

SSA GENERAL COMMITTEE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Representing over 50,000 SSA employees across the nation, Puerto Rico and Pacific Islands

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Michael J. Astrue
Commissioner, Social Security Administration
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Commissioner Astrue:

On February 23, 2009 I sent you a letter regarding the Commissioner's broadcast that you issued to all SSA employees on February 17, 2009 regarding the Economic Stimulus bill. In this broadcast you stated that SSA would be hiring 5000 to 6000 new employees in 2009. In my letter I urged you to use this hiring authority as an opportunity to provide current SSA employees past due merit promotion opportunities and to use the new hiring authority to backfill vacancies created by promoting current deserving SSA employees to higher graded positions. I made a legitimate request for information asking what positions SSA intended to fill through outside hires and what positions SSA intended to fill through the merit promotion process.

I received a reply to this letter from Milt Beever, Associate Commissioner of Labor and Employee Relations, on March 2, 2009. Mr. Beever failed to answer the information request and stated that it was premature to speculate on the mix of outside hires and merit promotion opportunities that the Agency would utilize to "make the most efficient use of stimulus resources". He indicated that the Agency would be designing a plan encompassing a combination of new hires and merit promotion opportunities to make the most efficient use of the stimulus budget authority provided by Congress to SSA.

I responded to Mr. Beever on March 3, 2009 expressing skepticism of the Agency's assurances regarding providing adequate promotional authority and questioning skewed statistical data that Mr. Beever provided in his response of March 2, 2009 that portrayed a false representation of SSA record regarding merit promotion. I asked for accurate information regarding SSA's hiring and merit promotion record over the past three years so that we could have a meaningful dialogue regarding this issue. I also questioned whether no decisions have been made in this area since you encouraged managers in your 2/17/09 Commissioner's broadcast to start the hiring process.

On March 9, 2009 Mr. Beever sent me an e-mail and stated that I should receive a response to my March 3, 2009 letter by March 16, 2009. No response has been received to date.

Last week on March 11, 2009 you sent another message to all SSA employees regarding President Obama's signing of the FY 09 appropriations bill and your decision to lift SSA hiring

restrictions. Your broadcast also provided information regarding the FY 10 appropriation request. In the broadcast you assert that President Obama and Congress provided SSA with budgetary support in the stimulus package, the FY 09 and FY 10 budgets due to your efforts to communicate SSA's budgetary requirements. Your self serving plaudets ignores the work that numerous SSA employees have done to educate and lobby Congress and the Obama administration for more resources for SSA. Your failure to acknowledge such efforts in this broadcast is an insult to those employees who are dedicated advocates of SSA. It also contradicts history which is that your FY 09 budget request was actually less than that requested by your predecessor in FY 08. Congress provided a higher budget than you requested for FY 09 primarily due to efforts of SSA unions, SSA management organizations and retirement and disability constituent groups. All these organizations urged Congress for more resources since your request was too low.

Your March 11 broadcast further urges managers to "begin laying the groundwork for bringing on new employees". Despite the statements of Mr. Beever that it is "premature for us to speculate" regarding hires and promotions, it is clear that management has already made its decisions regarding how many employees will be hired, what jobs they will be hired to fill and the mix of hires for each SSA component. As is your legacy, you have failed to communicate those decisions to the Union despite clear requests by AFGE for this information. In addition, your agent, Mr. Beever, has failed to tell the truth regarding SSA's intentions and ignored his own deadlines for providing AFGE requested information.

The Union has learned from numerous sources that SSA has allocated positions to managers with hiring authority and decisions have been made on which positions to fill. Information has been provided to other groups regarding the number of positions SSA intends to fill in each SSA component and in the DDS. In fact the Union has learned that you intend to fill the following vacancies:

- 157 ALJs
- 600-700 ODAR
- 175 PSC
- 125 TSC
- 1450 Field – DCO
- □1000 DDS

If these figures are accurate, rather than hiring 5000-6000 employees in SSA as you stated in your 2/17/09 Commissioner broadcast, the Agency is only hiring about 2600 SSA workers and 1000 DDS workers. The field which is about 58% of the SSA workforce will only receive about 25% of the new employees that you stated in your 2/17/09 broadcast that SSA would hire in 2009. In view of the problems with the inability of the public to reach SSA employees by phone through either the 800 number or at their local office, and in view of the failure of SSA to process significant portions of its Continuing Disability Review and redetermination integrity workloads, and in view of the increased interviewing waiting times in field offices across the country, it is incomprehensible that SSA would devote such a small percentage of jobs to the field/TSC. Please confirm whether the above figures are accurate and please explain why the field is being shortchanged in comparison to its size and the backlog problems.

Your two Commissioner broadcasts regarding the budget, the stimulus package and SSA hiring plans are notable in that neither address merit promotion opportunities that SSA should offer to existing employees in conjunction with this hiring effort. While the existing workforce is anticipating long neglected promotional opportunities, your messages offer no hope to employees that SSA will be afforded any promotional opportunities in conjunction with the Agency's hiring plans. Lower graded SSA workers have been patiently waiting for promotional opportunities and SSA appears to be telling them to continue to wait, since the stimulus hires will be to jobs in the normal line of promotions. Please confirm or clarify this conclusion.

It is also evident that managers in the field have been instructed to use discredited non competitive hiring authorities such as the Federal Career Intern Program (FCIP) to fill SSA vacancies. Managers are informing employees that they are seeking new hires at colleges and using other non-competitive sources. Jobs are not being posted on the USA jobs network for competitive hires. Despite the use of FCIP, SSA appears to have a strategy to cover up the fact that this has become their primary hiring tool. The SSA National Recruitment Guide of July 2008 states:

SSA will use all available recruitment and retention resources to attract, recruit and retain employees, particularly those with critical and hard-to-fill skills. Do not reference FCIP. (Emphasis added) We do not want to highlight our use of FCIP in light of the pending NTEU suit against OPM which alleges that agencies use FCIP to circumvent merit systems principles. We're trying to avoid being dragged into the lawsuit.

You should be wary of using non-competitive hiring authorities such as FCIP. SSA's own statistics indicate that in FY 08 62% of hires in SSA were done under FCIP. 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. Reports indicate that FCIP and other non-competitive hiring methodologies will be the exclusive procedure for hiring new employees authorized under the stimulus budget despite the adverse affect this will have on veteran employment opportunities. To use such a discriminatory hiring mechanism during wartime is unfathomable. To hide to avoid lawsuits is disingenuous.

AFGE has also received a number of reports from employees complaining that managers have used FCIP to hire their relatives, friends, neighbors, fellow church members, etc. Examples are the FCIP hire of Ryan Kulinski, son of Milwaukee DT 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 who were not related to management. It is clear that the FCIP method of selection is corrupt. The FCIP hiring system is unfair to selectees in that it subjects them to a 2 year probationary period instead of the 1 year probationary period that exists for competitive hires. 1 year is a sufficient period of time for SSA to determine whether an employee possesses the necessary tools to succeed as an SSA employee. Requiring an additional year of probationary period is oppressive. I urge you to terminate this corrupt and discriminatory non-competitive system for hiring. If the Agency persists in using FCIP as a hiring mechanism AFGE will seriously consider filing a law suit 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.

Your March 11, 2009 Broadcast concludes by touting SSA as “A leader of hiring persons with disabilities and that we should continue our outstanding record in hiring and promoting these employees”. This statement is highly deceptive and distorts the truth. SSA does have a higher percentage of disabled employees than most Agencies. 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 at a significant 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. This case has been certified by the EEOC as a proper class and 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 expects you to provide the information that we have requested regarding hires and promotion plans for 2009. AFGE requests that your hiring strategy for 2009 take into account the widespread promotional aspirations of the workforce. AFGE also requests that you reconsider the distribution of staff resources and fill vacancies in the field proportionate to the field’s percentage of employees. The Union also urges you to abandon the FCIP hiring system and to take steps to eliminate discrimination in promotions for SSA’s disabled workforce.

Sincerely

Witold Skwierczynski
AFGE General Committee

Cc: AFGE General Committee
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