

UNITY

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Obama: Union optimistic

With a new administration taking over the White House this month – and more Democrats filling seats in the House of Representatives and the Senate – the outlook for Social Security and its employees appears bright again.

“In just the last four years, we’ve lost more than nine per cent of our staff because of budget cuts,” according to Dana Duggins, the Legislative Director of Council 220. “The number of Americans who were waiting for a hearing on their disability claim more than doubled during the Bush administration, but we’re hoping to reverse that trend and also make SSA a great place to work again.”

In a letter to AFGE National President John Gage last year, then-Senator Barack Obama criticized the idea of privatizing Social Security.

“I have spoken out many times against...the plan,” Obama wrote. “I also voted in 2005, 2006 and 2007 against amendments supported by Senator McCain and other Republicans that aimed to privatize Social Security.”

“The Bush administration was severely criticized for its privatization proposal,” Duggins said, “so it did the next best thing, as far as it was concerned. It started cutting staff and making other program changes and it was getting to the point where Social Security was becoming a ‘self-help’ agency.

“That’s certainly not what lawmakers intended when the program first went into effect in the 1930s.”

Duggins is also hoping that changes made last year can be reversed or modified. Those include “Ready



‘Here’s my number’

President Barack Obama, while he was still on the campaign trail for his current office, met with AFGE National President John Gage.

Retirement,” IClaims, the use of so-called “third parties” to help Americans file for disability benefits, and no longer requiring proof of age or citizenship before receiving payments.

The General Accountability Office (GAO) recently created a website describing the challenges that many federal agencies are facing. Social Security, it believes, has them “on a number of fronts—outmoded eligibility criteria, disability claims processing, service delivery, and trust fund solvency.... Moreover, the criteria the agency uses to make decisions about eligibility for benefits may not sufficiently assess the work capacity of individuals in the

21st century.”

“Council 220 is going to do all that it can to help the Obama administration turn this agency around,” Duggins promised. “We know it won’t be easy because some of the bureaucrats in Central Office and elsewhere don’t want change. They’ll fight it every chance they get, but we will return to the days when claimants can go into an office and be seen quickly. Claims Reps and Service Reps will actually have a chance to help people again, instead of constantly referring them to the internet as they’re supposed to do now.

“I’m optimistic that SSA’s best days are still ahead of us.”

Union wins arbitration; manager criticized

An arbitrator has ruled in favor of AFGE Local 3509 over its continuing battles with Cassandra Newsome, manager of the Social Security Office in Washington, North Carolina.

The Union filed a grievance against Newsome because of statements she had made and actions she had taken against employees. The agency denied that grievance and the matter went to arbitration.

During a recent hearing, three members of the bargaining unit testified to the harsh working conditions they've endured since Newsome took over several years ago.

“(One employee) said that she was told by Ms. Newsome not to come into her office because she ‘smells like a dog,’” according to Arbitrator Stephen Owens. “(This same person) said she was the only employee told to sit in the back of the room during training sessions conducted by Ms. Newsome.”

Another woman said Newsome made inappropriate comments regarding her weight, hair, bad breath, and appearance. She also testified that she felt harassed when she requested extended leave to visit her mother, who was seriously ill.

Marva Peace, the Executive Vice President of Local 3509, represented the Union during the arbitration hearing. She characterizes Newsome as a “control freak” who will often tell employees, “I can get rid of you at the drop of a hat because I have that kind of power.”

In his decision, Owens also stated that Newsome’s conduct did not support a professional and healthy work environment:

“The testimony of each of the three witnesses...was fraught with palpable emotional element as they described their interactions with Ms. Newsome. Clearly each of Ms. Newsome’s subordinates was personally and adversely affected by

(her) inappropriate supervisory style...Moreover, upper-level management had been made aware of employee complaints emanating from the Washington office.”

Owens then ordered the agency to “cease and desist” and not allow its supervisory personnel in the Washington, NC office to engage in conduct that violates the AFGE/SSA National Agreement.

Peace noted that facility has ten bargaining unit employees and three members of management.

“That’s a very high number of managers for such a small office,” she believes. Peace also told **UNITY** that a supervisor was brought into the office after the arbitration and she apparently acts as a “buffer” between Newsome and the rest of the staff.

...more about Cassandra Newsome

Since Newsome became manager in Washington, North Carolina, several current and former SSA employees have written to the Union about her behavior. Below are some excerpts from their emails and affidavits:

- “My manager implied that I was on illegal drugs or abusing prescription drugs. Neither of these is true. She has lied to me before that she has found marijuana in items I have brought to work.”
- A member of the bargaining unit explained to Union officials that he suffers from a chronic illness and must occasionally call-in sick. “On one occasion, when I explained to her (Newsome) that I was having a flair-up, she told me to ‘put on a Depend or a diaper or something and come to work.’”
- A former employee wrote that she was advised not to go to work because of an approaching hurricane. She called into the office and “Ms. Newsome responded ‘you will bring your fat a— to this building.’”
- That same person also claimed that Newsome once followed a pregnant employee into the bathroom and “I could hear her (Newsome) screaming even with the door closed... She screamed that (the employee) would need to vomit in a trashcan at her desk, rather than make so many trips to the restroom. (The employee) routinely vomited into a trash can as she continued to endure her pregnancy.”

UNITY

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SSA Good Samaritans are on their own

Life and death decisions are made on a moment's notice. In an emergency, most people will instinctively administer CPR, or give mouth-to-mouth resuscitation, or help to evacuate a disabled person when the office fire alarm goes off.

At Social Security, that may not be such a good idea anymore.

Mary Glenn Croft, the agency's Deputy Commissioner for Budget, Finance and Management, recently issued a memo concerning employees and their potential legal liability if they provide help to others who are in an "evacuation chair" (which is used to transport the disabled down stairs).

"The Office of the General Counsel (OGC) researched the issue with the Department of Justice (DoJ) to determine what specific assistance either we or DoJ could provide an employee who might be sued," Glenn Croft wrote. "Since different laws apply in different localities, the answers varied across the country.

"As a result of these discussions between DoJ and our OGC, we cannot guarantee either financial or legal assistance from SSA or DoJ if an employee is sued as a result of providing aid when using an evacuation chair." (Emphasis added).

Steve Kofahl, a member of the Council 220 Executive Committee and President of AFGE Local 3937, reacted to that memo with a great deal of caution. He noted in his own e-mail that SSA employees will be defended by the Department of Justice when they are performing agency work, but "if you are not doing work that is part of your job, you may not be defended by DoJ."

Giving CPR, he pointed out, "is



Photo by Barbara Jackson

Getting Buy-In

Janet Winghart gives a presentation at the Presidents' Meeting held recently in Las Vegas. Winghart is President of AFGE Local 2014 in southern Florida. Union officials spent three days discussing employee involvement in the AFGE/SSA contract negotiations, which begin later this year. More details of the Presidents' Meeting will be in the next edition of UNITY.

not an activity that is part of your job, so DoJ would have to make a determination whether to defend you, or not."

"We are unaware of any training that has been provided to any employee of any facility in Region X (Seattle) in the use of (evacuation) chairs," Kofahl wrote, "and we recommend that if you have not been trained in using one of these devices you not volunteer to do so in an emergency.

"If you have been trained, and possibly assigned the duty as a floor monitor, you should think carefully about your responsibility and any personal liability you may have if you assist a fellow employee or member of the public.

"We do not wish to discourage your voluntary assistance to those in need, either using CPR, or helping to evacuate a disabled person from your facility. We feel the obligation to warn you of possible

consequences if you do, so that you can make an informed decision.

"You should also know that management officials are provided the opportunity to buy liability insurance subsidized by SSA, and that this is a protection not offered to bargaining unit members."

Corrections:

The November-December UNITY incorrectly listed Pennsylvania incumbent ousted by Kathleen Dahlkemper as two-term, when in fact Phil English was a seven-term Congressman. ("November 4 results inspire hope among Union campaign workers.")

In the same issue, "Study examines DDS turnover" should have read in the last line:

"It also estimated that the cost of replacing employees can be as much as \$200,000 for each examiner in some states."

ODAR employee gets job back

By John Oertel
Staff Writer

An employee in the Office of Disability Adjudication and Review (ODAR) in Spokane, Washington was recently reinstated to her job – nearly three years after she was fired.

“She will receive full back pay and benefits, plus interest,” said attorney Patricia McGowan, who represented the employee, Veronica Agostino. The Technical Assistant (TA) on the case was Steve Kofahl of AFGE Local 3937, who was also Agostino’s Union rep when the case first began.

“Steve did an incredible job during the arbitration hearing,” McGowan told UNITY. “He also brought up a

lot of evidence after the employee was first disciplined and then terminated, but the agency dismissed it out of hand.”

Agostino was first reprimanded by her supervisor, Consuelo Gilbert, for alleged “misuse of credit hours and overtime.” Several months later, she was removed from her position as a Senior Case Technician for alleged “falsification of application for leave; being absent without leave (AWOL); and failure to follow instructions.”

In his decision, Arbitrator M. Zane Lumbley ruled that both the reprimand and removal were “not for just cause.” In his decision, Lumbley also criticized the steps taken by ODAR Hearing Officer Ron Tarbutton, who was respon-

sible for firing the employee.

“It (was) incumbent on Tarbutton to conduct his own independent investigation before deciding to issue his letter removing the Grievant (Agostino),” Lumbley wrote. “Absent such an independent investigation, which Tarbutton concedes he did not perform, interviewing not a single person and relying completely on what Gilbert gave and told him, the necessary checks and balances in the disciplinary system are not present.”

McGowan believes ODAR officials went after the employee because of her leave balance.

“It’s what happens to a lot of people,” she said. “She was taking a lot of leave and that’s what cost her.”

She might as well have said, ‘Clean up, you slob!’

By Pam Baca
President, Local 1802

The email began innocently enough with this tagline: “No ‘Casual Friday’ on May 9”. It was sent to employees in the Colorado Springs Social Security Office by manager Joann Russ and the message read in part: “On Friday, May 9, we are hosting an Attorney Meet and Greet to give our area attorneys an opportunity to meet us and to learn how to use the internet to file initial claims and appeals. In order to project a positive, professional image I highly encourage all of you to suspend “Casual Friday” attire and dress appropriately for this day.

“We also suggest observing the clean desk policy that will help portray the positive image we want to extend. This includes having season-appropriate decorations and a non-cluttered work area. We would like some volunteers to meet attorneys as they arrive at the office. Each volunteer would take a few minutes to give his or her guest a tour of the office. If you are interested in being a “tour guide”, please let me know...”

My first reaction was disbelief! How could something that seemed so innocent be so full of problems? On top of the dress code and cluttered desk issues – as well as the obvious insult to employees -- I immediately saw an insidious attempt on the part of the agency to once again push Internet service and to use its employees as pawns in this effort.

The bottom line is that Social Security wants its employ-

ees to impress visiting attorneys so the employees can impress themselves right out of a job. If more and more applications and appeals are taken over the Internet it will decrease (and perhaps eliminate) the need for Claims Representatives. That will result in SSA offering fewer face-to-face services.

And why should our clients use attorneys when they can get better and more accurate service from a highly experienced CR? Also, Americans who have paid their FICA taxes shouldn’t be forced to pay again (this time to lawyers, who can receive thousands of dollars based on back pay).

We also have to remember that attorneys and other “third parties” have an interest in getting their clients approved for disability benefits and this increases the likelihood of fraud. Some will say or do anything just to get paid, even if they have to falsify medical documentation or coach their clients into giving the “right” answers.

It’s hard to believe that one email resulted in the opening of several cans of worms for the agency. Two short paragraphs raised the issue of a dress code (which Social Security *doesn’t have*), policy concerns affecting both employees and claimants, and a lack of respect shown by Joann Russ (manager of the Colorado Springs SSA office) for her staff. The Union was able to address these matters because we were alerted by watchful, knowledgeable members of the bargaining unit. We always welcome their input and we know they will continue to keep us informed!

(Pam is also a Council 220 Regional Vice President, Denver.)



Jim Marshall

Union's Marshall looks back on 50-year career

When Jim Marshall began his career with Social Security in Baltimore back in September 1958 he was just 17-years-old and a GS-2, earning about \$2,960 a year. Technology, the office atmosphere, and the size of the bureaucracy have certainly changed a lot since then.

"When I started with SSA the disability program was just beginning," he remembered. "We weren't even paying benefits. We had about 100 people total in the entire disability unit. Now we have a program with about 15,000 people doing disability work. It's probably 40-50 per cent of our workload."

To celebrate Marshall's half-century of service, a dinner was held in his honor in Baltimore and he was recognized at a meeting of Local Presidents from all SSA components in Las Vegas. He has been President of Council 215 for 25 years; it represents about 5,000 employees in the Office of Disability Adjudication and Review (ODAR).

When Marshall first came to SSA, there were no computers and "we had to do everything ourselves. We looked up information on microfilm and calculated benefits by hand."

And what kept the teenager at Social Security?

"We used to have a card punching unit of about 400 young women and I had to interact with them daily. That was the greatest part of the job during my early years."

He also recalls having a very strict supervisor and "even if you went to the restroom, you had to sign in and out. It was a very formal atmosphere. Men had to wear

a white shirt and tie. Women had to wear dresses. You could smoke in the office and we had a bell that rang. That's when everyone on the floor took a break. When the bell rang again, your break was over."

Despite the rigid atmosphere "nobody was bothered by it," he said.

After leaving Baltimore in 1965, Marshall worked in the Kansas City Payment Center for about three years. He was later a Claims Representative in Baltimore for about four years and felt lucky by being promoted into a career job at ODAR, formerly OHA. He helped to establish his Union local at ODAR's Virginia headquarters in the mid-1970s when employees realized they needed protection from the new hard-core management.

"What I love about the Union – back then and now – is doing representation," he said. "Employees deserve good representation because management has all the tools on their side." He indicated he still represents employees with their grievances and at arbitration hearings.

And while he has considered retirement, Marshall has reasons for staying.

"I wanted to be around for the election. I also want to help with contract bargaining and to regain what was lost in 2005. I owe that to my employees and members.

"I also want to deal with a certain group of managers who've been laughing and kicking butts for quite a few years. Once I've accomplished those goals, I'll think about retiring."

Do you have a story?

UNITY is always looking for interesting people to write about (namely managers and supervisors). To submit stories about their outlandish behavior, send them to:

antelopetd@ameritech.net

It's suggested that you use your *personal* e-mail (NOT the agency's) when making submissions. Please include your name, the office where you work, and a daytime phone number, and use "UNITY" in the subject line.

UNITY will NOT publish your name if you request.

We are also looking for positive stories about management officials. Please send those to the e-mail address listed above and furnish us with the same information (your name, office, and daytime phone number).

Salinas manager retires after UNITY story

After years of verbal and emotional abuse, bargaining unit employees at the Salinas, Calif. Teleservice Center (TSC) are ecstatic that one of their supervisors has retired.

Roz Toliver was featured in the September **UNITY** after a three-page grievance was filed against her by Christina Barnachia, the President of AFGE Local 2003. Soon after the story was published, Toliver left Social Security.

"This was no coincidence," Barnachia said. "Roz's behavior was so outrageous that something had to be done. Whether she decided to voluntarily retire or the agency pushed her out, I don't care. She's gone and the employees can breathe a little easier."

Before leaving SSA, Toliver allegedly:

- "Growled" at an employee when he requested Union representation;
- Yelled at that same man in front of other people;

- Told a woman that she (the employee) could be fired for taking too much leave;
- Told a Technical Assistant that everyone in her unit was an "idiot";
- Treated a male employee unfairly because of his sexual orientation.

That information was disclosed during an oral presentation after the grievance was filed. Mitch Limbeson, manager of the Los Angeles TSC, was the SSA official who responded to the grievance.

"I believe it important to note that all five employees (who testified at the oral presentation) have had conduct issues that Ms. Toliver had to resolve," Limbeson wrote. "It is my belief these individuals have come forward to retaliate against Ms. Toliver."

That idea outraged Barnachia.

"It's a lie," she said. "Only one of them had a conduct issue and Roz wasn't even part of it. What about the

letters from the eight other employees in her unit that I submitted? He didn't mention them. I can't believe the agency tried to turn this around and put it back on the employees. It just blows me away."

She also noted that the agency never addressed any of the Union's concerns. Instead, Limbeson wrote that "even if the agency wanted to take action against Ms. Toliver we do not have jurisdiction because she retired September 30, 2008. The grievance is moot; the requested relief can not be granted, and there is no reasonable expectation that the alleged violation will recur."

"This is how the agency treats the Union," Barnachia told **UNITY**. "They delayed giving a decision as long as possible, in order to give this member of management enough time to leave.

"But at least Roz is gone. The employees came forward and decided to do something about it and ultimately, they got what they wanted."

Letter to the Editor

Dear Editor:

As a retired SSA Claims Representative who turned 62 in November, I was interested in your article "Union questions GAO findings on ISBA" (Volume 30, Number 6). While your article took exception to the absence of employee interviews about the Internet Social Security Benefit Application, I was hoping to see comments about problems with the process. Perhaps that could be a subject for a future article?

When I retired in 2002, Internet applications would supposedly free District Offices to concentrate on other workloads. People would file online, and their electronic claims would be handled by centralized "cadres" (one of SSA's favorite words). In reality, people would get ...an incomplete application, come to the local office and ex-

pect us to pick up where they left off. They'd be amazed we couldn't just jump into their application, photocopy their birth certificate and let them go.

Now, I have filed an Internet Social Security Benefit Application for Retirement. When I check my claim status online, I'm told that my claim pends receipt of military service – requested December 15. I've never received a receipt that shows contact information, I've never received a request for military service proof, and I did mail military service proof on December 15. I'm not criticizing a busy local office; I'm illustrating that online applications and their mechanized tracking responses can cause false expectations or concerns by the public.

As a member of the public, one of my concerns was inadequate response

space. I was given room to list two periods of military service. As a member of the Coast Guard Reserve, I had active duty almost every calendar quarter from 1972 to 1994. Since the online application can be adjudicated without being printed, my concern with the short remarks section is that one could resort to paper remarks that would not be associated. My online application shows my initial four years of active duty and could be adjudicated without reference to the huge envelope of "Active Duty For Training" Orders mailed in. I was careful in the remarks to elaborate that I was sending written comments about certain question numbers. I'm not sure I'd have done that without having been a CR myself.

Dennis Laurion
SSA Claims Representative (Retired)

Top Brass Bonuses

The names and amounts listed below were obtained through a Freedom of Information Act (FOIA) request submitted by UNITY in late July, 2008. A final response from the agency was received on November 12 (about three-and-a half months later). In the past, agency replies took around seven months.

(Note: At press time, Frank Smith, Michael Gallagher, and Felicita Sola-Carter were Assistant Deputy Commissioners. Everyone else was an Associate Commissioner.)

Fiscal Year (FY) 2005:

Michael Gallagher	\$22,000
Eileen McDaniel	15,000
Thomas Tobin	18,000
Dianne Rose	2,203**
Cherilyn Arnott	1,800

FY 2006:

Gary Arnold	10,000
Felicita Sola Carter	18,000
Jeffrey Hild	18,000
Michael Gallagher	22,000
Eileen McDaniel	12,000
Donna Siegel	17,000
Frank Smith	10,000
Thomas Tobin	22,000
Cherilyn Arnott	1,707
Sheryll Ziporkin	1,500

FY 2007:

Dianne Rose	4,500**
Cherilyn Arnott	2,000
Sheryll Ziporkin	800
Gary Arnold	13,000
Felicita Sola Carter	18,000
Jeffrey Hild	18,000
Michael Gallagher	22,000
Eileen McDaniel	15,000
Donna Siegel	18,000
Frank Smith	10,000
Thomas Tobin	22,000

** The total amount of two awards received in the same fiscal year

Big bonuses go to top Agency officials

At a time when the Social Security Administration was losing bargaining unit employees, the agency's budget was being cut, and the number of pending disability hearings continued to grow dramatically, high-ranking SSA officials continued to receive large performance awards.

"I don't get it," said Debbie Fredericksen, the Executive Vice President of Council 220. "The agency was on a downward spiral and the people in charge were rewarded for doing little or nothing to stop it."

The officials who received the most were Assistant Deputy Commissioner Michael Gallagher and Associate Commissioners Thomas Tobin and Eileen McDaniel. (See accompanying chart).

"These amounts were being handed-out at the same time the agency changed its appraisal system for the bargaining unit and fewer employees were being recognized for their hard work," Fredericksen noted. "Those employees who received an award generally got much less than in previous years, but it doesn't appear that management cut its own performance budget at all.

"Where is the fairness in that? And what are these high-priced bureaucrats doing that is so important that they deserve so much money?"

Council 220 has asked the House Committee on Government Reform and Oversight to investigate the large bonuses given to SSA executives. Fredericksen is optimistic that with a change in administrations, the White House will also do something to curb these excessive awards.

"President Obama has already promised to go over the federal budget line by line," she said. "If that's done – and I believe it will be – someone will notice that SSA officials have been taking advantage of the award system."

For Union News and a searchable SSA-AFGE National Agreement, go to
www.afgec220.org



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Agency tells public: Go file your claim online!

“Please go home and file online. We are unable to see you. We can’t do your claim right now. We will call you tomorrow.”

That’s what employees in one Northern California Social Security Office were recently told to say when members of the public came into the office and wanted to file for Retirement benefits that same day.

Katrina Lopez, President of Council 147, was informed of the policy and quickly sent an email to Area Director Richard Love and Regional Commissioner Pete Spencer.

“As an SSA employee, a member of the public and an officer of AFGE, I find this to be both disturbing and offensive,” she wrote in her message.

Love later responded that online services were just one *option* available to the public and “the intent is

not to limit the availability of service just to the internet,” but other management officials have said the agency’s latest “goal” is to have at least 35% of all Retirement applications done online by the claimants themselves. That number will rise to 50% within a few years.

Love also pointed out that when clients say they don’t have a computer, “each district (office) has compiled a list of available sources for free internet access, such as libraries, senior centers, etc. which may serve their current needs.”

“This is not public service,” believes Charlie Estudillo, the First Vice President of Council 220, “and it’s another way for SSA to disadvantage those people who’ve worked their whole lives and just need a little help getting their benefits started.

“It also reduces the number of em-

ployees that SSA needs to do the job, while at the same time the agency is larding up the ranks of middle management with new positions that provide no direct public service. “

He was concerned about filing applications in public places on computers that may not be secure.

“The agency talks a lot about security. How secure is it to file a claim in a library, where someone could easily be looking over your shoulder? And how easy would it be for a hacker to get into that same computer and steal another person’s identity?”

Estudillo also asked: “How serious is SSA’s stated commitment to the security of PII (Personally Identifiable Information)?”

(See page 6 for an SSA retiree’s experience with iClaims filing)