

# UNITY

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## FCIP used to hire management relatives over more qualified

By John Oertel  
Staff Writer

Nepotism is alive and well at Social Security -- and Union officials believe some managers are using the Federal Career Intern Program (FCIP) as a way to bring their family members and friends into the agency.

According to the Office of Personnel Management, FCIP "is designed to help agencies recruit and attract exceptional individuals into a variety of occupations." But Witold Skwierczynski, a member of the AFGE General Committee and President of Council 220, recently wrote a letter to SSA Commissioner Michael Astrue about the program being misused:

"Examples are the FCIP hire of Ryan Kulinski, son of Milwaukee Downtown District Manager Mark Kulinski or the FCIP hiring of Mark Fansler, nephew of Seattle Area Director Steve Dymale. Both Kulinski and Fansler were not only FCIP hires but they were quickly selected at the first opportunity to higher graded positions instead of highly qualified veteran employees not related to management..."

"If the agency persists in using FCIP as a hiring mechanism, AFGE will seriously consider filing a lawsuit to force the agency to

terminate this hiring mechanism, which was not ever designed for the routine hiring that SSA is using with stimulus revenue."

Skwierczynski was also concerned about Social Security's treatment of veterans.

"SSA's own statistics indicate that in FY (Fiscal Year) 08, 62% of hires in SSA were done under FCIP," he wrote. "Only 4.68% of these hires were veterans. Only 26% of hires in SSA in FY 08 were done under competitive procedures. However, 17.45% of competitive hires were veterans.

"FCIP clearly discriminates against veterans yet you persist in using it as the primary mechanism for hiring new employees... To use such a discriminatory hiring mechanism during wartime is unfathomable."

In a recent Commissioner's broadcast, Astrue touted SSA as a "leader of hiring persons with disabilities," but Skwierczynski called that statement "highly deceptive and distorts the truth."

"SSA does have a higher percentage of disabled employees than most agencies," he stated. However, SSA's promotion record for the disabled is miserable. Evidence indicates that the disabled are selected for promotions when they appear on well-qualified lists



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at a significantly smaller percentage than non-disabled employees.

"This poor promotion record has caused many disabled SSA employees to file a class action discrimination case against SSA for its failure to promote the disabled... AFGE is confident that the evidence will show that SSA discriminates against the disabled in the merit promotion process.

"You should concentrate in eliminating such discrimination rather than ignoring it and issuing false self-praising missives."

The union is documenting nepotism and cronyism in hiring and promotions in SSA. If you are aware of such practices, send specifics (i.e., names, offices, relationships) to:

[witold1@attglobal.net](mailto:witold1@attglobal.net)

Your name will be kept confidential if we use the information.

# Agency uses 'investigation' to intimidate employee

Why would a high-ranking official from the Social Security Administration travel all the way from Baltimore, Maryland to Murray, Utah just days before the last Presidential election?

Lionel J. Hall first introduced himself to the SSA staff in Murray as an "independent investigator." That was not true. He is actually with the Office of Labor Management and Employee Relations (OLMER), which gives advice to management when dealing with bargaining unit personnel.

Hall questioned all of the employees in the Murray office about a letter which had apparently been distributed there; it urged support for then-Presidential candidate Barack Obama and it listed three specific actions that AFGE members could take to help him get elected. If that had occurred, it would have violated the Hatch Act, which prevents federal employees from participating in partisan political campaigns during work hours or on Government property.

The letter was distributed anonymously but Hall quickly focused his attention on the oldest employee in the office, who also happened to be the only AFGE dues paying member there. The man does not want to be publicly identified so we will call him "Ted."

According to District Manager Mike Tenney, Ted was the local Union Rep, even though he had never functioned in that capacity.

## Tune in to 'Inside Government'

A myriad of problems facing the Social Security Administration (SSA), including underfunding and eroding leadership, was addressed on AFGE's "Inside Government" radio show. Two leaders from AFGE's National Council of SSA Field Operations Locals, President Witold Skwierczynski and Legislative Chair Dana Duggins, discussed the agency's issues. Skwierczynski and Duggins addressed iClaims security concerns, understaffing in field offices, a severe claims backlog, and a poorly executed awards program. The show aired Friday, June 12, but can be retrieved online. To listen, go to:

<http://www.afge.org/Index.cfm?page=PreviousShows>

**Browse the list — on your home computer, of course.**

During a second interview with management, Ted went through the Union mailbox and found the Obama letter there with no envelope. He gave the letter to Hall and Tenney – and that's when Hall suggested Ted might need to have Union representation.

"When Ted and Local 3251 President Francis Romney Darr arrived for their meeting with management, they were presented with a statement having no resemblance to the truth," said Pam Baca, AFGE Regional Vice President for Denver. "The statement indicated Ted received, opened and distributed Union mail to employees. It also read that Ted received the Obama letter and had it in his possession since it arrived at the field office.

"It went on to say that Ted did not remember if he copied the letter or distributed it to employees. In fact, Ted remembered the situation quite clearly—he did not regularly receive, open, or distribute Union mail. He did not remember the Obama letter and he did not copy it or give it to anyone."

Ted and Romney Darr then showed Hall the Union mail basket and the fact it was not secure.

"Despite all of this new evidence, Hall repeatedly said that he had 'enough to go on,'" Baca told **UNITY**. "He tried to pressure Ted into signing the false statement, but the employee refused. We still don't know the status of the agency's 'investigation,' but Ted never did anything wrong in this case."

### UNITY

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## *Union goes to bat for Texas worker struggling with illness, management directives*

Life is not easy for Lisa Heredia, a Claims Development Clerk in the San Antonio South SSA office.

For more than a year, she's been dealing with a number of well-documented medical conditions and a management staff that has charged her with being AWOL and assigning her work well above her pay grade.

Steve Peterson, the President of AFGE Local 2258, says the harassment began after Heredia filed a grievance alleging she had been denied Union representation; she had also been improperly placed on sick leave restriction despite a complete lack of evidence she had ever abused the agency's sick leave policies. Those issues are now at the arbitration level.

"It's a personal thing," Peterson believes. "The manager (Laurin Jimenez) doesn't like her. She punishes her for being sick. We have other employees in the office who take more leave for medical reasons than Lisa does, but nothing is done to them."

The Area Director is Karl Barnett and the Regional Commissioner is Ramona Schuenemeyer, but Peterson says neither of them has intervened to deal with problems in the office.

Heredia's supervisor is Barbara Senulis.

"I think management's plan is to try and make her life miserable so she'll quit," Peterson said. He cited one recent example where Heredia was in a car accident and two days later, barely able to walk, she brought in a radiology report showing she had injured her leg.

"Management wanted specific information from the doctor," Peterson told **UNITY**. "Lisa even gave them a copy of the police report, but management still said they would put her on AWOL if she did not bring in a 'satisfactory note.'

"Nothing she does is right and Ms. Jimenez is not going to cut her any slack. Even if she does bring in a satisfactory note, they will put her on LWOP (Leave Without Pay) because advanced annual leave is not given to those on sick leave restriction. Either way she doesn't get paid."

Peterson also said that Heredia, the sole support for her two grandchildren, is often assigned work that should be done by a Service Representative or a Claims Representative and she has even been put on the SR leave roster. Most recently, she was also placed

on their second shift for the first time.

Because of acid reflux disease and severe allergies, Heredia becomes hoarse after about two hours of interviewing; shortly after that, she loses her voice entirely if she continues talking. Despite those medical conditions, management insists on putting her at the front window every day with the SRs and because she is on second shift, she has to interview until 4:30 p.m.

"Management puts her in with all the SRs, but they won't promote her to that job or any other," Peterson said. "It's blatant retaliation because Lisa filed a grievance. So much for SSA's stated policy of being a model employer and treating its employees as its greatest assets."

## **FCIP employee files EEO**

A Service Representative in the Reno, Nevada Social Security Office was recently fired after less than a year on the job.

The former employee (who did not want to be identified) believes he was the victim of gender, race, and religious discrimination. He outlined his complaints in a letter to the SSA Civil Rights and Equal Opportunity (CREO) staff in Richmond, Calif.

"I am a first generation immigrant," he wrote. "A Muslim man who comes from a very good family. I have a different name, and I am of darker skin. I believe all of this played a factor with certain individuals who were my supervisors..."

"All I ever wanted was to get my foot in the door and succeed in the Federal Government. I thought that helping people, and using my knowledge and skills, would be a great benefit to myself and the agency as a whole. But I believe I was denied this right because I was different, because I was educated, because I was somehow a 'threat' to a few people in the office."

The former SR also alleged that Shelly Gresh, one of the Reno supervisors, harassed him because he refused to date one of her friends. He also claimed that he was subjected to undue scrutiny by other members of management, and that Gresh put his training evaluation and program on the agency's computer system, where it could be accessed by anyone in the office.

**UNITY** will publish updates to this story as they become available.

# GAO: SSA not prepared for future

A number of serious problems exist within the Social Security Administration, according to a recent report from the General Accountability Office (GAO), but SSA officials don't have a long-term plan to deal with the situation.

This study, which was prepared for the Senate Finance Committee, also pointed out that field offices served more than 44 million customers during the 2008 Fiscal Year; at the same time, the number of staff continued to decline and more employees are expected to retire within the next few years (see accompanying chart).

One of the agency's most serious problems is customer service.

"In fiscal year 2007," the GAO noted, "more than three million customers waited over one hour to be served. Further, SSA's Field Office Caller Survey found that 51 per cent of customers calling selected field offices had at least one earlier call that had gone unanswered."

In preparing the study, GAO staff went to 21 field offices and spoke to both management and bargaining unit employees.

"Staff at 13 of the 21 offices we visited characterized their phone service as inadequate, while staff in two of these offices reported that they did not answer their offices' phones at all," the report stated.

## More from the General Accountability Office report on Social Security...

The General Accountability Office (GAO) accumulated a number of statistics while investigating the Social Security Administration. Below are some examples:

- SSA wants to have *50 percent* of its retirement applications done online by the claimants themselves by the year 2012.
- The agency estimates that retirement and disability filings will increase SSA's workload by about 1 million annual claims by 2017.
- The Social Security Administration may experience an agency-wide retirement wave over the next couple of years; up to 44 per cent of its staff could leave by 2016.
- SSA's overall customer satisfaction rating dropped from 84 percent in Fiscal Year (FY) 2005 to 81 percent in FY 2008.
- The number of field office staff dropped 4.4 per cent from 2005 to 2008; the amount of work that was produced fell by only 1.3 per cent during the same period.
- Field offices are seeing an increase in their visitor volume. In FY 2006, an estimated 41.9 million people went into an office; by FY 2008, that number had jumped to 44.4 million.

It also pointed out that "while SSA conducts national surveys of customer satisfaction and provides field offices with customer comment cards, at ten of the 21 offices we visited, officials told us they did not use them, and where the cards were available, the results were not always systematically tabulated."

Another concern was low employee morale coupled with a high degree of stress.

"We asked 153 SSA employees at the 21 offices we visited to rate the stress they experienced in attempting to complete their work in a timely manner, and 65 per cent reported feeling stressed to a 'great' or 'very great' extent on a daily basis...Some staff told us that they feel they are letting down their colleagues and feel guilty about taking

time off, regardless of whether they use credit hours or annual leave."

SSA management acknowledged that growing workloads have seriously compromised the morale of their employees, but they say they've tried to ease that burden by authorizing the use of overtime. Some Union officials, however, have criticized that practice, saying employees who are already under a great deal of stress should not be expected to give up their weekends to do even more work.

"SSA faces significant challenges in the future," the General Accountability Office believes. "However, SSA remains without a plan that describes how it will continue to do more work with fewer resources and achieve its new strategic plan."

## *Supervisor sentenced to prison for theft*

A former supervisor in the Cleveland Southeast Social Security Office was sentenced to federal prison earlier this year for embezzling more than \$20,000 in agency funds.

Earl Lee was also ordered to pay restitution “at a rate of not less than 20% of gross monthly income,” according to the U.S. District Court for Northern Ohio.

Lee served his time at a minimum security facility in Morgantown, West Virginia and before being fired from SSA he was demoted to Claims Representative.

“That’s generally what the agency does,” said Darlene Tinsley of AFGE Local 3448. “Social Security never wants to admit that one of its management people will steal from the Government.”

The indictment brought against Lee stated that “on at least three separate occasions, the defendant caused either directly or indirectly Social Security benefit payments to be redirected to the accounts of persons who were neither Social Security Administration beneficiaries nor authorized to receive those monies, which totaled approximately \$20,182.72.”

Those incidents occurred in April and May, 2008. The agency suspended Lee last August and he was sentenced in January, 2009.

Before being forced out of Social Security, Lee was known for his abusive behavior toward the Union.

“For my performance review, he told me I didn’t do enough compared to other employees,” Tinsley said. “He also accused me of not returning calls promptly. I reminded him that I was on official time 50% of the time and he said, ‘you’re on Union business by choice.’”

“I even asked if my rating would have been higher if I hadn’t been doing Union work. He said, ‘Well, yeah.’ We filed an Unfair Labor Practice (ULP) against him for that comment.”

Last year, Lee and District Manager Bobby Reynolds had Union official David Sheagley thrown out of the Cleveland Southeast office (see the March, 2008 **UNITY**). A ULP was also filed over that incident, but the matter was settled when SSA recognized “the right of AFGE Union Representatives to perform representational duties, including conducting investigations and asking questions of employees...”

“The agency agrees that it will not interfere with, restrain, or coerce AFGE Union Representatives in the performance of its representational duties under statute and contract.”

Reynolds has since transferred to the Warren, Ohio Social Security office.

## **Ex-CREO official caught billing Agency for side business**

Apparently the Social Security Administration wasn’t paying Heriberto Sanabria enough – even though he was earning about \$50.00 an hour as manager of the Civil Rights-Equal Opportunity (CREO) office in Atlanta.

Sanabria recently pleaded guilty in federal district court to theft of Government property. Prosecutors say that over a three-year period (from March, 2004 to March, 2007), he billed the agency for expenses associated with his own consulting and conference planning company.

According to a news release from the U.S. Department of Justice, Sanabria submitted vouchers to So-

cial Security worth \$11,028.57 to pay for travel, lodging, transportation, and meals that were incurred while he was actually working for his business, known as “North and South Together” (or the “NST Group”).

Because Sanabria was in pay status as a federal employee while all of this was happening, he should have been charged 336 hours of annual leave. Based on his annual salary, that was worth \$17,029.68.

The total fraud in this case was \$28,058.25.

“The public expects Government workers to work for the Government, and not use the system for their own personal gain,” said Act-

ing U.S. Attorney F. Gentry Shel-nutt after Sanabria pleaded guilty.

Prosecutors also say he never received approval from SSA to perform outside work, which is required of all federal employees before they start a job that could result in a conflict of interest.

As head of the Region IV CREO staff, Sanabria managed 15 employees who provide EEO training and guidance to senior management officials. They are also responsible for overseeing the region’s diversity program, sexual harassment policies, and alternative dispute resolution.

# Campaign offends minority employees

By John Oertel  
Staff Writer

Racism continues to be a problem in Region IX (San Francisco) of the Social Security Administration.

Every month, employees are required to attend a meeting as part of the "Think Twice First" campaign. One issue is discussed (for example, what information is covered under the Privacy Act) and workers are reminded of the consequences if they violate the agency's policy, even if it is done accidentally.

One subject that recently came up was the proper use of Government credit cards. A flyer was distributed to each office in Region IX as part of that campaign and it was also posted on the agency's

intranet site.

"An employee was offended by that poster because it showed the feet of a black man on the beach -- and that man was apparently misusing his Government issued card," said Sylvia Norman, the President of AFGE Local 3172.

"The man in that flyer also has an alcoholic beverage with a Hawaiian lei next to the credit card," she continued. "That picture is racist and offensive to employees in my Local, as it would be anywhere. It's particularly insulting to the few African-American males we have in this agency.

"I understand that Social Security wants to prevent the misuse of credit cards, but why did it have to use the stereotypical message that African-American men steal?"

Norman voiced her concerns in an email to Elena Stonebraker, manager of the Region IX Civil Rights and Equal Opportunity Office (CREO). The Regional Commissioner is Pete Spencer.

"Elena said the man in the picture could be Hawaiian," Norman told UNITY. "She also said the picture had been used before, but that doesn't make the situation any better. I don't think Region IX will remove the flyer from its website, even though it carries a very hateful message."

Stonebraker also told Norman the design had come from headquarters in Baltimore.

"I find that very interesting," Norman said. "Is this type of attitude common in Central Office -- that African-American men will steal from the Government? If it is, something needs to change immediately because Social Security has a lot of African-American employees working at headquarters."

## Employee denied advanced leave after son dies

Management in the Stockton, Calif. Social Security Office recently did the unbelievable: they denied advanced leave to an employee whose son had died -- even though it is allowed under the law.

"I don't know if they did it intentionally," said Sylvia Norman, the President of AFGE Local 3172, "but management should have understood what's permitted *before* the leave request was denied.

"This employee was already suffering and didn't need the added strain and burden."

The employee (who will not be identified) was originally charged Leave Without Pay (LWOP) but that would have created a financial burden. After he contacted Local

3172, Operations Supervisor Sophia Kobrin almost immediately rescinded the agency's prior decision:

"We approved 40 hours of advance SL (sick leave) under FFL (Family Friendly Leave) for (the employee) for the week... We processed an amended T&A (Time and Attendance) today to amend the 34 hours of LWOP to advanced annual leave..."

"This is one more reason why we need a Union," Norman said. "Otherwise, this man clearly would have been disadvantaged by the agency. Let's hope other management officials never make the same mistake."



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# No 'chump change' for top dogs at SSA

2008 was a very, very good year for Manny Vaz.

He is Regional Commissioner for the Boston area, and according to information provided to **UNITY** under the Freedom of Information Act (FOIA), Vaz re-

ceived \$83,272 in award money last year.

"That's an amazing number," said Rich Couture, President of AFGE Local 1164, which covers all of New England. "There are a lot of career employees at Social Security who won't earn that amount of money in one year, and I have to wonder what Manny did that made his performance so special."

Both Vaz and Ramona Schuenemeyer, the Regional Commissioner in Dallas, received Senior Executive Service (SES) Rank and Performance Awards last year. Schuenemeyer was given \$54,725.

"What's even more amazing is that this kind of bonus money is doled out at a time when the agency is grossly under-funded and horrendously backlogged," Couture said. "Like with the AIG bonuses, why are senior executives receiving huge taxpayer-funded awards when SSA's day-to-day service to the public is suffering? All that money could have been used to improve public service by hiring new employees, or providing incentives to current employees through promotional opportunities and performance awards."

"Bargaining unit employees have been receiving substantially less in award money over the last couple of years," he continued. "That's because the agency changed the way it evaluated their performances. They continue to do an outstanding job, but Social Security refuses to recognize their contributions and instead rates them as 'average.'"

"Why should employees in the field, at ODAR, Payment Centers, and Wilkes-Barre always receive less while high-ranking SSA officials get rich?"

Council 220 has been concerned about the inequity of SSA's awards program for years and has notified Congress of the problem.

"We're optimistic that something will be done," believes Dana Duggins, Third Vice President of Council 220. "The Bush Administration and the Republican leadership in the House and Senate obviously didn't want to do anything about this situation, but the Union believes that with new leadership in Washington, change is inevitable."

## Show them the money!

*Senior Executive Service (SES) Performance Awards were given on December 24, 2006 (Christmas Eve) to the following individuals. They are considered 2007 awards:*

Linda McMahon, Deputy Commissioner for Operations	\$25,000
Milt Beever, Associate Commissioner, Office of Labor- Management and Employee Relations (OLMER)	8,000

### Regional Commissioners:

Paul Barnes (Atlanta)	\$22,000
Nancy Berryhill (Denver)	14,000
Beatrice M. Disman (New York)	25,000
Michael Grochowski (Kansas City)	10,000
James F. Martin (Chicago)	12,000
Carl L. Rabun (Seattle)	10,000
Ramona Schuenemeyer (Dallas)	8,000
Manuel J. Vaz (Boston)	20,000
Laurie B. Watkins (Philadelphia)	20,000

*More award money was also given throughout 2008. Most of them were SES Performance Awards and were announced on March 14 (except where noted).*

Paul Barnes	\$22,000
Milt Beever	12,500
Nancy Berryhill	17,500
Beatrice Disman	26,150
Michael Grochowski	13,500
James F. Martin	12,000
Linda McMahon	26,150
Ramona Schuenemeyer (SES Rank Award; Sept. 30)	32,975
Ramona Schuenemyer	21,750
Pete Spencer (San Francisco Regional Commissioner)	26,150
Manuel J. Vaz (SES Rank Award; Sept. 30)	59,897
Manuel J. Vaz	23,375
Laurie Watkins	21,250
TOTAL for both years:	\$489,197

**What you can do: Appalled by the bonuses received by top Agency officials? Write your Congressman: [www.house.gov](http://www.house.gov), and Senators: [www.senate.gov](http://www.senate.gov), on your home computer. Or ask your Local Representative to meet with your representatives (on official time) to voice your concerns.**



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## ***Unused sick leave could increase FERS***

The House unanimously approved a bill that could increase the pensions for federal employees covered by the Federal Employees Retirement System (FERS). The measure credits the unused sick leave of retiring FERS employees toward their time-in-service when calculating their pensions.

Employees under the Civil Service Retirement System (CSRS) already have this benefit. The House approved the measure, and rolled it into the FY 2010 Defense authorization bill. However, the Senate committee stripped the language from its version .

“Either the Senate restores the language on the floor of the Senate through an amendment, or the House needs to keep the sick leave language in the bill in conference committee,” said Council 220 President Witold Skwierczynski.

The bill also allows FERS employees who leave and then return to federal service to get credit for their previous service and to redeposit their retirement annuities so they can receive a pension for their entire federal service. CSRS employees now have this benefit. But CSRS employees also benefit from

the bill if passed. It would let CSRS employees who choose to work part-time at the end of their careers collect their full annuities.

The bill also extends locality pay to Alaska, Hawaii and U.S. territories, which currently only get cost of living adjustments (COLAs). The region would begin transitioning to the locality pay system starting in January 2010, when employees would receive one-third of the locality pay percentage for the rest of the U.S. In 2011, those employees would receive two-thirds of the locality pay percentage. And in 2012, they would receive full locality pay.

COLAs are based on higher cost of goods and services in regions while locality pay aims to close the gap between public and private-sector employees. Employees paid COLAs get smaller retirement annuities because locality pay boosts base salary, which counts toward their annuity calculations.

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*What you can do: Ask your Senators to support an amendment to the bill to include the ability for FERS employees to be credited for unused sick leave as time in service for their pensions. Go to [www.senate.gov](http://www.senate.gov), on your home computer and send them an email.*