

UNITY

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Partnership will have a new name: Labor-Management Forums

President Barack Obama signed Executive Order 13522 on December 9, “to establish a cooperative and productive form of labor-management relations throughout the executive branch.”

If the December exchange between AFGE’s bargaining council and Social Security’s top leadership is any indication, it’s going to be a bumpy ride to labor-management cooperation at SSA.

AFGE National President John Gage expressed some disappointment in the final order that doesn’t mandate “permissive” areas of bargaining, such as hiring.

“It’s not what we wanted, and I think most of our locals are going to go into this thing a little disappointed, but they’re going to go into it with good faith, and really try to make it work,” Gage said.

December correspondence between AFGE General Committee leadership and Reginald Wells, SSA’s Deputy Commissioner of Human Resources, indicates a rocky start. In its rush to schedule an initial meeting, SSA officials chose the first week of January to meet with Unions representing SSA employees. The first round of contract negotiations also scheduled that week would have prevented AFGE’s top SSA officials from attending.

AFGE also took exception with the representational strength of the groups being invited. SSA chose to equally recognize all four Unions who have contracts with the agency; only AFGE has recognition at the Commissioner’s

level and represents 95 percent of bargaining unit employees in the agency.

“We hope and expect that SSA will adopt a different attitude than it has exhibited in the recent past regarding Union involvement in SSA’s decision making process,” wrote Council 220 President Witold Skwierczynski in his response to Wells. “The success of implementation of the Executive Order requires such an attitudinal change.

“After reviewing the Agency’s initial contract proposals, it is clear that SSA’s intent is to severely restrict the [Union’s] ability to represent SSA employees.

By going after Union representatives’ access to agency time and travel reimbursement in contract proposals, the agency effectively hampers every employee’s ability to pursue grievances and other complaints.

Management proposed to bar non-employee union representatives from SSA offices. This would effectively prohibit retirees, union attorneys and other union staff from providing representational services to members.

Initial Agency contract proposals also take away official time from Union officers, which would make representation and communication (such as this **UNITY**) much more costly for Union members.

In most SSA field office Locals, Union officers manage grievances and spend much of their Agency time advising Local representatives. Under the 2005 contract official time reductions, Locals rely more on retiree and do-

Negotiations begin

Visit

www.mycontract2009.org

- Compare Union and Agency initial contract proposals.
- Find contract updates you may have missed.
- Comment on proposals.

Do you know co-workers who are not Union members? You should remind them that there is always strength in numbers and management proposals always benefit management, NEVER the employees.

nated personal time to accomplish representational activities.

“Attempting collaborative decision making while SSA aggressively attacks AFGE is impossible,” Skwierczynski concluded.

Agency proposals also limit employee use of leave and flexible work arrangements even more than under the current agreement.

For a full analysis of Agency proposals, members can access the Union’s Chief Negotiator’s comments at www.mycontract2009.org.

Missouri manager 'cooks the books'

By John Oertel
Staff Writer

The manager of the Independence, Missouri Social Security Office has apparently found a unique way to make himself look better: take applications from people without actually contacting them, and then process those phony claims.

When Jared Gaspard realized in June that his office would not meet its statistical "goals" for that month, he checked the agency's computer system to determine who had filed for Social Security Disability but not SSI.

According to Witold Skwierczynski, the President of the National Council of SSA Field Operations Locals, Gaspard then manufactured a series of SSI applications.

"He answered questions on these applications without contacting the 'applicants'", Skwierczynski wrote in a letter to Commissioner Michael Astrue. "Then he attested to the accuracy of the answers that he manufactured. Then he denied the applications for 'failure to pursue.' Such actions resulted in letters being sent to unsuspecting claimants that SSI applications that they had never filed were being denied..."

"These actions led to the office being credited for processing more SSI applications in the month. In addition, the short processing time for the fraudulent applications reduced the office SSI claims processing time for the month."

Skwierczynski also believes Gaspard used at least one unsuspecting employee in his scheme:

"Mr. Gaspard actually attempted to train a new trainee in the office

on how to create deferred SSI applications, complete such applications with no claimant contact, attest to their accuracy and input denial decisions. Fortunately, his (Gaspard's) actions were discovered before the trainee was able to execute any fraudulent SSI applications."

The situation was uncovered by a

'SSA has immediately suspended bargaining unit employees for less serious conduct.'

Witold Skwierczynski

Union representative who works in the Independence office, and she brought it to the attention of another member of management. The next day, the rep talked to Gaspard about his phony claims.

"Mr. Gaspard admitted...that he had taken 38 false SSI applications," Skwierczynski wrote in his letter to the Commissioner. "He also stated that he hadn't considered the entire ramifications of his actions since he engaged in the same practices in the Johnson County, KS field office. Shawn Cole is the manager for the Johnson County office.

"Mr. Gaspard told (the Union Rep) that he did it (i.e., attested to fake SSI applications) all the time in Johnson County."

The Commissioner never responded to Skwierczynski's letter.

The incident was later reported to the Office of the Inspector General (OIG), but Skwierczynski criticized Regional Commissioner Michael Grochowski for not taking immediate action against Gaspard and

Cole.

"SSA has immediately suspended bargaining unit employees for less serious conduct. SSA routinely suspends bargaining unit employee access to the SSA database if the agency has any suspicion of fraud..."

"Also, it appears that there may be a culture of statistical cheating in the Kansas City Region for the purpose of creating a false impression of agency performance. Hopefully there is not a culture of fraud in the region. However, these egregious actions warrant an investigation of the practices of management throughout the region. It appears that Regional Commissioner Grochowski is at minimum guilty of poor oversight of integrity in the region."

UNITY

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Manager 'off track' on work directive

By John Oertel
Staff Writer

Angel Ceballos, a management official in the Campbell, Calif. Social Security Office, recently had to rescind an order after it was brought to the Union's attention.

Ceballos wrote in an email that Title II Claims Representatives "are now required to provide all initial disability applicants with an official T16 determination. Meaning, a T16 claim is to be taken concurrently with every initial T2 Disability claim...T2 CRs are also to provide Retirement applicants who are over age 65 with an official determination for SSI."

An employee in the Campbell office notified Sylvia Norman, the

President of AFGE Local 3172.

Her response:

"Sounds like they (management) are padding the books."

Witold Skwierczynski, the President of the National Council of SSA Field Operations Locals and Council 220, also got involved and wrote to Roger McDonnell, the Assistant Deputy Commissioner for Operations.

"Forcing employees to take unnecessary claims when they are being inundated with work from claimants who actually have business with SSA is absurd and constitutes abuse of taxpayer resources," Skwierczynski stated in his email.

"Please indicate whether this is, in fact, SSA policy or whether this

management official is off track."

McDonnell's response was short: "This instruction will be rescinded. The management official is new and off track on this issue."

"Employees need to be warned that they could be subject to disciplinary action for cheating on office statistics," Skwierczynski told **UNITY**. "They should be encouraged to contact the Union when they are asked to engage in unethical behavior. We will take action to expose managers by name who engage in such conduct and demand that SSA fire such managers.

"Employees can contact me (at Witold1@attglobel.net) and I will notify Commissioner Astrue and Congress and demand action."

Know Your Rights

Managers still use AWOL to harass

By Charlie Estudillo
Council 220 First Vice President

Several years ago, I wrote a flyer about management's wrongful charging of AWOL. We are finding out that across the nation, managers are deceitfully charging AWOL to employees without informing them.

According to the AFGE/SSA National Agreement, AWOL can only be charged in the following situation: "*If the employee's leave status has not been clarified by the end of the shift, the absence may be charged to AWOL. This will not preclude a later change in leave status for good and sufficient reasons.*" (Article 31, Section 5, last 2 sentences).

Employees with emergency family problems are being hammered with AWOL by management officials, so always remember this:

Never take an AWOL!

If you think you will be late for work or a staff meeting or training, call in and request credit hours or leave. Put in a leave slip when you get to work, and if

it's denied, file a grievance.

If you are late for work, put in a leave slip "under protest" and submit a leave request to get it on the record. If you don't put in for leave then your "leave status has not been clarified" and you can be charged AWOL. Get the leave slip in; management has to accept it, though they may deny it later.

The AWOL procedure was intended to address situations where an employee doesn't show up for work, doesn't call in for a day or more and quite simply, can't be found (just like in the military). Protect yourself! An AWOL charge can be a later basis for discipline.

If you are going to be late returning from your breaks or lunch -- and management is dogging you on such mundane matters -- call the office and ask to take credit hours or leave. Some managers freak on the minutes and seem to forget about all the hours of good work you put in.

Don't get caught on the losing end of this game, and you only have rights if you use them!

Commissioner statement on EEO draws heated response

A recent policy statement from Social Security Commissioner Michael Astrue triggered a firestorm of protest from bargaining unit employees and Union leaders.

“Every year, we reaffirm our deep and unequivocal commitment to fully implement all Equal Employment Opportunity (EEO) rules and regulations,” Astrue wrote.

“We have a proud legacy of recruiting, developing and rewarding employees based on merit system principles,” he continued. “We remain fully committed to ensuring that every employment-related decision is based firmly on those principles. Every employee must be treated fairly without regard to race, color, religion, national origin, sex, age, disability, sexual orientation, marital status, or parental status.

“We have zero tolerance for any form of discrimination, harassment, or reprisal.”

Those statements were quickly refuted by Loni Schultz, President of AFGE Local 1346:

“I can cite numerous instances of EEO complaints that have been filed against Madison and Milwaukee managers who discriminate against employees on a regular basis and charge them with AWOL when they are suffering from disability related illnesses,” she wrote to Astrue.

“There have been five EEO complaints filed in Madison, Wisconsin by minority women. There have been three EEO complaints filed at Milwaukee North by minority and disabled employees... These managers make life a living hell for employees who are critically ill, disabled, or dealing with terminally ill parents or child-rearing responsibilities.

“If you really believe that SSA doesn’t discriminate against the protected classes, someone is hiding the facts from you.”

Pam Baca, a Union official based in Colorado, told the Commissioner that she has more than a dozen

EEO cases pending.

“Perhaps most heartbreaking is the fact that three of my cases involve disabled veterans. These are individuals who have given their health and wellbeing for the good of their country and now they must endure additional suffering.”

Baca also believes the agency quickly targets an employee who makes a claim of discrimination.

“The minute an employee seeks CREO (Civil Rights and Equal Opportunity) counseling, management goes to great extremes to label the employee as a poor performer who is rude to the public, can’t work independently, asks too many questions, fails to produce high work credits, is disorganized and does inaccurate work.”

Other employees wrote to Astrue about the problem of age discrimination.

“Each year I earn an award, do my work to the best of my ability, have no backlogs, mentor new Claims Representatives, and still I am passed over for the young employee who has only been with the agency just a few years,” stated a female employee from Pine Bluff, Arkansas.

Joan Florio, the First Vice President of AFGE Local 2452, told Commissioner Astrue that “everything your management does or fails to do is your responsibility.

“When discrimination, harassment and/or reprisal is brought to the agency’s attention either directly or through the OCREO (Office of Civil Rights and Equal Opportunity), the agency’s MO (modus operandi) is to discourage the employee from filing a complaint by contacting them directly, even though they have a personal representative, and telling them that they will not prevail or that they can’t file an EEO complaint on their particular issue, or trying to sabotage the employee’s rights by steering the investigation in favor of management.”



Union, Agency settle credit hour dispute

“A big win for the Union.”

That’s how Rich Couture, President of AFGE Local 1164, describes a recent settlement agreement between labor and the Social Security Administration.

In early 2009, he filed a grievance because some management officials in the New England area were limiting the amount of time their employees could work credit hours (See the June, 2009 **DI-GEST**).

“Their actions in the Boston Region infringed upon the ability of employees to request, work, and earn credit hours simply because management disliked credit hours and wanted to exert control over them,” Couture said after the settlement was reached.

The AFGE/SSA National Agreement that took effect in August, 2005 allows employees to accrue up to 28 credit hours during any pay period; full-time workers can carry over a maximum of 24 hours from one pay period to the next.

“Management isn’t losing any time off by employees exercising this right,” Couture believes. “Managers and supervisors still have the right to assign the work to be performed during credit hours, just like during the regular work day. The agency certainly has plenty of work that needs to be done.”

The settlement also stated “that management will not arbitrarily restrict the ability of employees to

earn credit hours to particular days during the work week (Monday through Friday).”

A grievance similar to Couture’s was filed by Local 3172 because credit hour requests were being denied in the Stockton, Calif., SSA office.

“This settlement should help to resolve that issue and any others pending around the country,” Couture said. “Looking toward contract negotiations, it should serve the negotiators by providing documentation supporting Union proposals regarding credit hours.”

Montana manager collected Agency awards for ‘work’

The former manager of the Great Falls, Montana Social Security Office continued to receive large bonuses even though she was named in several EEO complaints, unfair labor practices, and other grievances, **UNITY** recently learned.

Diane Artist retired in 2007 soon after she was profiled in **UNITY**. That July 2007 article pointed out several episodes of her outrageous behavior:

- She once wrote-up a female employee for wearing thong underwear to work. Artist had looked at the undergarment long enough to identify its color and pattern. At the time of the incident, the employee was bent over (out of public view) and looking for files.
- Artist threatened to fire an employee who was eight-and-a-half months pregnant with a history of health problems.
- She routinely yelled at employees in front of other people and talked to the office security guard about personnel matters involving members of the bargaining unit.

“It’s unbelievable that this agency would reward a manager

who treated her staff so badly – and not just once, but all the time,” said Pam Baca, the Union steward who handled the problems in Great Falls. “If an employee had engaged in that type of ridiculous behavior, they would have been fired on-the-spot.

“Once again, management at Social Security has proven there is a classic double standard between those who are in-charge and those who deal with the public.”

According to figures obtained through the Freedom of Information Act (FOIA), Artist received an Individual Performance Award in May, 2006 worth \$1,250. Seven months later, she was given another Performance Award that paid her \$1,300.

In 2007, around the time she was profiled in **UNITY**, Artist received two awards worth a total of \$2,000.

“What’s really interesting about those last two awards,” Baca said, “is that they were issued within a week of each other. If Diane Artist was such a good manager, I could have understood the agency’s rationale, but she caused nothing but problems while she was in Great Falls.”

FYI

Need to file a grievance?

Visit

www.afgeC220.org/Library

for help.

Suspension reversed for TSR

“What kind of management official would suspend an employee for two days without pay after that person got seriously ill at work?”

Patti McGowan still can't believe it happened to a Teleservice Representative (TSR) in Fort Lauderdale, but she represented the employee at a recent arbitration hearing and won the case. She was assisted by Janet Winghart, the President of AFGE Local 2014.

Arbitrator Barney Spurlock, Jr. noted the TSR has been with Social Security for about 30 years, requires a wheelchair, a personal assistant, a “walkie-talkie” radio, a panic button at his work station for immediate contact with management, and he has a medical disability that is well-documented and known to the agency.

Spurlock stated Operations Supervisor Rafael Torres was conducting a service observation and listening to the employee's call when the incident happened.

“Mr. Torres continued to stay on (the TSR's) line for approximately 12 minutes,” the arbitrator wrote in his decision. “During this period of time he made no attempt to contact (the employee) or to advise the caller on hold that she had not been disconnected.”

Torres then asked another member of management to check on the employee, who said he was taking medication for a serious bout of acid reflux but would be fine. A few minutes later, Technical Advisor Howard Pinney saw the TSR near his work station.

Pinney described him as “red faced” and in “obvious distress,” but his personal assistant was there.

The employee's supervisor, Donna Mellender, later spoke to the employee, who said he'd been feeling sick and was having difficulty talking.

“When asked on cross examination (during the hearing) whether she believed (the TSR) was sick...Ms. Mellender was evasive and did not directly respond to the question,” Spurlock

stated. “Ms. Mellender did not investigate as to whether (the employee) had a working walkie-talkie available nor did she interview (his) personal assistant or Mr. Pinney, the Technical Advisor who assisted (the employee).”

Instead, Mellender suspended the teleservice representative for two days without pay for “discourteous tele-

phone behavior.”

That decision was reversed by the arbitrator, who said the employee must be reimbursed for those lost wages and with interest. The suspension will also be removed from his personnel folder and management won't be able to reference it later.

Astrue's message short, belies less than sweet relationship

Labor Day – the traditional end of the summer holiday season – is not just about barbecues, drinking beer in the backyard with friends and family, and having the day off.

The Department of Labor refers to the first Monday in September as “a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country.”

Apparently that enthusiasm was lost on Social Security Commissioner Michael Astrue, who was able to summarize his feelings last year in only 24 words:

“Please have a happy and very safe Labor Day weekend! Thank you for all that you do each day to serve the American people.”

Astrue's message was sent to all SSA and DDS staff members across the United States, but it *underwhelmed* large groups of employees and Union officials. David Sheagley, an AFGE Regional Vice President for the Chicago area, described the email as a “disappointment” and noted that Unions weren't mentioned and “workers were not given their due as the creators of the great American middle class.

“Labor is the basis and reason for wealth in society and Labor Unions provide individuals with a voice that would otherwise be silent were it not for the binding together of common interests that Unionization accom-

plishes.

“Blood has not been spared over the years as workers, bound by common necessity, come together to insist on decency in the workplace...”

“The least you could do in your high office,” Sheagley suggested in his email to the Commissioner, “is to open your door to discussions with the Unions representing employees in the agency you are appointed to lead. You have closed your door which is even more noticeably a shame during the Labor Day weekend.

“So much of what you enjoy in life, the comforts of your life, is due to workers risking their lives and their family's welfare to say ‘no’ to exploitation.”

Astrue's response was almost as brief as his Labor Day message:

“Actually I talk to Union leaders who maintain a civil dialogue on a regular basis and I've asked the Department of Justice to support some recent public employee litigation to which we were not named as a party.”

That comment drew a sharp rebuke from Dana Duggins, the Third Vice President of Council 220.

“Our Council President (Witold Skwierczynski) has always been very cordial and civil toward the Commissioner,” Duggins said. “The problem is – Astrue only likes to talk to people who agree with him, and frankly, that circle gets smaller every day.”

Retired Union rep remains active

Marva Peace does not mince words.

“They just lie habitually” is how she describes management at the Social Security Administration -- and after nearly a-quarter century of Union work, she knows what district managers, supervisors, and others are capable of doing.

“One management official had a prejudice against black women in particular,” Peace told **UNITY**. “Another admitted that he handed-out promotions based on race. He was just so sure of himself. Of course, we won that discrimination case.”

Peace recently retired from SSA after almost 36 years of service. She began as a Service Representative and was eventually promoted to Claims Representative. Even though she is no longer with the agency, Peace kept her position as Executive Vice President of AFGE Local 3509 in Durham, North Carolina. She recently became Local President when Sharon DeLong stepped down.

“Management can’t hang my job over my head,” she said. “That’s one of the joys of all this.”

Over the years, there have been some bright spots when dealing with management.

“It got better during partnership (in the 1990s),” she remembers, “but you could tell it was a strain for them because they were used to the old ways.

“During George W. Bush’s administration, management went back to its adversarial relationship with the Union. Bush took away partnership and it became very contentious again. They felt like they could do whatever they wanted.

“It was particularly bad in North Carolina, with the good old boy network. I was told off-the-record that anytime there was an adverse action against an employee, management knew their action would be supported - right, wrong, or indifferent -- and the case would go to arbitration.”

With hundreds of cases behind her, Peace says her two most important victories involved EEO cases from Georgia.

“A black man was hired for statistical purposes only and then he was fired during his probationary period. He was set up for failure. There was another incident involving a Hispanic man who was going to be hired as a GS-7, but the manager later told him that he would only be a GS-5. Within two weeks of his probationary period ending, he was fired.

“Both men were eventually reinstated and they are still thriving with

the Government and doing well in their jobs. The Union also helped two African-American women who were not selected for particular jobs. Management tried to tell us that the women were less than efficient, but their evaluations were far superior to the person who was chosen.”

About the future, she wants to be very optimistic.

“I believe the Obama administration will make management more accountable. I’m looking forward to better days ahead for the Union and our right to enforce the contract and the law.”

Add ‘interior design’ to KSA’s

Bargaining unit employees in the Sonora, Calif. Social Security office can now add “interior decoration” to their list of accomplishments.

District Manager Karla Montemayor recently issued a flyer entitled “Sonora’s 2009 Fall Decorating Contest” and she outlined specific themes for the event, the areas in the office to be worked on, who would be involved in the project, what each “team” needed to do, and what materials could be used.

“Everyone must participate and make an effort,” Montemayor wrote.

“It’s nice that some managers have

so much time on their hands that they can plan this type of thing,” said Sylvia Norman, the President of AFGE Local 3172. “It’s obvious that Ms. Montemayor doesn’t realize how busy employees are, and to make this event mandatory is absolutely ridiculous.

“She should have consulted with the Union first because this was a change in working conditions, and to make employees pay for their own materials – like candles and lights – is illegal. I’m encouraging all of them to keep receipts for anything they buy and submit it to the agency for reimbursement.”

Words to remember

The strongest bond of human sympathy outside the family relation should be one uniting working people of all nations and tongues and kindreds.

- Abraham Lincoln

All Labor that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence.

- Martin Luther King, Jr.



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Agency hiring practices questioned by Union

A front-page story in the July, 2009 **UNITY** generated a great deal of interest and information from Social Security's bargaining unit employees.

The article dealt primarily with widespread nepotism throughout the agency and the problem of management officials either hiring their own relatives or family members of friends and other high-ranking executives.

"I don't think I've ever received so many emails from so many employees on a single topic," said Witold Skwierczynski, a member of the AFGE General Committee and President of Council 220.

"Their responses told me that members of the bargaining unit are not afraid to come forward and stand-up for their rights. They obviously want to correct a situation that has gotten out-of-control."

In some cases, the employees brought into Social Security were hired under the Federal Career Intern Program (FCIP). According to the Office of Personnel Management, it's meant

to "help agencies recruit and attract exceptional individuals into a variety of occupations."

Skwierczynski believes FCIP is being misused by managers and supervisors around the United States:

- In the Dallas region, SSA has been routinely hiring the sons, daughters, wives, and other relatives of current and former management officials. Five people from a single family were brought in, and one of them has since been promoted to Assistant District Manager in Florida.

That person "does not have a college degree and brags about it," according to a Claims Representative familiar with the situation. "If you are not related (to a management official) or a family friend you will not be promoted. Promotions and new hires are based on your last name – not merit, knowledge, or experience."

- In a Florida office, "the wide-

spread use of 'social promotions' has grown beyond anything I saw when coming to SSA in the early 1970's," wrote another Claims Representative. "Within this district there has grown a clique of good buddies who smoke/drink/party exclusively among themselves...The clique includes...absolutely NO Union members. Vacancy and promotion announcement responses are solicited from within the group; all non-members are excluded and generally never hear about these opportunities."

"These are just two of the many examples I received," Skwierczynski said, "but many more came from all over the U.S. Some management officials have apparently forgotten that it's illegal to engage in this type of behavior. I hope this article serves as a wake-up call for all of them."