for employees who “reasonably believe they were exposed in the course of their official duties to a person who may have a serious infectious disease.” H1N1 (swine flu) is such a disease.

Keep up with negotiations