

# UNITY

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## Georgia manager has Union reps removed from SSA office

In an almost unprecedented act of defiance, the manager of the Social Security Office in Morrow, Georgia recently had two Union officials thrown out of her office.

DM Mary Moore initially wanted the security guard to escort Margaret Raynor and Marva Peace off the property, but he refused. Moore then called the Department of Homeland Security (DHS) and after a lengthy conversation, the two women were told by that same DHS official they could not go back into the building.

Raynor is a Chief Steward of AFGE Local 3509; Peace is the Executive Vice President. They'd gone to the office to interview a number of employees about long-standing problems and Moore was given several days notice before they arrived.

Peace and Raynor were eventually able to make contact with the staff, but their interviews were conducted *inside a car* in the office parking lot. Those discussions lasted for two days, while temperatures ranged from 100 to 105 degrees.

"It was a lot hotter inside that automobile," Raynor remembers, "and the employees were mad!"

She also said Moore has a history of denying sick leave and demanding that employees return to

work after their medical appointments.

"Mary also likes to tell them 'I wrote the contract, I know what it says,'" Raynor told **UNITY**.

"Marva and I have concluded that Mary must have been the *typist for the contract* but didn't read it because every time she referred to it, she quoted it incorrectly."

No report of the incident was apparently made by the Department

of Homeland Security and neither Area Director Ken Chaney, Regional Commissioner Paul Barnes, nor the Labor-Management Employee Relations (LMER) team in Atlanta would intervene to help the two women (despite the sweltering heat). Council 220 President Witold Skwierczynski also contacted Central Office and asked for assistance in the matter, but none was given.



### Local 3509 officials must retreat to sweltering car

Suzanne Granger (left) and Jennifer Greenwald visit Local 3509's "office", complete with cardboard sign, to discuss problems at the Morrow, Georgia, field office. Union reps Margaret Raynor and Marva Peace were banned from the office.

# Fires no disaster for SSA offices

Even as hundreds of thousands of acres burned in Southern California last month, large numbers of homes were destroyed by fire, and entire communities were forced to evacuate, the Social Security Administration decided to keep some offices open and employees working.

"I called...to protest the fact that SSA decided to keep offices open despite warnings from the City of San Diego to stay off the roads and to minimize the use of power due to the disruptions to power sources caused by the fires," Witold Skwierczynski, spokesperson for the AFGE/SSA General Committee, wrote to Associate Commissioner Mark Blatchford.

"I indicated that requiring employees to work was a danger to their health and safety," Skwierczynski continued. "I also indicated that keeping (offices) open and using the power that is re-

quired in keeping the offices open was in opposition to the recommendations of the City of San Diego."

The situation wasn't much better in San Bernardino, where management made only a token offer to help employees: they were given masks to deal with the smoke-filled air.

"I subsequently learned that at least 17 employees in the San Bernardino office had complained to the Union regarding breathing and related problems that they were having at work," Skwierczynski noted.

"One employee, a recovering cancer patient, could not take leave since her leave balance was eliminated due to her illness."

Skwierczynski asked that personnel who could not get to work be put on administrative leave and that offices be closed because of the unsafe conditions. Commissioner Mi-

chael Astrue did send a message to all SSA employees about the disaster and mentioned that some people were staffing evacuation centers, but that raised another set of concerns.

"No one has bothered to contact the Union at any level regarding these evacuation centers, procedures to staff them, health and safety protections for employees staffing such centers and other issues regarding hours of work and compensation," Skwierczynski wrote.

He made several other recommendations on how the agency should deal with the widespread catastrophe, but at press time, it wasn't known if Social Security officials would adopt any of them. An update will be printed in the January, 2008 **UNITY**.

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## *Manager in EEO suit chosen for temporary detail*

Albert Alvarez, the District Manager of the Social Security Office in Odessa, Texas has been selected for a 120-day detail as a Deputy Area Director.

In April 2004 an Administrative Judge issued a decision in an EEO complaint and wrote:

"What the evidence clearly establishes is that District Manager Alvarez likes to put his hands on female employees or come into bodily contact with them. I heard evidence that he bumps into females passing in the hallway at work. He puts his arms around female employees.

"Standing behind, he leans over seated female employees. And he

pinches employees. He embraces and hugs female employees. He likes to startle them by leaping out from behind cabinets or sneaking up behind female employees and poking them in the ribs.

"The assistant district manager... testified that she has seen Mr. Alvarez walk up behind females standing at the copier and, quote, goose them."

"If a member of the bargaining unit had done this kind of outrageous behavior, they would have been fired," believes Dana Duggins, the Third Vice President of AFGE Council 220. "Apparently management officials don't have to live by the same rules, and now the agency

is rewarding Mr. Alvarez for his behavior."

In his decision, Judge Robert L. Powell also made this observation:

"What I have described above is not acceptable conduct for a GS-14 manager. It violates the Agency's own sexual harassment prevention policy."

Powell ordered the agency to pay \$5,000 to Sarah Cunningham (the employee who filed the EEO complaint) as compensation for "being subjected to a hostile work environment." He also ordered all employees in the Odessa, Texas office – including Alvarez and the Assistant Manager – to undergo comprehensive EEO training.

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# Employee suspended for restroom use

By John Oertel  
Staff Writer

An award winning teleservice center employee has received a two-day suspension for using the bathroom.

Josie Marrujo, the President of AFGE Local 4041 in Albuquerque, says the female employee has a medical condition that requires frequent visits to the restroom and her supervisor has been aware of the problem. The TSR arrived in her unit at work at 9 a.m. but did not immediately sign-in. Instead, she had to use the bathroom so she took care of the situation and then signed-in at 9 o'clock, approximately ten minutes later.

Later, her supervisor at the TSC decided to suspend the employee for allegedly "stealing" from the Government – in this case, the ten

minutes that she was gone to the bathroom. Marrujo noted that teleservice reps are allowed 15 minutes a day reading time to catch-up on their work and review transmittals, so the TSR would not have to log-in to incoming calls until 9:15. The conscientious TSR did not use her reading time; instead, she signed-on immediately and began to serve the public. She never missed any incoming calls to the 800-number.

During her ten years with Social Security, the employee has won several awards and has also been

selected as a bilingual instructor. A grievance was filed over the suspension but management denied it. Marrujo says the Union will go to the third level and then invoke arbitration if needed.

"It's a lot of wasted energy on the agency's part," Marrujo believes. "Management can approve infrequent tardiness and should consider this employee's medical problem. Instead, they choose to suspend the employee and accuse her of stealing from the Government."

## Another field office closed

Despite the best efforts of the Union and Congressman Michael Arcuri (D-New York), Social Security has decided to close another field office.

Located in Auburn, New York, that facility served about 20,000 residents in the immediate area. Many of them are elderly or receiving disability benefits, but SSA Commissioner Michael Astrue has recommended they use the Internet or the 800-number in order to communicate with the agency.

He also said that more personal service would be available to the community on a periodic basis, but Paul Demler told UNITY in September that "a contact station open occasionally certainly won't help our clients." Demler is a long-time SSA employee and Union member. He also pointed out that many people will have to drive 25 miles each way to get to the nearest office.

"I'm wondering why Commissioner Astrue appears to be going back on his word to Congressman Arcuri, when he promised last May that Social Security would provide

the best possible service to the people living in the Auburn area," Demler said.

The two employees who've worked in that office will be transferred to Syracuse; that's a commute of approximately 30 miles.

Social Security is expected to shutdown more field offices, even as the "baby boom" generation turns 62 and starts to file retirement and disability claims in record numbers.

An office that was threatened with closure but will remain open is in Dickinson, North Dakota. U.S. Senator Kent Conrad called the announcement "welcome news" and stated in a press release that "elderly North Dakotans will have a place to go for answers when concerns arise."

Conrad was joined by fellow Senator Byron Dorgan and Congressman Earl Pomeroy in urging Social Security to keep the office in Dickinson open. The three lawmakers are from North Dakota and all of them are members of the Democratic Party.

### UNITY

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# Union wins stagnation in grade case

By John Oertel  
Staff Writer

A Service Representative from New Jersey has reason to celebrate.

The employee recently won an arbitration hearing – six years after she was denied a promotion to Claims Representative. In a 14-page ruling, arbitrator David Stein stated that she was “stagnated in grade,” was not properly considered for CR openings, and should be promoted retroactively with full back pay, benefits, and interest.

“I feel great about this win,” says Patti McGowan, the Union attorney who represented the employee. “It came out during the hearing that she is always the first person in the office and the last one to leave, so she was blatantly denied a promotional opportunity.”

The employee (who did not wish to be identified) joined the agency in 1990 and first applied for a CR position about two years later. Stein noted in his decision that she “received cash awards in recognition of her job performance and that she has never been the subject of any adverse or disciplinary action. The grievant has not exhibited any time and/or leave problems during her career with the agency.”

It was also revealed during the hearing that Ronald Farrington violated the contract when he had a conversation with the employee’s supervisor and other management personnel in the office where she worked. At the time, Farrington was the agency official who selected from the “best qualified” lists in the Montclair and Paterson, NJ

field offices.

“Farrington never interviewed (her) for the available positions,” the ruling stated. “He allowed that he had been unaware of the grievant’s receipt of cash awards or bonuses, although (she) had submitted evidence of same...”

The agency argued that the employee should not be considered “stagnated” in grade because she did not apply for *every* opening within a 30-mile radius of her work area, but that notion was rejected by the Union and the arbitrator.

“There is NOTHING in the contract telling her she had to do that,” McGowan said. “The agency just made it up.”

The Agency has appealed the decision with the Federal Labor Relations Authority.

## Labor Notes Women play lead in labor history

In prior editions of the **UNITY**, we’ve been detailing events which have occurred throughout American history that have had an effect on organized labor. This article highlights the role that women have had in the workforce:

- In 1765, the first society of working women is formed. The organization calls itself the “Daughters of Liberty.”
- Women are the only employees hired at the first American cigar factory. The year is 1810 and the plant is located in Suffield, Connecticut.
- In 1834, hundreds of women go on strike in Dover, New Hampshire; they’re concerned about wage reductions and they also want to organize.

- Female workers strike at five cotton mills in 1845 in Allegheny, Pennsylvania; they want a ten-hour workday and their cause is supported throughout New England.

- In 1848, the state of Pennsylvania passes a law that calls for a ten-hour workday. Some employers violate the law, prompting female mill workers to riot.

- The International Ladies Garment Workers Union is formed in 1900.

- The U.S. Supreme Court (in *Muller v. Oregon*) rules that laws limiting the number of hours a woman can work *are* constitutional. The decision was unanimous and Justice David Josiah Brewer wrote: “That woman’s physical structure and the performance of maternal

functions place her at a disadvantage in the struggle for subsistence is obvious.” The year was 1908.

- Massachusetts adopts the first minimum wage law in 1912 for women and children.

- In 1913, the Department of Labor is established. Five years later, that agency introduces the “Women in Industry” division. In 1920 its name will be changed to the “Women’s Bureau.”

- The United States had 18,600,000 union workers in 1944 (at the height of World War II); three-and-a half million were women, who played a major role in the war effort.

- In 1974, the Coalition of Labor Union Women is formed in Chicago.

# Council attorney always looking for cases

If you ever have to find Patti McGowan, you might want to check the airport in Baltimore. Or Atlanta. Or San Francisco. She travels a lot.

“It can be brutal,” she admits, “but I like the work and I really like the hearings.”

For the past six years McGowan has represented Council 220 on numerous arbitration hearings around the United States, but she deals primarily with “back pay” issues (including leave, overtime, and suspensions). Occasionally there are cases involving EEO complaints and the Merit System Protection Board.

In her spare time she does “pro bono” work for the Maryland Disability Law Center, but that free time doesn’t seem to come around too often.

“I don’t have a 9 to 5 job in that sense,” she says. “If someone needs to get ahold of me – at night or on the weekends – they can have my cell phone number.”

Since she began her work with Council 220 in October 2001, she

has noticed a dramatic change in Social Security’s management and legal staff.

“I think with the sanctions they’ve gone crazy and I don’t know why they’re doing that because we (the Union) have had so many wins.”

McGowan adds: “They’re a lot more adversarial than when I first got hired. Most of their people used to be agency reps, not attorneys, and now it’s almost exclusively OGC (Office of the General Counsel) lawyers.

“And they are not treating their employees too well. Instead of helping them, it’s like the agency is making it more difficult for people to get their jobs done,” she concludes.

And why have these Social Security officials changed their attitudes?

“I don’t know,” she says. “It may have had something to do with Bush being elected.”

She’s also not sure how long this hostility toward employees will last, but McGowan noted one rea-



Patti McGowan

son to be optimistic.

“Maybe it’s something the new Commissioner (Michael Astrue) will change.”

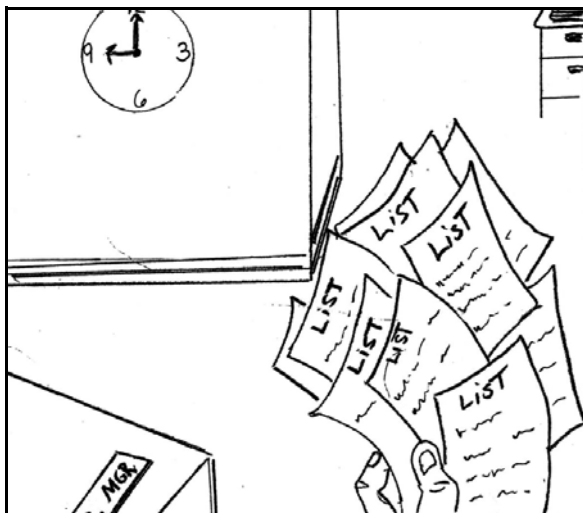
When problems do arise, she encourages Locals to call her and get input.

“I’m always looking for new cases,” she admits, “even if they just have questions.

“I win more than I lose, and I am only successful because the Local that refers a case does a good job investigating it all the way through the grievance process. I don’t believe the agency does that.”

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## The Never-Ending List Meeting



By Darlene Tinsley

# Public disgusted with manager's behavior

Maia Burchell, the manager of the SSA Office in Cullman, Alabama, has apparently never heard the term "Southern hospitality."

AFGE Local 3438 filed a grievance against her because of the hostile work environment that exists in the office, but it was denied by Claudia Harris in the Birmingham, Alabama Area Director's Office.

The public has also been appalled by Burchell's behavior and several letters have been written to Regional Commissioner Paul Barnes in Atlanta. Below are some excerpts:

"The only thing I can say about her (Burchell) is that she is consistent, she is a Habitual Liar. She lies to her superiors, she lies to her subordinates, she lies to the public, and she lies to the people trying to help her," wrote one businessman in the Cullman area. "...To me, it is adding insult to injury that my hard earned tax dollars are wasted by paying someone like Maia Burchell. She is not performing her job; she is not serving the public."

A retired Social Security employee went even further. She and Burchell worked together for several weeks and she described

Burchell's interactions with employees and the public:

"It was obvious that Maia was not knowledgeable of Social Security programs and the most basic rules and regulations concerning our workplace...During my time away, she had "retrained" employees in various subject areas in such a way that was confusing, inaccurate, and appalling. I observed her dealing with the public in a manner that was terse, rude, and (she) often gave and directed the employees to give wrong information and direction to the public."

That same letter writer, who now works in private industry, also mentioned that "while sitting in the waiting room, I have had numerous occasions to observe Maia interact with the public. The most extreme situations: one in which she berated an illiterate man (he told her he was illiterate) for not being able to navigate the kiosk to receive a number for his turn, in front of others in the waiting room, guards, and people at the window."

Fran Walker, the Executive Vice President of Local 3438, noted in her grievance that 16 employees have left the Cullman office since Burchell arrived in March 2004. Another person who's dealt with the situation and talked to the staff told **UNITY** that "the employees are scared to death of her."

A letter from an attorney's office to the Regional Commissioner made this observation:

"I hope something can be done about this situation so that the good people of the Cullman Social Security Office can get some of their dignity back – dignity that Maia has practically stomped out of them."

## St. Louis TSC workers paid overtime—finally

An illegal practice that lasted for about two years at the St. Louis teleservice center has apparently come to an end.

Lynn Keller, the now retired Union Steward for Local 1336 and an employee at the 800-number site, says newly-hired TSR's were told they could not work more than eight hours a day. Credit hours and overtime were never mentioned, even though some employees worked past their tour of duty and management knew about it.

Another situation involved employees who worked more than eight hours a day and showed those extra minutes on the office timesheet. Keller says management officials directed employees to change those time and attendance records to falsely indicate they were only there for eight hours.

"That is a violation of law," says Dana Duggins, the Third Vice President of Council 220. "A referral has to be made to OIG (the Office of the Inspector General) so they can do a proper investigation. Penalties for that sort of thing range from termination of employment, to fines, to incarceration."

Keller says management's excuse for not compensating employees was a familiar one: the agency didn't have an overtime budget.

"Whether that's true or not, it doesn't matter," she noted. "According to the union contract, people cannot work for free."

Keller believes management is now following the contract and the law, but the issue of non-pay for that two year period will go to arbitration.



# As employees work harder, SSA officials rake in the award money

Over the last two years, a dozen high-ranking Social Security officials have received nearly \$700,000 in performance bonuses and award money.

The largest amount was given this year to Pete Spencer, the Regional Commissioner in San Francisco, who got \$56,708. That's almost equivalent to the *total* annual salary of a GS-11, Step 7.

"Most employees are lucky if they get a few hundred dollars at Christmas – and that's after all the taxes have been paid," says Witold Skwierczynski, the President of AFGE Council 220. "They do the bulk of the work while management rewards itself.

"The amount of award money that's been given since 2005 would have easily paid for all 40-year employees to go to Baltimore this year and be recognized for their accomplishments, but the agency has ended that tradition."

Council 220 has already asked the House Committee on Government Reform and Oversight, as well as the Congressional committees responsible for Social Security, to investigate the bonuses and why they are given.

"This is public service – not private enterprise," Skwierczynski noted, "and these bureaucrats are lining their own pockets with award money.

"We looked at the list of members on the Performance Review Board for 2007 and discovered that some of the people who got awards – were on that panel," Skwierczynski said. "In other

words, they were essentially giving money to themselves."

He also noted that employees no longer serve on award panels; that's because of a demand made by the agency during the last contract negotiations.

"Bargaining unit employees cannot evaluate each other but management officials are handing-out money right and left to their friends," Skwierczynski added. "Is that fair?"

"Linda McMahon was even rebuked by Congress for not testify-

ing about the adverse impact of staffing cuts on agency operations. Now she's rewarded for that kind of behavior."

Spencer has been responsible for the closure of more offices than any other Regional Commissioner, greatly reducing services to the public. At the same time he receives performance bonuses.

Neither former Commissioner Jo Anne Barnhart nor the current Commissioner, Michael Astrue, received any award money because they are Presidential appointees.

## The more you have, the more you get

These figures were obtained by **UNITY** through a Freedom of Information Act Request. We will publish more articles about award money given to SSA officials.

**Linda McMahon**  
Deputy Commissioner for  
Operations

2005: \$22,000  
2006: \$24,000  
2007: \$25,000

**Milt Beaver**  
Associate Commissioner,  
Office of Labor Management  
and Employee Relations

2005: \$1,500  
2006: None  
2007: \$8,000

### Regional Commissioners: 2005

	2005	2006	2007
<b>Manuel Vaz</b> (Boston)	\$ 8,000	\$10,000	\$20,000
<b>Beatrice Disman</b> (NY)	22,000	54,527 **	25,000
<b>Laurie Watkins</b> (Phila.)	20,000	20,000	20,000
<b>Paul Barnes</b> (Atlanta)	2,000	54,527 **	22,000
<b>James Martin</b> (Chicago)	9,000	12,000	12,000
<b>Ramona J. Schuenemeyer</b> (Dallas)	15,000	24,000	20,000

### Michael Grochowski

(Kansas City)	29,120***	24,000	10,000
<b>Nancy Berryhill</b> (Denver)	—	12,000	14,000

### Pete Spencer

(San Francisco)	20,000	22,000	56,708**
<b>Carl Rabun</b> (Seattle)	7,246	10,000	10,000

\*\* Distinguished Rank Award: winners receive a lump-sum payment equaling 35% of their base pay.

\*\*\* Meritorious Rank Award: recipients get 20% of their base pay.



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**Know Your Rights**

**Some SSA managers show their dark side**

**By Howard Egerman  
Local 3172**

The mission of the Social Security Administration, as stated on its official website, is clear:

*“To advance the economic security of the nation’s people through compassionate and vigilant leadership in shaping and managing America’s Social Security programs.”*

Apparently those leadership skills only apply to administering programs and helping the thousands of people who contact the agency every day. Based on some recent examples from the field, they do not always extend to the bargaining unit:

- An employee loses her baby and is in the hospital, feeling despondent. What is management’s reaction? Rather than

offering some basic human kindness, she’s told that she’s needed back at work and if she wants additional time off, she has to get a medical excuse.

- An employee’s son dies unexpectedly and the employee is devastated. They would like some time to grieve, but instead, management tells them to return to work because that’s where they are needed. This matter was recently brought to the attention of Senator Dianne Feinstein’s (D-Calif.) staff.
- Another employee is at home, dealing with the death of a parent. There are some legal issues that also have to be finalized – but again, management calls and wants to know when the employee will return to work. Management also wants proof

the worker needs medical assistance to deal with the loss.

- There have been incidents in Region 9 (San Francisco) where members of the bargaining unit have been told they can only get their leave approved if they reschedule their medical appointments or they can find someone else to take their claims for them. This has happened to employees who are NOT on leave restriction.

If any of these situations (or something like them) happens to you or a co-worker, don’t suffer in silence. Contact your Union Rep so it can be dealt with immediately. If you let your manager or supervisor get away with this type of outrageous behavior, it only encourages them to try it on someone else.