

UNITY

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Warren Fretwell, Editor

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Union Files Grievance Over SSA Hurricane Policy

A FGE Council 220 filed a national grievance over SSA's misapplication of federal rules that cover employees affected by Hurricane Katrina. After the union met with management officials and then complained to representatives of the House and Senate about the agency's unfair treatment to its employees, SSA issued a statement indicating it would follow the disaster regulations issued by OPM. These regulations provide for special allowances for travel and subsistence, lodging, meals and incidental expenses for evacuated employees and their dependents at a safe haven.

Although management's action answers part of the union's grievance, it does not provide a complete remedy.

Hurricane Katrina left many employees in the affected areas without homes and places to work as damage to most offices rendered them uninhabitable.

Some offices have still not reopened and were merged with other facilities.

Employees left the state to find shelter with family or friends. Some found themselves stranded in places where they knew no one, having lost all of their possessions. Other employees were relocated to temporary SSA facilities that were substandard with many health and

safety problems.

Some employees who were able to report to work were asked to salvage contaminated files without adequate protections and in hazardous conditions.

Many of those who were not able to work were given incorrect information, ordered to report to work several days after their houses floated out to sea to offices that were in disrepair or unfit for business with no potable water, no power, risks to health or simply inaccessible.

Promises of leave availability were inconsistent. Information about travel and per diem varied. Little in-



Biloxi, Mississippi: AFGE Council 3rd Vice President Dana Duggins took this photo of Hurricane Katrina damage in Biloxi, Mississippi during her visit to SSA offices in the state.

formation was shared with employees and almost none was provided to the union.

"We asked for names of displaced

(Continued on page 6)

President's Message

By Witold Skwierzynski

The effects of Hurricane Katrina will be long-lasting. It's devastation was both physical and emotional.

I visited the storm-ravaged areas with other AFGE representatives, spoke with employees who had lost their homes and life possessions and promised to do what we could to reduce their suffering. That's a big undertaking for those who've lost everything. But, as a union, we can at least ensure that these employees get all they are entitled to.

You'd think that would be the same attitude their employer—the Social Security Administration—would adopt. But, in our visits to Louisiana and Mississippi we discovered that incompetence in providing hurricane relief was not limited to FEMA.

Not only did SSA fail to follow federal regulations that provide special benefits to employees who are the victims of hazardous weather and other



Skwierzynski

Council 220 is online:
www.afgec220.org

(Continued on page 7)

Managers Complain About Appraisal System

The National Council of Social Security Management Associations (NCSSMA) is bellyaching again. This time about the new appraisal system. Some of its complaints are on target. Others miss the mark by a wide margin.

The new appraisal system is three-tiered: Not Successful, Successful and Outstanding. In an interesting twist, SSA included Field Office management in this system as well as bargaining unit workers (non-management employees).

In his comments to the draft appraisal system, NCSSMA president Rick Warsinsky states that employees must essentially be perfect to be considered outstanding. An employee who is rated less than Level 5 on *any* element will be rated Successful. "This is a high bar and realistically," Warsinsky says, "it is difficult to imagine that the overwhelming majority of employees...will be rated anything other than Level 3 [Successful]."

In other words, you must be rated outstanding in every performance element in order to achieve an overall performance rating of outstanding.

Warsinsky also points out that management officials GS-15 and above have a lower standard for an outstanding rating. Unlike bargaining unit employees and GS-14 and below management, GS-15s need only obtain Level 5 ratings in a *majority* of their performance elements.

The management association's remedy: *include us (management) in the GS-15 performance rating system and hold the bargaining unit to a higher standard.*

Well, let it not be said that Warsinsky and the NCSSMA has not contributed to a perpetuation of the *us versus them* complex.

The management group does

identify shortcomings of the new appraisal process: no time for adequate administration; no standard numerics; likelihood of more grievances.

But, this was the performance appraisal system management wanted; which brings to mind the adage about watching out what you wish for.



Council Reps Attend Human Rights Rally

(Washington, DC.) AFGE Council 220 Officers Witold Skwierczynski, Dana Duggins and Debbie Fredericksen (l-r above) participated in the International Human Rights Day (IHRD) rally in Washington, DC on Saturday, December 10, 2005. They joined thousands of workers in the nation's capital and around the country to support the freedom to form unions and bargain collectively.

The rally was part of a massive global mobilization on December 10, the anniversary of the 1948 Declaration of Human Rights, which includes the freedom of workers to form unions.

The AFL-CIO reports that 92 percent of private-sector U.S. employers force workers to attend anti-union meetings by threatening them with discipline or dismissal if they refuse and 75 percent hire anti-worker firms to fight organizing attempts.

In a call to working families to take part in the IHRD activities, the AFL also said, "Americans' freedom to form unions is under constant attack by the Bush administration, congressional leadership and Big Business, who are fighting constantly to weaken labor laws, protect employers who abuse workers and stand in the way of workers who want to exercise their rights to organize and bargain. These attacks have a direct effect on the lives of America's working families. Job loss and poverty are on the rise, while paychecks, pensions and health care benefits are dwindling."

The union is urging congress to pass the Employee Free Choice Act, that would strengthen protections for worker's freedom to choose a union by requiring employers to recognize a union after a majority of workers sign cards authorizing union representation.

From Around The Nation

Albuquerque Security As Good As Our Ports

(Albuquerque, NM) AFGC Local 4041 President Josie Marrujo reports that an employee mistakenly opened a letter at her desk recently and a white powder spilled out. Building management's actions were not exactly text book as she relates:

We have a "safe" area where the mail should have been opened, which is on the first floor of our five-story building.

The TSC manager, a supervisor and the facilities manager, the building manager and several other management people all went to the 5th floor to investigate the white powder, thereby exposing themselves and others to contamination. They then went to the other floors and further spread the contamination.

The first floor was not quarantined for another hour. Some employees were also not quarantined and visited several other floors in the building after being exposed to the contaminated area.

There wasn't any command station set up so no one was in charge. At one point, the employees who had been quarantined on the fifth floor were told they could leave. But, when they arrived on the first floor, they were ushered back upstairs by the FBI who informed them the building was under "lock down." Some of the employees got away and went to the cafeteria and the patio before they went back upstairs.

At 2:30, we were released to go, but our cars that were parked downstairs were not because they may have been contaminated. Eventually, that was cleared up so we could go home in our cars.

Congressman Concerned About "Unrest" at SSA

(Washington, DC) Congressman Henry Waxman (D-CA) wrote to



House Speaker Dennis Hastert after reviewing the last employee email message sent by Deputy Commissioner Linda McMahon. Waxman said that this and other agency internal documents indicated a "hemorrhaging" at SSA call centers and a flood of inaccurate information to those participating in the new prescription drug plan.

Waxman called for immediate congressional action to restore a recently enacted cut of about \$200 million in Social Security's administrative budget.

"The problems faced by the Medicare program in implementing the benefit are spilling over and having significant impacts on the Social Security program," he said in a letter to House Speaker J. Dennis Hastert (R-Ill.).

Meanwhile CMS Parties?

(Washington, DC) As seniors learn that their prescription drug costs could increase under the new Part D program, they and congress also learned that the Centers for Medicare and Medicaid held parties last year at the exclusive Don CeSar Beach Resort in Florida.

The gathering, according to Scripps-Howard news service, was supposedly a Tri-Regional Conference at which contractors earning more than \$300 million in federal contracts were to discuss improving Medicare and Medicaid services. Finance Committee Chairman Charles Grassley (R-Iowa) said his office found post-conference pictures depicting lavish dinners, dessert buffets and beach parties that had nothing to do with federal programs for the poor and elderly.

SSA Won't Let Grievants Testify At Their Arbitration

(Baltimore, MD) AFGC and SSA negotiated for time off of agency work so that union officials could perform representational activities. As such, the parties agreed that certain named officials would be entitled to use 50 percent of their work hours designated to union activities.

SSA, however, has interpreted that to mean that even though the parties agreed to a specific number of hours per year for these named AFGC Representatives, that means that it can refuse to allow them *any* official union time during training classes and, in addition, these union reps won't be entitled to use the hours that are contractually allowed after the training classes are over.

Council 220 has filed a national grievance arguing that missed training, especially IVTs that can be viewed at another time, can be made up. A few of the witnesses scheduled to appear at the arbitration are union representative who are in training and are affected by the agency's policy.

SSA now contends that it will not allow these grievants to testify at their own arbitration hearing!

The union has asked the arbitrator for assistance.

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Hurricane Katrina: *a personal story*

Nat Cooper worked as a Technical Assistant in the New Orleans SSA Teleservice Center and lost everything as a result of Hurricane Katrina. This is her story.

I lived in the lower 9th ward and we got hit pretty bad. Trees blew over. The electricity went out; but we never thought the levees would break. When they did, the water kept rising and it didn't go back down.

Boats eventually came to pick me and my daughter up, but we couldn't bring anything with us because there was no room. I was able to bring some of my medicine, but lost it in the water. Everything else remained behind.

The boats took us to the convention center where we stayed all day long with a group of people who helped us out with some food they scavenged from vending machines. The bathrooms were filthy and no security was present. Women had to travel in groups for safety.

Around 6:00 that evening, a woman near our group became hysterical when she discovered that her seven-year old daughter was missing. A search party was put together to find her. Around 1:00 in the morning they discovered her body in a refrigerator. She had been raped and strangled.

Food and drink were in short supply. I saw a man nearly beaten to death over a drink that another man wanted. At that point we decided to get out as soon as possible.

The next morning we left the convention center and encountered National Guard troops who told us we could get a bus out of town at the Super Dome, but there was considerable flooding in the area and neither my daughter nor I can swim. We tried wading through the waste deep water but were told to go back by a group of people who said the water ahead was too deep. They also told

us there were many dead bodies where we were heading.

My daughter and I headed to the interstate highway, but parts of that were flooded, too. Some people we ran into gave us some water and we decided to stay on a dry section of the interstate till help came. We were there for two days.

An Army truck eventually picked us up and took us to the airport. I had been without my medicines for several days and wasn't feeling well, but I got on line to board an airplane to get out of New Orleans. That line must have been 100,000 people long.

I fell ill and ended up in a triage unit where they kept me till I was feeling better. Finally, I was back on line again to board a plane whose destination was unknown. I knew, however, I couldn't stay here.

The plane landed in Indianapolis, where my daughter and I stayed at the Salvation Army. They gave us a ride to Chicago,

where friends put us up until I could make other arrangements.

In the meantime I got a call from my manager advising me that I would get administrative leave. But, payments due for disaster relief didn't come for several months.

By October, I received an order to return back to New Orleans. I didn't know at the time that the TSC had not opened [It is still closed]. When I asked where was I supposed to live since I didn't have a home, I got no response. When I asked if I would continue to get travel and per diem payments, I got no response. So, I put in for a hardship transfer to the Chicago TSC, but was told I would have to take a downgrade to get it.

Fortunately, Witold Skwierczynski (AFGE Council 220 president) was in town for the Christmas holidays. He heard about my situation and helped me file a grievance.

Shortly thereafter, I was told I would get my transfer without a reduction in grade.



Letters to the Editor

[SSA Deputy Commissioner for Operations Linda McMahon's recent email to employees got the attention of a Boston Region's AFGE representative. His comments follow.]

Dear Deputy Commissioner McMahon;

Thank you for sharing your observations about dealing with challenges with limited resources, entitled *Difficult Times*. I noted in particular your observation that 800 Number call busy rates had exceeded 35%, far above our performance goals, due to calls generated by the Medicare Part D program.

What you are saying here is that factors beyond your control have eroded our ability to meet performance goals. Yet, SSA employees may now be subject to appraisal ratings based on their ability to meet just such performance goals. What's good for the goose is good for the gander, Linda! If you can shift blame for 35% Teleservice busy rates onto a poorly designed and implemented congressional mandate, then my fellow employees and I should be able to do the same when our supervisors give us a less than stellar appraisal based on similar factors that are even further beyond our control than is your control of the continued sub-par management of the 800-Number Network.

I am encouraging all my fellow employees to save your blame-shifting message along with a copy of the FY 2006 Performance Plan. These documents will come in handy at appraisal time. And, of course, we'll all be very interested in comparing this year's performance awards for upper level managers with the awards distributed to front line employees.

There are many hard-working, dedicated front line SSA employees (not as well-paid as you suggest) who are taking to heart your exhorta-

tions and best wishes for them. Please don't allow management to judge them at appraisal time with a tougher standard than you've used to judge yourself.

Bill Thoms
Secretary-Treasurer
AFGE Local 1164

Deputy Commissioner McMahon responds:

Thanks for sharing your views, Bill. I expect to hold people accountable only for things within their control. I suspect we might differ on what those things are, but I believe we do agree in concept.

Linda

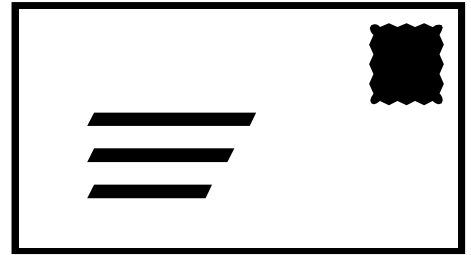
[On January 13, SSA Commissioner Barnhart sent a message to employees honoring Martin Luther King. She invited employees to join her in promoting mutual respect and justice for everyone. Council 220 Executive Vice President Debbie Fredericksen provided the following response.—ED.]

Dear Commissioner Barnhart;

I respect your message on the Martin Luther King holiday, but it's a bit shallow when our union representatives who have participated in community events during the week of Dr. King's anniversary have been denied leave and/or official time to attend such events for the sole reason that they are in training. Training can be taped and watched at a later date.

It would be preferable not to receive any message on the event when employees are denied that ability to attend and participate in events on a date that you state is so important.

As for the comment about mutual respect, I don't think you'll find a lot of employees who feel they are respected much by those making decisions in Central Office these days. Their opinion is not asked for, much less valued, on changes that affect



their ability to do their job each and every day. Respect is an earned right and I don't think the employees feel they should give freely of that respect these days; nor do I believe they feel much respect.

In addition, ask those employees who have been denied leave, charged AWOL for petty issues, been harassed, work in a stressful environment, etc., just how much justice they think they receive. There's nothing wrong with asking that everyone "recommit to leading lives that promote respect and justice," but it will take a long time before employees feel they've been offered either.

Debbie Fredericksen
EVP, AFGE Council 220



Council 220 Visits Hurricane Katrina Victims

(Continued from page 1)

workers and their locations and got no answers,” said Council 220 President Witold Skwierczynski.

Ironically, the union proposed to negotiate over the impact of hurricanes during the national contract bargaining, but SSA refused. Management’s negotiators said “we don’t need it.”

AFGE National President John Gage wrote to SSA Commissioner Jo Anne Barnhart suggesting a high-level meeting of union and agency officials to address concerns arising from the hurricane disaster. Barnhart refused to meet with the union.

“She essentially said *stuff it*,” Skwierczynski said. “She didn’t want to meet with the union despite the fact that the hurricane resulted in the indefinite closure of eight field offices and the New Orleans TSC. Over 500 SSA and DDS employees were impacted by the office closures. Many were homeless and all were evacuated to safe havens throughout the United States. Barnhart said the agency would keep the union informed of SSA’s activities. Despite the magnitude of the disaster, the union was neither part of the decision-making process nor kept informed.”

The union eventually met with SSA.

“We *did* meet with management much later; *but they had no answers*,” Skwierczynski said. “In fact, when we presented information about the effects of Hurricane Katrina from an employee survey we conducted, Milt Beever [Associate Commissioner for Labor Relations] screamed at us. He said he did not want to hear about it. That’s when we decided to file a grievance.”

The union’s grievance includes the following charges:

€# SSA failed to follow OPM regulations on pay and leave benefits

for employees effected by severe weather and other emergency conditions

€# Failed to coordinate employee benefits with FEMA

€# Failed to properly implement employee details

€# Failed to properly pay workers

€# Failed to treat employees fairly and equitably

€# Exposed employees to hazardous working conditions w/out proper compensation or health and safety precautions

€# Failed to inform SSA workers of reassignment options

€# Failed to pay for relocation expenses where warranted

The union’s grievance also seeks remedial action taken by SSA to make employees whole (including back pay and interest) for their expenses including leave, travel and per diem allowances, special subsistence payments for evacuees, compensation for visits home, reimbursements for relocated employees, FEMA assistance due, as well as help with Worker’s Compensation claims for employees who were exposed to unsafe and unhealthy working conditions. AFGE also wants assurances that SSA will comply with all OPM regulations governing hurricane-affected workers.

The union had also learned that SSA planned to terminate per diem payments on December 31, 2005 to dis-

placed employees unless they were working in SSA facilities outside the New Orleans commuting area. Other federal agencies in the area were authorizing six months of payments, but SSA decided to cut off payments after four months.

In response, Skwierczynski wrote to Deputy Commissioner Linda McMahon protesting the cut off of per diem payments. As a result, SSA reconsidered and authorized the full six months of per diem per OPM rules.

Council President Skwierczynski, Third Vice President Dana Duggins, Dallas Regional Vice President Lollie Driulini and Local President Larry Anderson visited Louisiana and Mississippi to meet with employees to learn how the union could best provide assistance to those who endured the hurricane’s wrath and SSA’s negligence.

“The majority of homes for blocks and blocks in New Orleans were abandoned,” Skwierczynski said. “I heard stories from people who told me there was 14 feet of water and six feet of sludge in their houses.”

(Continued on page 7)



Water unleashed by Hurricane Katrina floods a Burger King restaurant in Moss Point, Mississippi. The Moss Point Social Security office is located just across the street.

Union Seeks *Make Whole* Remedy for Employees

(Continued from page 6)

Duggins gathered information from employee surveys about the impact of the hurricane and the agency response to it.

“The surveys indicated we had a problem. But the visit showed just how bad things really were,” Duggins said. “SSA led us to believe all affected employees were on administrative leave until the end of October. But, we learned when we got there that Mississippi management began calling people back to work less than a week after the hurricane.”

Despite all of the media coverage, the union reps believe that the media has *under-reported* the damage in both Louisiana and Mississippi.

Skwierczynski observed, “There are 210,000 homes still empty in New Orleans. Signs painted on roofs read *Help Save Us*. You see these for miles. Malls and shopping centers are destroyed or badly damaged and this goes on as far as the eyes can see.”

The union learned that some employees were reassigned to *disaster relief centers* and other temporary

facilities, including trailers. No advance notice was given to the union to ensure the adequacy of these buildings and in at least one case, the agency wouldn't allow the union to inspect the facilities.

Even volunteer employees sent to the Dallas Region from other locations had to endure hardships that the agency did little to foresee or correct once discovered. “Volunteers who went to the Houston Astrodome were told not to use the bathrooms because of the crime. They had to be escorted with an armed guard,” Skwierczynski said.

AFGE realized that additional pressure needed to be placed on SSA and Council 220 Executive Officers went to Capitol Hill.

“We met with House Members and Senators Gene Taylor, Mary Landrieu, William Jefferson, Thad Cochran and Trent Lott, who was especially piqued at the agency's behavior since he just lost his home due to hurricane damage,” Duggins said. “They said that they had only heard great things about SSA workers and were really bothered the agency treated its employees worse than the public.”

“SSA is taking the path to litigation,” Skwierczynski said. “The commissioner won't take responsibility but would rather litigate. That's why we asked congress to intervene.”

The agency has begun to respond. But, there's much more to do.

Message (Continued from page 1)

emergencies, but they misinformed workers, did not pay what was due, and subjected workers to other unnecessary hardships.

The agency ignored OPM guidance. They refused to pay evacuees unless they returned to work. They refused to pay travel and per diem for dependents. There were extensive delays in getting payments to employees and they cut off payments for those who returned, even when employees' homes were uninhabitable.

Other federal agencies rented trailers for their workers and made arrangements for services and security.

Other federal agencies followed the OPM regulations.

SSA's concern was directed at claimants and employee hardships were an afterthought. The agency did little to assist its own employees until the union complained, filed a grievance and asked for help from our elected representatives.

Commissioner Barnhart demonstrated her chief concern when she visited Louisiana, ostensibly to meet with employees, and complained about having to spend 300% over normal lodging costs for her stay due to increased hotel rates. Although she commended workers for their actions, she never asked what SSA could do for them!

Barnhart did respond to some of the concerns the union raised. But, we shouldn't have had to file a grievance and enlist the aid of senators and their staff to get the agency to *begin* to demonstrate an interest in employees who were hurricane victims.

We will pursue our national grievance to ensure that all employees are properly compensated and their needs met.



Council 220 President Witold Skwierczynski (r.) meets with employees from the New Orleans Westbank field office during a tour of SSA installations that were affected by Hurricane Katrina. Council Regional Vice President Lollie Driulini, who represents Westbank workers, looks on.



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Inside:

Hurricane Katrina Grievance...pg 1
President's Message....pg 1
Appraisal System Complaints...pg 2
Human Rights Rally...pg 2
Mystery Powder in N.M....pg 3
A Personal View....pg 4
Letters-to-the-Editor....pg 5

Manager: Agency Won't Fix 2 Billion Error

A high-level, management official gave the AFGE Council 220 copies of letters he sent to SSA Commissioner Jo Anne Barnhart and Senator Barbara Mikulski in which he reports agency errors in worker's compensation offset calculations that could approach \$2 billion.

Benefit payments of disability claimants are offset if they receive Worker's Compensation. The division director who revealed the problem said there were at least 200,000 disabled beneficiaries who have been *underpaid* for past entitlement periods for an average of \$5,000 to \$10,000 because SSA processed these cases incorrectly. "In some cases, as documented by OQA reviews, the underpayments exceed \$100,000."

The director, who has worked for SSA for 32 years, said he has "never seen any SSA workload so riddled with errors." Previous attempts to identify these cases show error rates of 40 percent and higher.

The director also said that this was not just a past problem. "The stewardship review for FY 2005 indicates WC error dollars, for just this one year, will likely exceed \$400 million, virtually all underpayments," he said. "This is a continuing problem with no end in sight."

In his letter to Commissioner Barnhart, the director expressed his frustration when trying to bring this problem to higher-level authorities who would take effective remedial action.

"I have tried to bring this problem to the attention of

SSA managers in various organizations. Several years ago, I notified OIG and other SSA management that the clean-up of WC cases was being done very poorly and leaving a large number of cases incorrect and hundreds of millions of dollars uncorrected, mostly underpayments. SSA management refused to take any action.

"Several months ago, as more information on erroneous WC offset payments became available, I submitted a *suggestion* paper describing the problem and offering 27 specific suggestions for fixing the problem. My response from SSA was that not one suggestion even amounted to a suggestion. So much for the suggestion system."

The reason why the agency won't take expeditious action to correct these underpayments, according to the director, is due to SSA's unwillingness to spend the resources on this work. "SSA would like to shove this problem under a rug and forget about it!"

Several actions are recommended to help resolve the underpayment backlog:

- # Admit the very big WC offset problem
- # Send this work to specialized units due to its complexity
- # Develop a faster clean-up schedule
- # Monitor WC offset processing

There are 500,000 cases that need reevaluation. The director estimates it will take 17 years to complete that review. He asks, "Would you want to wait that long for a payment correction?"