

## **Dear Local Presidents and Union Activists,**

Please forward to your Local reps. Thanks to Jill Hornick and Jim Campana for their improvements to this piece.

Management is changing offices over from the regular phone lines to VOIP (Voice Over Internet Protocol). This is a computer-based phone system unlike the old wire phone lines we have traditionally had. The agency has been implementing this office-by-office over the last few years and with it has come a lot of confusion, and recent changes to work assignments that the agency is supposed to negotiate. The union has requested to negotiate over these changes at the national level and may have to litigate to get SSA to do this. While this is going on, local action is needed as well.

### **What we see and what to do:**

**Management is making changes at the local office level** without notice or agreement to negotiate with the union on the assignment of work to staff the phones to be (1) “logged on” to the GI line and (2) to answer the “overflow” line during times when employees were not on phones before. When there is any change in duties the union should request to negotiate.

**Request to negotiate.** Local reps should request to negotiate immediately when they hear of any changes. Consult with your Local officers. For you reps who have not requested to negotiate, make this simple request via Email to your manager: “The union requests to negotiate over the implementation of the VOIP system, including procedures and appropriate arrangements for employees adversely affected by changes in duties and job assignments, changes in voicemail handling, any changes in lunch and break practices, and any use of the data used as surveillance and to monitor employee log on times, call length, the content of calls, and any other aspect of surveillance and monitoring of employees. I am the union’s designee in this negotiation. You must rescind any change and may not implement any aspect of this change until we have bargained to agreement.”

**Be aware of any numeric performance standards associated with VOIP**, including call answering or wait times or any other aspect of answering the phones. Numeric performance standards are numbers or numeric indicators tied to a level of performance in a critical element of your position. If management tells employees that they have to: answer the phone within 3 rings or before the caller waits 2 minutes, return voicemail messages within 24 hours, or download voicemail messages within x days. (examples) the union rep should ask “Or what? Is this a numeric performance standard? What are the potential consequences of not answering the phone within those parameters? Does this affect the performance appraisal? If so, how?”

**Can disciplinary action result from not answering the phones/voicemail within certain parameters?** Not answering the phone within these artificial timeframes could be a conduct matter with potential disciplinary action as a result. If an employee believes questioning by management regarding phone answering could result in discipline, the right to a union representative accrues - ***if the employee asks for union representation***. Employees should insist on having their union representative present when questions are asked about phone answering duties, length of calls, why voice mail was not returned “timely”:, etc.... If union representation is denied, take notes of exactly what you said and what management’s response was. Then request to meet with your union representative and discuss the filing of an Unfair Labor Practice for the denial of union representation.

**What data is management keeping via VOIP and how are they using it?** Management is increasingly spending their time monitoring employees instead of helping them do the work. Call length, log on times and frequency, call wait times, voice mail receipt and call return data, and many other kinds of data are being kept by the agency under VOIP. All this is being used to try to get employees to speed up. The union has the right to agency data to support any negotiations or a grievance, including deciding whether to file a grievance on behalf of an employee or on any unfair or inequitable aspect of VOIP, including harassment.

**Employees have the right to data kept on them under an agency's system of records housed under a personal identifier.** A personal identifier is a name, alpha or numeric unit designation, phone extension number, or PIN. **Per Article 3 Section 4A3: "An employee has the right to be informed about records that are maintained about him or her and are filed, in a system of records that is personally identifiable, that are not legally prohibited from disclosure. Upon request, an employee may also see such records that are not legally prohibited from disclosure and have a copy made of them"**. The VOIP data is maintained in an agency system or records. These records are not prohibited from disclosure. Ask for the VOIP records they are keeping on you.

**Protect yourself by documenting being assigned phone duties at the same time as adjudication/downtime and the way this prevents you from doing your other assigned work.** Send your supervisor an Email every time you are on phone duty and explain how you did not get to adjudicate your claims or PE workloads because of this phone assignment. If you are ordered to answer phones, it is impossible to answer phones and clear claims or PE items at the same time. That decision to do one or the other is management's. They can't have it both ways. Let them own it. Your increased claims processing time is their fault and their decision. The contract has provisions for documenting this:

**Article 21 Section 6B, last paragraph:**

**"An employee may inform his/her appraising official in writing, which includes Email, of factors beyond his/her control that have affected his/her performance. The appraising official will consider such factors when evaluating performance for the appraisal period. The written documentation will be placed in the employee's SF-7B Extension File."**

**And,**

**Article 21 Section 6.G.1 "Considerations In Assessing Performance:**

**The Agency, when assessing performance, will consider factors which affect performance that are beyond the control of the employee."**

**The union is fighting this at the national level, but much of the impact and damage occurs at the local level. Help us document the adverse impact, harm, and abuses that you see in your office.**

***In summary:***

- **Union reps request to negotiate on any changes to workloads regarding the answering of phones.**
- **Ask for the data management is keeping that you need to support a grievance.**
- **Grieve any performance memos, Emails, use of VOIP data to monitor your work, other memos and discussions in which they badger you about answering the phones, logging on or any other harassment you suffer from this.**
- **Be aware of any numbers management uses regarding phone answering and find out if and how they are tied to performance and/or discipline.**
- **Advise employees in your office: If a supervisor asks questions about the performance of phone duties – ask for your union rep – your answer may result in discipline. If representation is denied, an Unfair Labor Practice may be necessary.**