

UNITY

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Congress hears Union testify

By John Oertel
Staff Writer

Daniel Woosley stays very busy. He is a Claims Representative in the Louisville, KY West Social Security Office, a part-time college instructor, Executive Vice President of AFGE Local 3984, and a Reserve Police Officer in his local Sheriff's Department.

Which job is the most stressful?

"I've made statements in the past that I feel *less stress* while working with the SWAT team – and having weapons pointed at me by perpetrators – than I do going into the Social Security office every day."

Woosley recently told members of the House Ways and Means Subcommittee on Social Security.

He and Witold Skwierczynski, President of the AFGE National Council of SSA Field Operations Locals, asked for additional resources and manpower at Social Security because of ever-increasing workloads caused by a spike in Disability claims and "baby boomer" Retirement applications.

Skwierczynski quoted from a 2009 report from the Government Accountability Office (GAO) which showed that service delivery throughout Social Security has deteriorated in recent years. In Fiscal Year (FY) 2008, more than three million customers waited over an hour before they were helped. Over half (58%) of all phone calls to field offices now go unanswered.

"While budgets from FY 2009 to FY 2010 offer significant increases, much of the additional funding will be absorbed by computer and technology overhauls," Skwierczynski told the panel. "Staffing in field offices and teleservice centers was little more than 1:1 replacement. Very little of the money has been used to improve service delivery on the front lines in field offices and teleservice centers."

In his opening statement, Subcommittee Chairman Earl Pomeroy (D-ND) noted that over the next 20 years, members of the "baby boom generation" will retire at an average of 10,000 a day.



Skwierczynski

"SSA saw the first of this generation apply for Social Security benefits in FY 2009 and expects a 13 per cent rise in claims every year until 2017," he said. "The pressure on SSA to process these claims was compounded last year as the recession caused many more individuals than expected to file for disability and retirement benefits. Meanwhile, because of reduced funding over the prior decade, at the start of FY 2008, the size of SSA's staff was down to levels not seen since 1972.

"As a result of this significant staffing shortage agency-wide," Congressman Pomeroy added, "service to the public in SSA's local field offices deteriorated, backlogs in processing of disability claims became intolerable, and important workloads were deferred. SSA's workforce is also aging, as over 40 per cent of SSA employees are going to be eligible for retirement by 2017, which could reduce productivity levels unless SSA finds a way to effectively pass down their seasoned expertise to less experienced staff."

Woosley also testified that employee morale is low and getting worse; many workers don't feel like they matter.

"They know it's all about the numbers," he said, "not them or public service. Statistics benefit no one but management because their award money is tied to office performance and meeting self-imposed goals."

Woosley also believes too much time is spent on applications that should never be taken because the claimant is clearly not eligible for those benefits.

"Management claims this is to protect a member of the public in case future benefits arise," he said. "The real purpose, I believe, is to create the illusion that more work is being done and at a faster pace."

SSA Commissioner Michael Astrue and several others (including representatives from the management association) also spoke at the hearing.

For a YouTube view of all the testimony given April 15 to the House Ways and Means Subcommittee on Social Security, go to www.youtube.com and search "ways and means hearing on SSA."

Key job goes to 'fixer' of snafu

"This doesn't surprise me. Not at all."

That's how Christina Barnachia, the President of AFGE Local 2003, responded after learning that Mitch Limbeson was recently selected for an important position with the Labor and Employee Relations Team (LERT) in the San Francisco Regional Office.

He was chosen to be a Project Manager/Team Leader and will give advice to management officials within the Social Security Administration whenever they have an issue involving the bargaining unit.

"Everyone should know that LERT has only one purpose: protect management and make the employees' lives as difficult as possible," Barnachia told **UNITY**. "Mitch has already shown himself to be very manipulative and is more than willing to fabricate facts in order to protect management."

Barnachia was referring to a case that surfaced in late 2008, when the Union filed a grievance against Roz Toliver, who was a supervisor in the Salinas, Calif. Teleservice Center. She later retired, but only after allegedly:

- Growling at an employee who requested Union representation;
- Telling another employee that she (the worker) could be fired for taking too much leave;
- Treating a male staff member unfairly because of his sexual orientation.

Limbeson handled the grievance for SSA and wrote in his decision that the five employees who testified at an oral presentation "had conduct issues that Ms. Toliver had to resolve. It is my belief these individuals have come forward to retaliate against Ms. Toliver."

Barnachia vehemently disagreed with that statement.

"Only one of them had a conduct issue and Roz wasn't even part of it," she said. "What about the letters from the eight other employees in her unit that I submitted? He (Limbeson) didn't mention them. I can't believe the agency tried to turn this around and put it back on the employees.

"Mitch manipulated the grievance system and the Union when he intentionally delayed his response to the grievance. That delay gave Roz enough time to retire, and Mitch even had the audacity to say the entire issue was 'moot' because she'd already left the agency.

"His actions were an insult to all bargaining unit employees and the Union, but those are the kind of people who generally move up at Social Security."

Barnachia also believes Union Reps should be very cautious when dealing with Limbeson in his new position.

"He knows how to manipulate Union/management etiquette to work in his favor," she said.

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UNITY

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Editor's Note

Regarding the story entitled "**No Relief from Alleged Harassment**" appearing in this March 2010 **UNITY** publication, we wanted to further clarify that we received a complaint from an employee in Albertville, AL which was the subject matter of an EEO complaint that she filed against her District Manager Jeff Murphree. As with all **UNITY** articles, this report was based on allegations made by a SSA employee and AFGE member on matters of concern to our membership. We indicated that the statements attributed to the manager were reportedly told to the woman by her account. As such, we did not and do not represent the truthfulness or factual accuracy of this account, as it also appears in the EEOC complaint.

Manager gets transfer for 'creativity'

The Social Security Administration has again shown there are two sets of rules: one for management officials and one for bargaining unit employees.

Jared Gaspard was featured in the January, 2010 **UNITY** after he apparently processed about 38 phony SSI applications in order to meet agency "goals." At the time, Gaspard was manager of the SSA office in Independence, Missouri.

Witold Skwierczynski, President of the National Council of SSA Field Operations Locals, wrote to Commissioner Michael Astrue: "He (Gaspard) answered questions on these applications without contacting the 'applicants.' 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."

The Office of the Inspector General (OIG) conducted an investigation, and the result was that Gaspard was moved

to the Training and Development Team in the Kansas City Regional Office.

A Union Rep familiar with the situation in the Independence Office told **UNITY** that Gaspard never denied what he did and "OIG apparently decided that because no SSI recipients lost any money, they would not prosecute him but would leave discipline up to the agency." He was then reassigned to the regional training cadre.

Despite the evidence that Gaspard falsely attested to contacting applicants and taking fake applications under their name, Kansas City Regional Commissioner Michael Grochowski recently awarded him with a Regional Commissioner's citation award for exemplary service.

Skwierczynski said, "Awarding Gaspard who took fake SSI applications and attested to their accuracy with a Regional commissioner's citation is outrageous. This is especially hypocritical since the Union is currently defending bargaining employees who have been fired for the same alleged infractions."

In his letter to the Commissioner, Skwierczynski noted that "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."

Astrue never responded to the Union's letter, but a Union official says Kansas City Regional Commissioner Michael Grochowski has instructed the Training and Development Team that integrity and honest must be adhered to closely.

"I find it ironic that Gaspard will help to train and monitor integrity and honesty," the official said, "considering what he did in the Independence office."

Employees disciplined

SSA wants to **suspend** two Midwest employees who allegedly attested to claims they did not take. More details will be in the next **UNITY**.

Trashed envelopes another hallmark of waste

Why would the Social Security Administration destroy hundreds of still-valid envelopes?

That's a question brought to **UNITY**'s attention earlier this year by an SSA employee in Northern California. She noticed that in her office, management was throwing away envelopes that were postmarked from the Wilkes Barre, PA Data Operations Center (DOC). They contained a questionnaire concerning the Medicare Prescription Drug program and a return envelope to the DOC.

"The questionnaire had been slightly changed, so that's why they were being discarded," the employee said. "But what about the two envelopes? They still could have been used and it was a waste of money to get rid of them!"

The career employee (who asked not to be identified) volunteered to separate the questionnaire from the envelopes, but management wouldn't let her. Evidently the cost of being "green" exceeded being wasteful.

"I wonder how many other places this is happening in," she said at the time. "Social Security has about 1,300 field offices, and if each of them is destroying a thousand envelopes (one to be addressed and one to be returned), that's 1,300,000 which will have to be reprinted when they could have been re-used."

She also noticed that new envelopes (containing the revised questionnaire) had already arrived, but there was a significant problem with each of them.

"They were sealed shut," she said, "ready to mail, so employees wanting to know what's inside them have to tear open the envelope, than use another envelope to mail out the questionnaire and the return envelope. That really doesn't make any sense!"

The office where this employee works is part of the San Francisco Region, which last year sponsored a "Management Tango." According to the Office of the Inspector General, that three-day event (which included high-ranking officials from Baltimore) cost taxpayers more than \$675,000.

CR reinstated; arbitrator slams OS

By John Oertel
Staff Writer

More than four years after she was fired, a former Claims Representative (CR) in the Waltham, Mass. Social Security Office recently got her job back.

The employee was represented by Council 220 attorney Patti McGowan during an arbitration hearing. Union Rep Louetta Keene also worked on the case.

“Louetta did a fantastic job,” McGowan said. “She represented the employee throughout the grievance process and was technical assistant at the hearing.”

In her 47-page decision, Arbitrator Sharon Henderson Ellis praised the CR’s demeanor when she testified.

“Her ability to give straightforward answers without seeming to be either confused or rehearsed inspired confidence,” Ellis wrote. “Her testimony, her recollection of events, and her confidence in her ability to do her job were a marked contrast to that of her supervisor.”

The management official being referred to is Donna Bembery, who still works in the Waltham office.

“Ms. Bembery’s performance on the stand duplicated exactly the kind of performance she was charged with by the Union -- unprepared, disorganized, non-responsive – when she met with the (employee) and her Union Representative for what were to have been training meetings,” the arbitrator stated.

She also wrote: “Additionally, Ms. Bembery never considered reassigning or demoting the (employee). For some unfathomable reason, management in the Waltham office seemed intent on ending (the CR’s) employment.”

The Claims Rep (who asked not to be identified) was first hired by the agency in 1993 as a temporary bilingual Service Representative. Later, she was promoted and given a hardship transfer.

Eight years after arriving in Waltham, Bembery notified the employee that she was being put on a Performance Assistance Plan (PAP) because her job performance was allegedly not very good. Later, she was placed on a Performance Enhancement Plan (PEP) and several months after that, she was fired.

During the arbitration hearing, it was noted the CR had been given numerous awards during her career with SSA and the agency never presented any reliable proof that her work was substandard.

“Management said my client did not do any bilingual/Spanish language claims,” McGowan told **UNITY**. “That was ridiculous; she is a bilingual CR.”

The employee mentioned her relationship with management started to deteriorate in 2003 after she adopted a child through the foster care system and she began to experience a medical condition associated with asthma.

In her decision, Ellis stated the employee is entitled to her former job back, retroactive pay, a within-grade increase she had been denied, benefits, and refresher training because she has been away from the CR job for so long. McGowan will also receive attorney fees.

San Mateo managers find ways to avoid work, earn more

Management in the San Mateo, Calif. Social Security Office has developed a policy that allows them to work less but still collect their higher pay.

For more than a year, they have required members of the bargaining unit to find their own replacements if the employee requested sick leave but was on the late interview schedule.

An employee recently wrote to Sylvia Norman, President of AFGE Local 3172, and explained the situation:

“This past week I had sick leave scheduled for two days when I was on the ‘late’ schedule. My immediate manager asked me several times to give her the names of whichever co-workers had agreed to fill in for me. I told her I believed this wasn’t my responsibility and that I felt awkward asking my co-workers because it put them on the spot.

“She asked me why I felt this way and was otherwise insistent.”

“Employees should always remember that it’s management responsibility to manage. That’s what they get paid to do,” Norman told **UNITY**. “The bargaining unit is NEVER required to find other employees to take their place and cover their assignments. It’s nowhere in the AFGE/SSA contract, and if this is a problem anywhere, the employee should immediately notify their Union Rep.”



Council leadership gathers: Needs of membership top 'to-do' list

Discussions ranged from routine to animated during caucus, as moments captured of Rich Kirchner (l.) and Josie Marrujo show. *Photographs by David Sheagley.*



(Clockwise) Charlie Estudillo, Debbie Fredericksen and Debbie Dodd confer over reports.

Council 220 caucus examines contract issues, communication with members

The drumbeat of contract negotiations reverberated throughout the topics of discussion during the annual AFGE Council 220 Executive Council meeting in Jacksonville, FL in March.

"Negotiations will be tough," said Council President Witold Skwierczynski at the top of his report. "Management hasn't offered one employee benefit or add-on to this contract package."

A key to Union success at the table will be employee interest and action in the field, he said. Board members, including the 10 regional vice presidents, echoed this sentiment. They agreed to fund three additional **UNITY** issues as well as increase internet access for the negotiating team.

"The Agency can't stand that we have this communication, with 50,000 hits on our contract website in the past 30 days," said Pam Baca, Denver regional vice president.

Baca noted that the red, white and blue contract flyers issued via agency email were proving effective. Based on a survey of her region, she found 80 percent of the bargaining unit employees read the contract flyers, 75 percent of them within four hours of receipt.

Skwierczynski also commented on the Commissioner's inability to engage in a dialogue with the Union

without going through the labor management relations department.

As a courtesy, the Council invited the Commissioner to the meeting. In his stead, Deputy Commissioner for Operations Mary Glen-Croft accepted the invitation. However, the agency insisted that a labor-management relations senior advisor would accompany her.

"It would have been good to have some dialogue with Ms. Croft, but it's not going to happen," Skwierczynski said. Croft declined when the Union did not extend the invitation to the staffer.

At the Agency's request, the union submitted 23 questions that Ms. Glen-Croft would be asked if she did attend the Executive board meeting. To date the union has received no reply to the questions. Check the AFGE Council 220 website at www.afgec220.org for the 23 unanswered questions.



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Making Social Security stronger for the future

By Steve Kofahl
President, AFGE Local 3937

Senator Herb Kohl (D-Wisconsin), chairman of the Senate Special Committee on Aging, has released an important new study prepared by the Government Accountability Office (GAO).

Its title is cumbersome but revealing: "Social Security: Options to Protect Benefits for Vulnerable Groups When Addressing Program Solvency." Its content reflects Kohl's commitment to making the program better in the face of a renewed campaign to undermine and privatize it.

"We must make sure that any debate considers ways to strengthen the program for those who need it most," Kohl said upon release of the report. "This report provides a range of concrete policy options that should be part of any discussion concerning the future of Social Security."

Kohl's committee will issue a more comprehensive report on Social Security, which is considered the most successful anti-poverty program in our nation's history, and it will help to shape the anticipated national discussion about solvency and benefit adequacy. It is imperative that we turn the debate toward making Social Security more robust, not less, as we safeguard it for our children and generations to come.

Republicans, Tea Party members and even some Democrats are sounding the alarm again about Social Security, even though the \$2.5 trillion Trust Funds are projected to ensure payment of all promised benefits for more than a quarter century. No other government program is forward-funded like Social Security. Even if there are no changes in the program, it would continuously pay benefits higher than those enjoyed today, adjusted for inflation.

Wall Street and Big Business are exploiting the fear that many Americans feel because of persistent unemployment and underemployment, loss of savings and home values, exploding budget deficits to fund war, and interest payments on our debts to Japan and China.

The report introduces a range of options without any cost analysis and, unfortunately, without addressing

the troubled disability program. The focus is on three vulnerable beneficiary groups:

Lifetime low earners less likely to have substantial savings or to receive pensions.

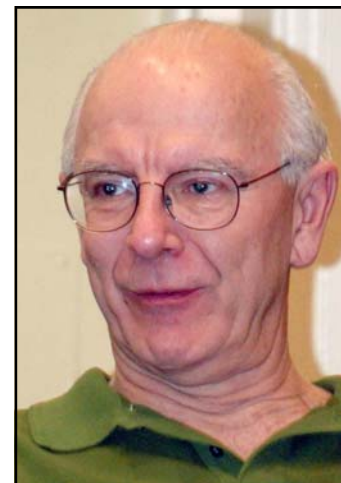
Low-income women, whose retirement benefits are less because of lower earning than men and because of workforce absences for childcare and elder care.

The oldest beneficiaries who are at risk of outliving their retirement savings.

Options in the report include a guaranteed minimum benefit, reduced work requirements for eligibility, benefit supplements for low-income single workers, sharing of earnings credit for the period a couple is together, reducing marriage duration requirements for spouses, crediting caregiver absences, increasing survivor benefits, and providing longevity insurance.

A fascinating read, the report lays out attractive alternatives for those most in need and it deserves serious consideration. Let's make our voices heard, not only to protect Social Security as it stands, but to gain needed improvements. With the help of the AFL-CIO and the Leadership Conference of Aging Organizations, this is a battle we can win.

(Steve Kofahl also serves as AFGE Council 220 Seattle Regional Vice President and is a member of the AFGE contract negotiations team.)



Steve Kofahl

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Survey finds discrimination in SSA office visitor procedures for friends & family

A survey recently conducted by Council 220 found that a large number of Social Security management personnel have maintained a double standard when dealing with visitors to their offices.

More than 3,000 people responded to the survey, which was coordinated by Third Vice President Dana Duggins and used during contract negotiations.

“SSA’s bargaining team didn’t think this was a problem until we showed them the results,” Duggins told **UNITY**. “What the agency really wants to do is ban retired employees who are active Union reps from entering offices. This policy – if it was implemented – would also prevent Union attorneys and other officials from properly representing employees during grievances and hearings.

“It would not be fair to the bargaining unit, especially when the family and friends of managers and supervisors could roam freely through offices.”

While the vast majority of management visitors enter through front entrances, over 100 of them have apparently been given the access code for those offices – which is a serious violation of SSA security procedures.

“Those codes are meant for employees ONLY,” Duggins stressed. “They should never be shared with others, and I’m sure if a member of the bargaining unit committed this type of offense, they’d be fired immediately.”

The online questionnaire also revealed that visitors use the office fax and photocopy machines as well as mail services.

“I know of bargaining unit employees who’ve been fired for using Government envelopes for personal business,” Duggins said. “When management officials let their friends and relatives do the same thing, it’s not considered a problem. Why the discrepancy?”

Examples of who’s allowed into SSA buildings include: “Avon Representatives,” “ex co-worker is always in the office and uses codes to enter,” and “only if manager likes employee.”

“Supervisor’s boyfriend uses her computer and enters workspace designated ‘Security – Authorized Personnel Only,’” according to one employee who responded to the survey.

Other people wrote:

- “Most (members of the bargaining unit) are afraid to bring their family member because of the fear of retribution from management.”
- “Assistant Manager brings her children with her after hours and on weekends. Mostly her younger child (under age 10). This child has the run of the office. Em-

ployees have complained of missing items from their desks (including their drawers).”

- “Management and supervisor have brought their children to wait in the office or break-room until their work hour is completed. Other employees have not been told or given that option.”
- “If management wants their family members to come in, they just sign them in and then (they’re) free to go wherever. No escort or nothing, but if a regular employee wants to bring their two-year-old to go to the bathroom... they can’t. There is no equality between managers and regular employees. They think because they are managers they can do anything they want.”

Duggins encourages employees who do not like management’s proposals for the next contract to write to the agency’s chief negotiator, Ken Powell. He can be reached at his SSA email address:

Ken.Powell@ssa.gov.

www.federalnewsradio.com

Host J. Ward Morrow, Assistant General Council for AFGE, interviews Witold Skwierczynski, President, AFGE National Council of SSA Field Operations Locals. Catch a [replay of the May 7 internet radio interview via your home computer at www.federalnewsradio.com](http://www.federalnewsradio.com). Skwierczynski summarizes his testimony before the House Ways and Means subcommittee and highlights issues faced by SSA employees.

- SSA’s service delivery problems as well as the significant claims backlog at the agency
- Argues for increased staffing at SSA and congressional oversight of the agency’s service delivery practices



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KNOW YOUR RIGHTS

Ask for a Union rep for OIG/management interview

A recent series of incidents in the Seattle region brought this reminder from Carrie Kitchin-Kofahl, the Executive Vice President of AFGE Local 3937. These suggestions apply to all bargaining unit employees in every region of the country:

If your supervisor, another management official, or an agent from the Office of the Inspector General (OIG) calls you into a private office and tells you they are conducting an investigation or they're on some kind of "fact finding" mission, the first words out of your mouth should be:

- 1) What is the subject of this meeting?
- 2) Could this issue lead to any disciplinary action being taken against me?

If you are told the issue under discussion could lead to disciplinary

action against you the next thing you should tell the OIG agent is:

"I want my Union representative for this interview."

If SSA is considering criminal prosecution against you, inform the OIG agent that you want your attorney present. If possible criminal prosecution against you is the issue, immediately contact a criminal attorney for advice.

Even if the OIG agent says they do not intend to file criminal charges against you, the agency could still take administrative action. The OIG representative may try to gain your trust, seem to be in your corner, say things like 'it wasn't your fault.' Don't believe any of it! Again, **tell them you want Union representation!**

Management and the OIG do not have to advise you of your rights

(known as Weingarten) and they won't.

Once you invoke your right to representation, the interview should end. Immediately contact your local Union rep and advise them of the situation. Management or OIG may tell you that the interview has to be done immediately. Tell them (nicely, of course): That's your problem – not mine! Remind them the OIG agent can come back later, once you have the Union present. Do not be bullied into saying or doing something that can destroy your career.

AFGE is your representative – NOT management and not OIG. We are there to ensure you are treated fairly, you are not coerced, and that you have a witness to what transpired during the interview.

Remember...you only have rights if you use them.