

U N I T Y

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Warren Fretwell, Editor

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Anatomy of a Murder

A Bargaining History Of The New Contract

No. This isn't about the 1959 Otto Preminger movie starring Jimmy Stewart and Lee Remick. But, it is about an attempted murder—how SSA tried to bludgeon its employees and their union during national contract negotiations.

AFGE and SSA entered national contract bargaining over a year ago. Many of the rights and benefits established in the contract had existed for years—some for decades.

But, the election of George Bush brought with it a change in labor relations. Gone were labor-management cooperative ventures like “partnership” and interest-based bargaining. And, when our contract expired, management negotiators were all but foaming at the mouth to impose as many employee and union restrictions as their political masters instructed.

After all, management knew the agency that would eventually decide on any bargaining disagreements—the Federal Service Impasses Panel (FSIP)—would rule in their favor since it was now staffed with anti-labor appointees.

At the same time, anti-union activities were becoming commonplace. At the Department of Homeland Security, federal workers' collective bargaining rights were being denied. Transportation Security Administration employees were told they could not belong to a union. New rules at the Department of De-

fense were turning personnel policies on their head and unions were not being given the chance to negotiate over the changes. The White House made it clear it wanted to use this new DoD personnel system as the model for all government workers.

AFGE negotiators acknowledge that management was playing hard ball from day-one. They were invigorated by the administration's attacks against labor in both the federal and private sectors. SSA wanted many give-backs,

some without any justification. Initially they wanted to impose a strict dress code bringing back visions of bow ties and taffeta dresses that irked many employees who learned of this insult.

Management also proposed to remove the phrase “fair and equitable” wherever it appeared in the contract. This language guarantees that employees must be treated in a just manner in all aspects of personnel management.

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AFGE Local Presidents and activists meet in New Orleans to discuss national contract bargaining. From left: Steve Peterson, Pres., Local 2258; Kirk Bigelow, Attorney; Warren Fretwell, Pres., Local 3342; Frank Comito, Pres., Local 2369; Charlie Estudillo, Council 220 1st V.P.; Dave Sheagley, Pres., Local 3129; and Jim Richardson, Pres., Local 4056.

The Most Anti-labor Administration We've Faced!

(Continued from page 1)

Yet, SSA negotiators eliminated it from the contract apparently in the belief that excising this language would remove any barriers to disparate policies and practices.

SSA wanted employees to sign in and out for breaks; eliminated a requirement for supervisors to use courtesy, dignity and respect in employee interactions; would no longer timely notify workers of complaints from the public or co-workers; gave managers the right to retain personnel records without time constraints (records no longer purged after one year); prohibited grievances over awards, made sweeping changes in employee health and safety protections and more.

AFGE was able to prevent or modify most of these proposals, but after a year of negotiations, the parties were still far apart.

Eventually, SSA and AFGE exchanged proposals on all contract articles and the union, faced with the possibility of having to go to the FSIP, sent the contract out for a ratification vote. AFGE did not like the contract, but the negotiators believed it was the best that could be obtained in this political climate.

The members rejected the agreement after a 60-day period during which those who belonged to the union were given the opportunity to vote for or against contract ratification.

Non-ratification of the contract required SSA and AFGE to renew negotiations; but before the parties resumed talks, union activists met in New Orleans to discuss what to do next. Local Presidents and representatives from other SSA components attended a meeting that was conducted by AFGE Council President Witold Skwierczynski. National President John Gage also attended the meeting.

Participants left the meeting believing there would be time to fight SSA's bargaining attack. But, when

the parties returned to the table, the agency would only meet for two days. AFGE national president John Gage selected the union's general counsel, Mark Roth, to be the chief spokesperson for the ensuing negotiations. It was during these discussions that SSA made new demands.

Angered by the non-ratification vote, SSA insisted that the union negotiators immediately ratify the previously rejected contract. The union refused and instead offered changes on five contract articles: Article 3, Employee Rights; Article 10, Hours of Work; Article 21, Performance; Article 26, Merit Promotion; and Article 30, Official Time.

SSA's countered with a series of draconian proposals meant to emasculate the union's ability to represent employees in the workplace and also further reduced employee overtime and credit hour rights. Agency negotiators said this language would go to the FSIP unless the union agreed to the April contract—the one that the membership refused to ratify. Negotiators were given until midnight to make a decision, but that was later extended for several days.

AFGE did not want to chance a decision by the FSIP fearing that would end in a much worse contract than the April version and communicated the options with union leaders around the country. Council 220 held a series of conference calls with Local Presidents and conducted a straw poll vote to give the chief negotiator a sense of where union representatives wanted to go. Local Presidents representing a majority of the union membership in Council 220 (Field Operations) supported accepting the April 2005 contract. The other five union components at SSA also agreed to those terms in order to avoid a showdown with the FSIP, which all now considered would be disastrous.

The contract is now under agency head review and training on the new

agreement will commence shortly.

It's clear that SSA's negotiators were intent on inflicting serious harm on the union and SSA workers. But, the union and our members are still alive and kicking and remain to fight another day.

"This is the most anti-labor, anti-federal administration we have ever faced," Council 220 President Witold Skwierczynski said. "and part of its agenda is to do whatever it can to eliminate the role of unions in the federal work place, to reduce employee rights, and give government executives sole discretion in all areas of personnel management. The reason management went after the SSA employee's contract is due to the nature of Washington DC politics. That needs to be changed."

For additional information about the AFGE-SSA negotiations and upcoming activities planned by Council 220, visit the Council's web page at www.AFGEC220.org.



AFGE Council 3rd Vice President Dana Duggins wears an AFGE t-shirt that complains that SSA and SSA workers are under attack!

From Around The Nation

SSA Responds to Grievance

(Baltimore, Md.) Central Office's Labor Relations staff responded to the union's national grievance over the agency's practices used to hire the 2,500 new claims representatives for the Medicare workload (see *UNITY*, vol. 27, issue 2). AFGE had complained that internal candidates were denied the same opportunities to apply for vacancies as external hires and that SSA violated a commitment to recruit from internal ranks.

Agency Labor Relations Team Leader Cathy Six said in her grievance reply that SSA's commitment in a Letter of Intent it presented to the union during negotiations "is not a bargained provision." She added that "even if there had been some hiring agreement...it would be unenforceable because it would be contrary to law..." In other words, even if the agency made a commitment during negotiations, it can't and won't be held responsible for such an agreement.

The union claimed in the grievance that SSA employees were not notified about the vacancies. Six responded that "the Agency fulfilled this obligation...by placing this information on the Office of Personnel's national web site."

AFGE continues to believe that once an agency says it is going to do something, and commits to it in writing, that there will be consequences when the agency refuses to abide by its agreements.

AFGE Council 220 Representative Mike Teefy referred the case to arbitration at the request of the union's Arbitration Committee.

Political Appointees Score Low

(Princeton, NJ) A Princeton University study suggests that the ef-



fective management of federal programs is sacrificed when agencies are run by political appointees.

The study used the current administration's performance measures to discover if there was a relationship between political appointees and the quality of program management. Even though the researchers considered that the administration's measurement system could be skewed to favor programs based on ideology and partisanship rather than true management quality, the results were not favorable to political appointees.

Programs run by political appointees are 35 percent more likely to be graded as ineffective or as not having demonstrated results, according to the study's findings. In the alternative, those programs run by senior executives get systematically higher grades. These findings comport with a 2003 Volcker Commission recommendation to reduce the number of political appointees.

Programs administered by senior executives have advantages since senior executives often have a greater familiarity with the organization of the program and with outside influences. There seems to be greater cohesiveness between senior program managers and staff, resulting in greater consistency and efficiency. And, because senior managers are more likely to remain within a program through many administrations, they are more likely to have developed the personal networks and skills that facilitate governance.

Programs run by political appointees, on the other hand, are often at a disadvantage since turnover is frequent and the process of appointing managers leaves periodic leadership vacuums. Appointed managers

may be selected for political reasons rather than for reasons applicable to the goals of their programs.

[Editor's Note: In addition to Jo Anne Barnhart, SSA has other high-level political appointees, several of whom have appeared at town hall meetings and other media events to support trust fund privatization.]

From the Woodrow Wilson School of Public and International Affairs

Roth Speaks on Contract

(Washington, DC) The *Baltimore Sun* reported on the AFGE-SSA contract and quoted AFGE General Counsel Mark Roth on the agreement.

Roth told the *Sun* that since President Bush fired all seven of the impasse panel's Clinton-appointed members in January 2002 and replaced them, seeking a ruling from the panel would not have provided employees any relief. Bargaining disputes in the federal sector may be taken to the Federal Service Impasses Panel for resolution. In seven rulings posted on its web site from this year, the *Sun* observed that the panel sided with management in all but one.

"The panel is at its lowest point in credibility and fairness," Roth said.

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Mgmt Assn: *Employee Training Poor*

The National Council Of Social Security Management Associations, Inc., conducted a survey of its members that focused on training. It's conclusion: employee training at the Social Security Administration is inadequate.

There were 2,400 respondents to the management survey from Field Operations and the Teleservice Centers. A whopping 56 percent said that ongoing training was inadequate. Managers cited several factors as the cause of this deficiency including insufficient staff (51%), pressure to move work (67%) and lack of time (89%).

AFGE has been complaining about training to regional and central office management for years and welcomes the Management Association findings.

The survey also found that 33 percent of respondents believed that entry level training should be face-to-face, 64 percent supported blended training, but only 3 percent

thought IVT was appropriate. Interactive Video Technology (IVT) has been the darling of Central Office for years. Of course, those who make the decisions about policy in Central Office are far-removed from the reality of the FO world, which explains the disparity in training emphasis.

Sixty-nine percent of survey respondents said that training improvements were needed and 48 percent rated their office's ability to effectively provide new staff training as only fair or poor.

Management officials were encouraged to add their written comments to the survey. This commentary adds a personal and illuminating perspective.

MSS-12: New SSA employees should receive face-to-face training. They need the opportunity to ask questions and follow-up to those questions in a classroom environment. IVT is best suited to ongoing program training.

DM-13: I believe that management has been adversely affected by the agency shift in philosophy from one of leadership to one of technical knowledge. We promote and train management to be technically proficient instead of the skills needed to be a good leader.

DM-13: After over two years as a new DM-13, I have yet to be sent to any management training.

DM-13: In

small offices, we do not have the luxury of extended trainee times. Trainees need to become productive during the first year. We cannot look towards the third year for a trainee to become truly productive.

DM-13: I am a single manager of office and ongoing training is lacking. Why? Because I spend much of my day answering the public phone lines and doing production work. Frankly, if I don't do it, it may not get done.

DM-13: The biggest objection to IVT training is that there is no personal interaction between student and trainer; no eye contact. Without that, you CANNOT give effective training. With eye contact, the instructor can tell if several students are having trouble with a concept and can immediately stop and back up to go over it. Most new hires are too afraid to raise their hand or to hit the "question" button on the IVT remote because they don't want to appear stupid. IVT is OK for ongoing training but is totally unacceptable for the entry-level courses.

DM-13: My office is one of the few that still does not have IVT access. We therefore receive tapes from the RO. We get information after everyone else—often when it is stale. For important things, we have to prepare and give our own training, which is time consuming. In over 2 1/2 years, I have not been able to make any progress on having IVT installed. This is very disheartening.

DM-13: Whatever happened to the 2010 vision? Everything predicted is coming true and we plod along with our heads in the sand. It takes years to fully train replacements, yet we can not move quickly enough.



Larry Anderson, (l.) Executive V.P. of Local 3438, Anthony Young, President of AFGE Local 2206 and Gary Sanders, Council 220 Atlanta Regional Vice President, review new contract language

Letters to the Editor

Dear *UNITY*,

The new contract means loss of some benefits; but we will live to fight another day. We ain't dead yet.

Our contract negotiating team fought hard and fought the good fight. Our Local 1346 President Loni Schultz was one of the negotiators, traveling from LaCrosse, Wisconsin to Baltimore frequently for a year. She basically donated a year of her life, as did many others.

But, in the final analysis, we came up a little bit short. We were like a heavyweight boxer going in with a case of the flu, a head cold and one hand tied behind his back. We started, in other words, with an extreme disadvantage. This administration's team was not going to negotiate with much *give*. They were going to play *Take Away*. There was not much trading going on.

Yet, the Union was able to save certain things that were threatened to be cut, like flextime and CWS. Certain things were lost or cut back. Managers will have more control and that means they can look at numbers. Numbers will be the tale by which employees are given awards and not given awards and by which they are put on improvement plans and by which they can be threatened, warned or intimidated. *Grievances promise to abound!*

Unless managers use their newfound powers with humility, this could get ugly. For example, it appears that under the new contract, overtime can be given to those workers who are the most productive instead of divided fairly and equitably. Fine. Let the 10 or 15 percent of workers who are considered the ROC quality workers process all the overflow work. Let them work the Saturday overtime and overtours.

How will the rest of the workers feel? It's great if you are one of the *chosen*. If you are not, you might feel put down, left out, less than appreci-

ated, treated unfairly and short in the pocketbook as well.

So, this is the danger for managers under President Bush's idea of what SSA should be. There could be use and abuse of these management powers that cause discontent and creates a poor working environment. And, it is hard to see how that is good for SSA.

On the other hand, managers could handle their newfound powers for what it is: being handed a hot poker! You could mishandle it and get burned.

As workers, we need to work hard. But, that's the name of the game at SSA anyway. As workers and human beings we need to demand to be treated with respect. We are NOT a number and should not be treated as such.

Hal Bluethman
AFGE Steward & Editor
The Newsletter, Local 1346
Rockford, Illinois

Dear *UNITY*;

I spent eight days at a Veterans Hospital this past May. My husband and 10 year old son came to visit me on Mother's Day and I was given a day pass to spend time with them off campus. It was strange walking around the mall with an inpatient hospital band on my wrist. Part of me kept wondering, which person out of all those that were staring at me would call the cops thinking I had escaped the psych ward!

I suffered from post traumatic stress disorder and chronic depression before I took a job



with Social Security as a 10-point veteran. SSA knew I was disabled and, like most of us hired off the street, I had no clue what the job entailed. Little did I know that just because the agency is out there trying to help disabled persons *find* a job, it doesn't mean it is willing to help them *keep* it.

Although I'd only been with SSA for less than one year, I was given journeyman responsibilities. When I got bogged down, management told me that I had already been trained and should know what I was doing.

Even with a mentor, I had trouble keeping up with my assignments. I had no time to keep up with my email, voice mail, regular mail, rep payee apps, PERCs and lists. My mentor not only had her

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AFGE Local 4041 President Josie Marrujo and Ken Keillor, Council 220 Secretary and President of Local 3272, attend the New Orleans contract bargaining conference.

Letters to Editor: Stress Can Take Its Toll

(Continued from page 5)

own workloads, but other, more experienced co-workers constantly asked her questions, too. It was difficult to get help when I needed it and things started falling behind.

My desk looked like a tornado hit and I had a pile of work that I didn't know what to do with. I couldn't sleep at night without having weird dreams and it was difficult getting up in the morning because I knew what work was going to be like.

Management had unreasonably high expectations. In public, they try to smooth things over by saying that there's no way to catch up. In private, however, they would ask why work wasn't done.

I had an old claim that I had no clue where to go with and my manager finally pulled me into his office for a showdown. I was caught off guard and cried so hard I could barely speak. I tried to explain, but my manager didn't understand.

The next day I had an appointment with my psychiatrist. With my nerves shot, I told management that I would be taking the entire day off and requested a letter from my doctor that I needed a reduced workload. But, my manager told me that the office couldn't afford reasonable ac-

commodations because there were a lot of upcoming retirements, we were short on staff and I wasn't blind or suffering from carpal tunnel syndrome like two of the other employees.

I took this to mean that if one can't see the disability, there is no disability to accommodate. Two days later, I was placed on a performance assistance plan. Clearly, management had no intention of helping me work around my disability.

Six weeks into my assistance plan, I took an unexpected week off because of a major depressive episode. Two weeks later, I was back in the hospital.

All I ever wanted to do when I took this job was to help people. I never thought I'd have to take on a battle for myself.

Name withheld upon request
[Note: The above employee has since filed a Worker's Compensation Claim.]

Texas Employee Reinstated

A Georgetown, Texas SSA worker was reinstated after being fired for poor performance.

The employee had been with the agency since 1998 when she was hired as an outstanding scholar. Thereafter, she attained journeyman grade, earned awards for her job performance, and was fully successful through 2002. But, thereafter, her performance declined and SSA proposed to fire her in 2004.

"The central unanswered question to this entire case then becomes one of what could have happened to have changed an apparently quite successful employee to one who was

given assistance plans...and failing that, was then terminated, just two short years after several years of successful employment," said arbitrator John Barnard, who presided over the employee's appeal.

Barnard criticized field office manager Jim McDaniel for removing himself from the grievant's assistance plans and removal action, noting that McDaniel testified that even though he was the deciding official, he did not read the document that formed the basis for the grievant's termination.

"It would seem appropriate that, in every termination decision, there should be checks and balances to insure that the employee ...is given the appropriate considerations," Barnard said.

The union charged that the agency confused matters by suspending the grievant during the assistance plan period for failing to improve. But arbitrator Barnard relied upon the grievant's previous successful performance in ruling that she deserved a chance to perform as a Service Representative. He reinstated her to an SR position without back pay.

SSA and AFGE Local 2258, John Barnard, arbitrator; Kirk Bigelow for AFGE, June 30, 2005.



Stan Kroman, EVP and Acting President of AFGE Council 224 representing ROQA (I.), and Steve Kofahl, Council 220 Seattle RVP, discuss contract ratification at the New Orleans conference.

SSA Once Again Scores Poorly on Morale

The *Federal Times* reports that the Social Security Administration joins Homeland Security, Small Business Administration, Education Department and the Transportation Department as having the poorest morale in government, as recorded in the Federal Human Capital Survey (FHCS) conducted by the Office of Personnel Management.

The FHCS is a tool that measures employee perceptions of whether, and to what extent, conditions characterizing successful organizations are present in their agencies. The survey also shows that agencies suffering lower-than-normal employee satisfaction in 2002, like Social Security, continue the trend into 2005.

SSA had an unusually low percentage of bargaining unit member respondents with 39 percent from the rank and file and 61 percent from management. In fact, there was only one other non-military agency that had a lower percentage response rate from the non-supervisory staff.

Therefore, the survey responses are skewed towards a more positive trend as the weighted results show.

Even so, morale at SSA remains a problem and one would expect that had the surveys been distributed proportionately to employees instead of focused on management, the despair-rate at SSA would have been demonstratively higher than reported. The full survey may be viewed at www.opm.gov, where one may obtain an analysis and comparison of raw data and weighted scores. Select questions and responses follow for SSA (these responses represent raw data):

My workload is reasonable: 37.2% at SSA disagree. Only 8.4% disagree government-wide (GW)

Promotions in my work unit are based on merit: 38.1% disagree. 30.6% disagree GW.

Employees have a feeling of personal empowerment w/ respect to work processes: 36.6% disagree. 25.6% disagree GW.

Awards in my work unit depend on

how well employees perform their job: 33.2% disagree. 25.6% disagree GW.

In my work unit, personnel decisions are based on merit: 32.8% disagree. 26.6% disagree GW.

Considering everything, how satisfied are you with your job? 64.8% said satisfied (70% GW) and 35.2% said neutral, dissatisfied or very dissatisfied (28.2% GW).

Considering everything, how satisfied are you with your organization? 58.5% said very satisfied or satisfied (60.1% GW) and 41.6% said neutral, dissatisfied or very dissatisfied (39.9% GW).

SSA Opens Its Files to FBI

While SSA is turning the screws on its employees for the least questionable violation of customer privacy, it opened the doors to citizens files for the FBI, allowing it to review thousands of records, according to the *New York Times*. All they had to say was “national security” and, *viola*, entrance was granted.

Some members of Congress were troubled by SSA’s policy change. Representative Carolyn Maloney said there were “real civil liberties implications for abuse.”

“If we don’t know when SSA decides to change its rules to disclose personal information,” she said, “I think Americans have a right to be skeptical about their privacy.”



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Protesters Oppose SSA Privatization

Hundreds of protesters chanting “Hands off my Social Security” and “Not wise to privatize” marched to the White House in early June.

AFGE Council 220 President Witold Skwierczynski and Local 3937 President Steve Kofahl were among them.

The march came at the conclusion of a three-day “Take Back America” conference to protest the war in Iraq, Social Security privatization and the “Wal-Mart economy.”

A man in a top hat representing “Billionaires for Bush” grabbed the microphone. “Send Social Security checks to poor people, seniors and the disabled and they just waste it on food,” he sneered. “Wouldn’t you rather have your pension funds managed by United Airlines? Wal-Mart can lend a helping hand.” The crowd erupted in boos and laughter.

Kofahl and Skwierczynski were on hand to support those who opposed the administration’s Social Security privatization plans. Earlier this year, both helped to expose the White House use of SSA employees to pro-

mote private accounts. Senator Frank Lautenberg convened hearings last January at which Kofahl and others testified.

“Our employees were being used to promote the Bush administration’s political agenda and that is illegal,” Kofahl said. “Bush’s plan, over time, would dismantle Social Security.”

Kofahl also spoke at the Washington State Jobs with Justice Workers Rights Board Hearing about the politicization and intimidation of federal workers. He referred to examples of abused federal workers:

- The government’s chief analyst of Medicare costs was threatened with firing last year if he replied directly to legislative requests for information about prescription drug costs in the new Medicare bill.
- Three watchdog groups have claimed that Scott Bloch, head of



On June 2, grassroots demonstrations to Save Social Security occurred around the country. This one took place in St. Louis. Representatives from AFGE Council 220 participated in the Washington, DC demonstration.

the Office of the Special Counsel, has run a purge of career civil service employees in order to replace them with friends and loyalists.

- At Social Security, workers’ rights and practices are under attack as a result of whistleblowing and employee activism.

Some material for this article came from the People’s Weekly World.