



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

Complete instructions are on the back of this form.

1. Name and address of charged activity or agency

Noel D Wall, Reg. Comm
 Regional Office VI
 1200 Main Tower Bldg
 Dallas, Texas 75202

2. Name and address of charging labor organization or individual

AFGE Local 2505
 1321 Alviola
 Midwest City, Okla. 73110
 * Duty Station: c/o Soc. Sec. Adm
 RM 111, 200 NW 5th St.
 Okla City, Okla. 73102

3. Activity or agency contact information

Name: Dana Callahan
 Title: IMR Specialist
 Phone: (405) 767-4331/ FTS: 729-4331

4. Labor organization or individual contact information

Name: Sy Overturf
 Title: President
 Phone: (405) 231-5342/ FTS: 736-5342

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and (2), (8)-7102

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

The Charged Party committed the below cited violation through his Agent, Mary Ann Goeller, Supervisor in the Social Security Field Office located at RM 111, 200 NW 5th St, Okla City, Okla. 73102.

During the morning of November 9, 1990, the Agent failed to follow the rules that she had previously established for assignment of work. An adversely affected employee protested this failure to follow the rules during a conversation with the Agent between 12:30PM and 1:00 PM. The affected employee informed the Agent that the assignment would be completed as directed under protest. However, after the work was completed, she would be discussing the situation with the Union representative. The Agent responded that such an action would result in the employee's performance rating being lowered.

7. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where? [see reverse]

8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT. 18 U.S.C. 1001.

Sy Overturf

Type or print your name

Your signature

Nov. 14, 1990

Date

CERTIFICATE OF SERVICE

This is certification that a copy of this Charge has been served via first class to the below cited Party or Parties on November 14, 1990.

Dana Callahan, LMR Specialist
For Regional Comm
Regional Office VI
1200 Main Tower Bldg
Dallas, Texas 75202

Sy Overturf

Sy Overturf, Pres. Local 2505

Nov. 14, 1990

Date

STATEMENT

1. Goldie Sanders, in cooperation with an official investigation being conducted pursuant to the Federal Service Labor-Management Relations Statute (under oath) (by affirmation), do hereby make the following voluntary statement. I have been assured by an agent of the Federal Labor Relations Authority that this statement will be considered confidential by the United States Government and will not be disclosed as long as the case is open unless it becomes necessary to produce the statement if I testify at a formal hearing. Upon the closing of the case, the statement may be subject to disclosure in accordance with the General Counsel's policy.

Home address: Route 2, Box 18, Blanchard, OK 73010.

Office address: _____

Home telephone: (405) 485-2684

Work telephone: (405) 224-6988 Union telephone: _____

1. I am currently employed as a Service
 2. Representative for the Social Security Administration.
 3. I am assigned to the SSA Branch Office
 4. in Chickasha, OK. I have been assigned
 5. to the Chickasha office since December
 6. 1990. I was previously assigned to
 7. the Oklahoma City District Office for
 8. approximately 6 years. I am within
 9. the bargaining unit represented by AFGE,
 10. local 2505.

11. Mary Ann Goeller is the Veterans
 12. Supervisor (within the OK City District Office).
 13. While I was assigned to the OK City District
 14. Office, Goeller was my immediate supervisor.
 15. Goeller is responsible for supervising a
 16. group of Service Representatives, and she
 17. introduced a "buddy system" through which
 18. employees were paired together to offer
 19. each other assistance and support. In
 20. the event an employee was absent from

1. work, her "buddy" would try to complete the
2. immediate tasks that needed to be performed
3. for the absent employee. I was paired with
4. Ann Reed.

5. On November 9, 1990, 2 "TSC Referrals"
6. were received in the District Office. This
7. is a high-priority item which requires that
8. the party involved be contacted, or that
9. a contact be attempted, within 24-hours
10. of receipt. On the morning of November
11. 09, 1990, I discovered 2 separate TSC
12. Referrals in teletype form in my in-
13. basket. Service Representative work is
14. assigned based on an alphabetical system,
15. and the initials of the parties' last names
16. in the TSC Referrals ~~was~~ ^{were} not within
17. that portion of the alphabet assigned to
18. me or Ann Reed. In fact, the work
19. should have been assigned ~~to~~ to Shirley
20. Wyman. She wasn't there at work
21. that day, so it should have been assigned
22. to her "buddy", Amelia Cabazos.

23. I assumed there had been a distribution
24. error, so I placed the assignment in
25. Cabazos' in-basket. When I returned
26. from lunch, I saw that the 2 TSC
27. Referrals had been returned to me
28. and placed on my desk. Attached was
29. a note to me from Geller asking
30. that I contact the individuals involved.

1. October 1991.

2. I have read this statement consisting of 4
3. pages and swear that it is true and correct
4. to the best of my knowledge and belief.

5. *Geldie M. Sanders*
6. Sworn and subscribed before me this 7th day of March 1991.
7. *Michael Farley*

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STATEMENT

I, Smy Overturf, in cooperation with an official investigation being conducted pursuant to the Federal Service Labor-Management Relations Statute (under oath) (by affirmation), do hereby make the following voluntary statement. I have been assured by an agent of the Federal Labor Relations Authority that this statement will be considered confidential by the United States Government and will not be disclosed as long as the case is open unless it becomes necessary to produce the statement if I testify at a formal hearing. Upon the closing of the case, the statement may be subject to disclosure in accordance with the General Counsel's policy.

Home address: 1321 Alvicola, Midwest City, OK 73110

Office address: _____

Home telephone: (405) 233-4331

Work telephone: (405) 231-5342 Union telephone: _____

1. I am currently employed as a
2. Claims Representative for the SSA Oklahoma
3. City District Office in OK City, OK. I
4. have worked for the SSA since July
5. 1962. The exclusive representative for a
6. nation-wide bargaining unit of SSA
7. employees is the National Council of SSA
8. Field Operations Locals. I am President
9. of AFGE, Local 2505, which services 5
10. Districts within the state of Oklahoma.
11. I have been president of AFGE, Local
12. 2505 since 1974.

13. Goldie Sanders works as a Service
14. Representative for SSA, and she is a
15. bargaining unit employee. She is currently
16. assigned to the Chickasha Branch office within
17. the OK City District office. She has worked
18. at the Chickasha Branch office for the
19. last 2 months, and she was previously
20. assigned to the OK City District

1. Officer. She was assigned to the Service
2. Representative Unit under the immediate
3. supervision of Mary Ann Goeller.

4. As background, Mary Ann Goeller has
5. employees under her supervision ~~working~~ on
6. a "buddy system" which pairs employees
7. together so that they may provide assistance
8. and back-up for each other. On
9. November 4, 1990 Goeller assigned a
10. work task to Sanders that should have
11. been assigned to one of the other work
12. teams, based on the application of Goeller's
13. own work rules. Sanders objected to
14. the assignment, and stated that she
15. would perform it under protest. Sanders
16. added that after the work was completed,
17. she would be discussing the situation with
18. the Union representative. In response,
19. Goeller told Sanders that such an action
20. would result in Sanders' performance rating
21. being lowered. This exchange took
22. place between 12:30 - 1:00 pm on November
23. 4, 1990. What I have described is
24. based on a conversation I had with
25. Sanders shortly after her discussion with
26. Goeller, and based on a discussion I
27. had with her a few days after her meeting
28. with Goeller.

29. Sanders has not yet received her
30. performance appraisal, and she won't

1. receive it until ~~November~~³⁰ September. At that
 2. time, Sanders will be given her appraisal
 3. by her new supervisor rather than Helen Geller.
 4. By this charge, the Union is alleging
 5. a violation of 5 USC 5116(a)(1) based
 6. on Geller's statements to Sanders. The
 7. Union would like to delete the alleged
 8. violations of 5 USC 5116(a)(2) and (8).

9. I have read this statement consisting of 3
 10. pages and swear that it is true and
 11. correct to the best of my knowledge and belief.

12. O of Sy Orlin
 13. Sworn and subscribed before me this 5th day of March 1991.
 14. Michael Farley

9. The American Federation of Government Employees (AFGE), National Council of SSA Locals, is the exclusive representative of a unit of employees appropriate for collective bargaining with Respondent.

10. AFGE, Local 2505, is an agent of AFGE for representing unit employees at Respondent's facility.

11. On or about November 9, 1990, Respondent, through Goeller, stated to a unit employee words to the effect that if the employee brought a complaint to the Union President, it would be reflected on her performance evaluation.

12. By the conduct described in paragraph 11, Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1).

A HEARING ON THIS COMPLAINT WILL BE HELD before an Administrative Law Judge of the Federal Labor Relations Authority on June 18, 1991 at 9:00 a.m. at a place to be determined in Oklahoma City, Oklahoma. The Respondent has the right to appear and present testimony and evidence at the hearing.

To answer this complaint, the Respondent must file an original and 4 copies of its answer with the Denver Regional Director at the address below. Any answer must admit, deny, explain, or deny knowledge as to each of the allegations in each paragraph of this complaint. If the Respondent does not file an answer, the Authority will find that the Respondent has admitted each allegation. See 5 C.F.R. Section 2423.13.

The Respondent must serve any answer on the Chief Administrative Law Judge and on all other parties at the addresses on the attached service sheet. An answer filed in person must be received by the Region no later than June 3, 1991. An answer filed by mail

must be mailed and postmarked by June 3, 1991. If an answer is received without a legible postmark, the Authority will presume that it was mailed 5 days prior to receipt.



Marjorie R. Thompson
Regional Director
Federal Labor Relations Authority
Denver Region
1244 Speer Boulevard, Suite 100
Denver, CO 80204
Telephone: (303) 844-5224; FTS: 564-5224

DATED at Denver, Colorado this 8th day of May, 1991.

CERTIFICATE OF SERVICE
CASE NO. 76-CA-10175

I hereby certify that on May 8, 1991, I served the foregoing COMPLAINT AND NOTICE OF HEARING upon the interested parties in this action by placing a true copy thereof, postage prepaid, in the United States Post Office mailbox at Denver, Colorado, addressed as follows:

Chief Administrative Law Judge
Federal Labor Relations Authority
500 "C" Street, S.W.
Washington, D.C. 20424

Certified No. P 450 198 992

Dana Callahan
Labor-Management Relations Specialist
Social Security Administration, Region 8
1200 Main Tower Building
Dallas, TX 75202

Certified No. P 450 198 993

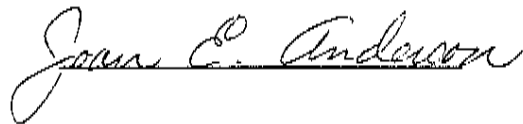
Sy Overturf, President
American Federation of Government
Employees, Local 2505
1321 Alviola
Midwest City, OK 73110

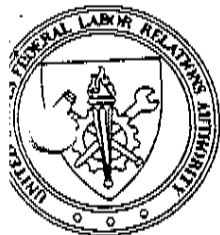
Certified No. P 450 198 994

Kathleen Day Koch, General Counsel
Federal Labor Relations Authority
500 C Street, S.W.
Washington, D.C. 20424

American Federation of Government
Employees, AFL-CIO
80 F Street, N.W.
Washington, D.C. 20001

Assistant Director
Agency and Labor-Management Relations
U.S. Office of Personnel Management
Attn: Technical Guidance & Information
Division, Room 7412
1900 "E" Street, N.W.
Washington, D.C. 20415





NOTICE TO ALL EMPLOYEES

**POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
FEDERAL LABOR RELATIONS AUTHORITY**

DRAFT

WE WILL NOT tell our employees, represented exclusively by the American Federation of Government Employees, Local 2505, that if an employee brought a complaint to the Union President, it would be reflected on the employee's performance evaluation.

WE WILL NOT, in any like or related manner, interfere with, restrain, or coerce employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

DRAFT

DRAFT

UNITED STATES OF AMERICA

BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY

DENVER REGION

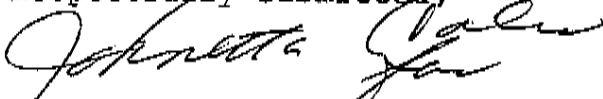
Department of Health and Human Services :
Social Security Administration :
Oklahoma City District :
Oklahoma City, Oklahoma :
: :
RESPONDENT :
: :
and : Case No. 76-CA-10175
: :
American Federation of Government :
Employees, AFL-CIO, Local 2505 :
: :
CHARGING PARTY :

ANSWER TO COMPLAINT

Respondent Social Security Administration, in accordance with Section 2423.13 of the Federal Labor Relations Authority Rules and Regulations, herewith files its Answer to the Complaint issued in the above-captioned case.

- | | |
|-----------|------------|
| 1. Admit. | 7. Admit. |
| 2. Admit. | 8. Admit. |
| 3. Admit. | 9. Admit. |
| 4. Admit. | 10. Admit. |
| 5. Admit. | 11. Deny. |
| 6. Admit. | 12. Deny. |

Respectfully submitted,



Richard A. Matthews
Representation Staff
Social Security Administration
Office of Labor Management
Relations, Room G-J-10, WHR Bldg.
6401 Security Boulevard
Baltimore, Maryland 21235
Telephone No. (301) 965-4810
(FTS) 625-4810

May 31, 1991
Date

This is an Agreement between the Social Security Administration, Dallas Region (Employer) and AFGE Local 2505 (Union) in settlement of Unfair Labor Practice Charge No. 76-CA-10175. A copy of this agreement shall be posted to the Employer bulletin boards in all offices of the Okla City District (ie: Chickasha, Moore, Okla City and Shawnee offices) for a period of at least 60 days from the date of posting. By entering into this Settlement Agreement, the Employer does not admit to a violation of the Federal Service Labor-Management Relations Statute.

The Employer affirms that AFGE Local 2505 is the exclusive representative for bargaining unit employees of the Okla City district in accordance with provisions of the Federal Service Labor-Management Relations Statute. As such, bargaining unit employees have the statutory right to seek and utilize Union representation without interference, restraint, threats and fear of coercion and retaliation. The Employer agrees that its Agents will desist and refrain from engaging in the following actions:

1. Threatening employees with the lowering of their performance ratings when they express their intent to seek Union representation concerning their disagreements with management over workload assignments.
2. Interfering with, restraining, coercing, threatening and retaliating against bargaining unit employees for exercising, or indicating they intend to exercise, their rights under the Federal Service Labor-Management relations Statute.

The Union agrees to withdraw the Unfair Labor Practice Charge Case No, 76-CA-10175 upon the Employer having posted copies of this Agreement to its bulletin boards in the Chickasha, Moore, Okla City and Shawnee offices.



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
1244 SPEER BOULEVARD, SUITE 100
DENVER, CO 80204

June 6, 1991

REGION 7

Richard A. Matthews, Representation Staff
SSA Office of Labor Management Relations
Room G-J-10, Bldg. WHR
6401 Security Blvd.
Baltimore, Maryland 21235

Re: Case No. 76-CA-10175; Department of Health and Human Services, Social Security Administration, Oklahoma City District Office, Oklahoma City, OK/American Federation of Government Employees, Local 2505

Dear Mr. Matthews:

Pursuant to 5 USC 7132, as implemented through Section 2429.7 of the Rules and Regulations of the Federal Labor Relations Authority, the following named individuals have been subpoenaed by Counsel for the General Counsel in the above-cited case:

Sylvester Overturf

Goldie Sanders

In addition, pursuant to 5 USC 7131(c), as implemented by Section 2429.13 of the Rules and Regulations of the Federal Labor Relations Authority, the witnesses' attendance at the hearing (beginning one half hour prior to the scheduled starting time for the hearing) and for pre-hearing preparation is deemed necessary. Such attendance at hearing and for pre-hearing preparation is, of course, on official time and any travel and per diem expenses are reimbursable to the witnesses, in accordance with Department of the Air Force, Sacramento Air Logistics Center, McClellan Air Force Base, California, 26 FLRA No. 83 (1987).

If there are any questions, please call me at the phone number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Sullivan".

Timothy Sullivan
Counsel for the General Counsel

Enclosure

cc: Sylvester Overturf
Goldie Sanders



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
1244 SPEER BOULEVARD, SUITE 100
DENVER, CO 80204

June 6, 1991

Certified Mail No. P 450 199 134

REGION 7

Sylvester Overturf
National Council of SSA,
Field Office Locals, AFGE
1321 Alviola
Midwest City, OK 73110

Re: Case No. 76-CA-10175; Department of Health and Human Services, Social Security Administration, Oklahoma City District Office, Oklahoma City, OK/American Federation of Government Employees, Local 2505

Dear Mr. Overturf:

Enclosed is a subpoena for your appearance at the June 18, 1991 hearing of the above-captioned case before an Administrative Law Judge of the Federal Labor Relations Authority. The purpose of the hearing is to determine whether the Social Security Administration, Oklahoma City District Office, Oklahoma City, Oklahoma engaged in violations of the Federal Labor Laws, 5 USC Chapter 71.

I will contact you within a few days to schedule necessary pre-trial interviews and preparation. At that time we will have an opportunity to discuss your role in the hearing. Most of the appearances will be brief, and we will try to schedule them in such a way as to minimize the loss of work time. However, as a Federal employee whose participation is deemed necessary in this proceeding, you are entitled to official time for such participation as occurs during regular work hours and while in a work or paid leave status. Also, any travel and per diem expenses are reimbursable to you in accordance with Department of the Air Force, Sacramento Air Logistics Center, McClellan Air Force Base, California, 26 FLRA No. 83 (1987).

If the case settles or stipulates, a hearing will be unnecessary. In that event you will be released from the subpoena. It is also possible that, for various reasons, your appearance at the hearing will be unnecessary; if so, you will be informed by telephone or letter. Otherwise, you are required to comply with the enclosed subpoena. Also, you should inform your supervisor that you have received this subpoena and request that your supervisor contact me immediately should there be any problems with your attendance at this hearing.

If you participate in the hearing, your only obligation is to tell the truth. It is a violation of the law for management or unions to take reprisal against anyone for cooperating with the FLRA and giving testimony at the hearing. You may contact me at the below listed telephone numbers to discuss any questions which you may have concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Sullivan".

Timothy Sullivan
Counsel for the General Counsel

Enclosure

(303) 844-5224

(FTS) 564-5224

FAX NO. (303) 844-2774

FAX FTS: 564-2774

SUBPOENA
UNITED STATES OF AMERICA

FEDERAL LABOR RELATIONS AUTHORITY

To Sylvester Overturf
National Council of SSA
Field Office Locals, AFGE
1321 Alviola
Midwest City, OK 73110

Request therefor having been duly made by Counsel for the General Counsel of the Federal Labor Relations Authority, whose address is 1244 Speer Boulevard, Suite 100, Denver, Colorado 80204

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR before an Administrative Law Judge of the Federal Labor Relations Authority, at Oklahoma County Courthouse, 321 Park Ave., Courtroom 338, 3rd Floor, in the City of Oklahoma City, OK 73129 on the 18th day of June, 1991, at 9 o'clock a.m. of that day, to testify in the Matter of:

Department of Health and Human Services, Social Security Administration, Oklahoma City District Office, Oklahoma City, OK and American Federation of Government Employees, Local 2505; Case No. 76-CA-10175

In testimony whereof, the seal of the FEDERAL LABOR RELATIONS AUTHORITY is affixed hereto, and the undersigned has hereunto set his hand and authorized the issuance hereof.

Issued at Denver, Colorado

this 6th day of June, 1991


(Signature)

Regional Director
(Title)

SETTLEMENT AGREEMENT

UNFAIR LABOR PRACTICE COMPLAINT

76-CA-10175

This is an Agreement between the Social Security Administration, Dallas Region (Employer) and the American Federation of Government Employees (AFGE), Case No. 76-CA-10175. A copy of this agreement shall be posted on the Employer bulletin board in the Oklahoma City District Office for a period of 30 days from the date of posting. By entering into this Settlement Agreement, the Employer does not admit to a violation of the Federal Service Labor-Management Relations Statute.

The Employer, in recognition of its obligations under the Federal Service Labor-Management Relations Statute, recognizes and affirms that AFGE, Local 2505, is the exclusive representative of its bargaining unit employees in the Oklahoma City District. It is further recognized that employees in the bargaining unit have the statutory right to seek union representation and are free to exercise such rights without interference, restraint and/or fear of coercion or retaliation. In this regard it is understood that the employer should refrain from engaging in such actions which deem to:

1. Threaten employees with the lowering of their performance ratings when they express disagreement with management over workload assignments.
2. Interfere with, restrain, coerce against bargaining unit employees for exercising (or indicating they intend to exercise) their rights under the Federal Service Labor-Management Relations Statute.

In consideration of the above, the Union agrees to withdraw the Unfair Labor Practice Charge, Case No. 76-CA-10175, upon the signing of this document by the parties, with the understanding that the Employer will post copies of this agreement on its bulletin board in the Oklahoma City District Office within 10 days of its signing.

Spencer Querty 6-12-91
Union Representative/Date

Dana B. Callahan 6/11/91
Agency Representative/Date