

American Federation of Government Employees

AFFILIATED WITH THE AFL-CIO

Local 2505

Ralph C. de Juliis
President



Carol A. Lewis
Executive Vice President

1 July 2008

Kathy Marshall, District Manager
Social Security Administration
902 S George Nigh
McAlester, OK 74501

By FAX: (918) 423-8399

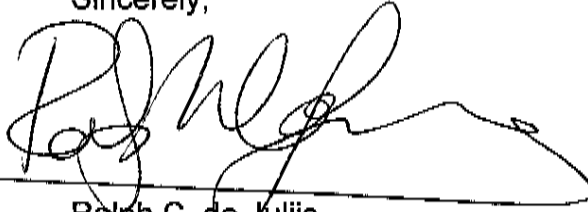
Dear District Manager Marshall:

By this letter, AFGE Local 2505 invokes arbitration on SSA's June 30, 2008 denial of the Union's May 9, 2008 Section 10 grievance (Attached). Among the more serious violations cited in that grievance were (1) SSA's failure to give the Union's designated representative advanced notice of changes including but not limited to changing the duties of the CR reassigned from T2 to T16 and temporarily promoting the only male in the office to different duties (Technical Expert) without notifying or offering that temporary promotion to any of the women in the office, (2) sex discrimination in the assignment of work (3) of bypassing the Union and discussing changes directly with employees and (4) over SSA's refusal to negotiate.

I will be the Union's representative in this arbitration.

c/o Social Security Administration
4750 South Garnett Road ♦ Tulsa, Oklahoma 74146-5233
VOICE: (918) 641-2409 Ext. 2923 ♦ CELL: (918) 781-3096 ♦ FAX: (918) 641-2446
SSA E-mail: ralph.dejuliis@ssa.gov ♦ Internet E-mail: ralph.de.juliis@sbcglobal.net

Sincerely,



Ralph C. de Juliis
Representative for AFGE Local 3291

Attachment

cc: with Attachments

Joan Thomas, SSA Arbitration Panel Representative
Vincent Tuminello, AFGE Arbitration Panel Representative
Local 2505 Executive Board

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages **17**

To:	Joan Thomas	From:	R de Juliis AFGE
Dept./Agency:	COMM ER-SSA	Phone:	918-781-3096
Fax #:	410-966-9761	Fax #:	918-641-2446

NSN 7540-01-317-7888 5089-101 GENERAL SERVICES ADMINISTRATION

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages **17**

To:	Vincent Tuminello	From:	R de Juliis AFGE
Dept./Agency:	AFGE Panel Rep	Phone:	918-781-3096
Fax #:	410-966-9761	Fax #:	918-641-2446

NSN 7540-01-317-7888 5089-101 GENERAL SERVICES ADMINISTRATION



SOCIAL SECURITY

902 S George Nigh
McAlester OK 74501
918-423-1942

Sent via fax to 918-641-2446

June 30, 2008

Ralph de Juliis
Local President, AFGE Local 2505
4750 South Garnett Road
Tulsa, Oklahoma 74146-5233

Dear Mr. de Juliis

This is a response to your Article 24, Section 10 Union Management Grievance filed on May 9, 2008 regarding the allegation that the McAlester, OK SSA District Office refused to give the Union's designated representative advanced notice and refused to bargain over appropriate arrangements and impact and implementation of McAlester management's exercise of its rights to assign work. Since this issue only pertains to the McAlester, OK SSA Office, I am the appropriate official to respond to this grievance. In the grievance you cite a violation of Articles 1; 2; 3; 4; 16; and Article 26 of the SSA National Agreement. You have stated in the grievance that the Union would be agreeable to Alternative Dispute Resolution to resolve McAlester related bargaining requests and grievances.

On June 20, 2008 we had a meeting to discuss this matter. We were not able to come to an agreement as to what issues require bargaining and which do not. The following issues are in question:

- Workload adjustments resulting from the hiring of two new employees.
- Workload adjustments resulting from the promotion of Ben Toman who was ½ of the SSI post entitlement unit.
- Changing the back up relief schedule for the McAlester DO's only SR who is the primary receptionist.
- Picking a TII CR to be trained as an SSI PE CR.
- By-passing the Union by consulting directly with the McAlester staff about how to deal with staffing shortage created by the maternity leave of a female McAlester CR.

The issues listed above, in the UMG, will not result in changes to the employees' duties or work conditions. As a result, there has been no change in unit employee's conditions of employment that triggers a statutory bargaining obligation. United States Department of Veteran Affairs Medical Center, Sheridan, Wyoming, 59 FLRA No. 18 (2003) and United States Department of Homeland Security, Border and Transportation Security Directorate, U.S. Customs and Border Protection, Border Patrol, Tucson Sector, Tucson, Arizona, 60 FLRA No. 40 (2004). Even assuming for the sake of argument there is a change; we are of the view that there is no

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Carol A. Lewis
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9 May 2008

Ms Ramona J. Schuenemeyer
Regional Commissioner - Dallas Region
Social Security Administration
1301 Young St., STE 130
Dallas, Texas 75202

BY FAX: (214) 767-4259

Dear Regional Commissioner Schuenemeyer:

By this letter, AFGE Local 2505 files an Article 24, Section 10 Union-Management Grievance.

By email of Sunday, May 04, 2008 sent at 12:57 PM, SSA in the McAlester, OK SSA District Office refused to give the Union's designated representative advanced notice and refused to bargain over appropriate arrangements and impact and implementation of McAlester management's exercise of its rights to assign work. AFGE Local 2505 hereby files a Section 10 Grievance.

This is an on-going, continuing violation. First, McAlester management has failed and refused to deal with the individual (me) to whom SSA was told to provide notice. Second, SSA management has made MANY changes to terms and conditions of employment and working conditions without providing advanced notice and the opportunity to bargain. It is the Union's intent to address all of those failures in this grievance. Those changes include but are not limited to: work load adjustments resulting from the hiring of two new employees; workload adjustments resulting from the promotion of Ben Toman who was ½ of the SSI Post-entitlement unit; changing the back up relief schedule for the McAlester

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DO's only SR who is the primary receptionist; picking a Title II CR to be trained as an SSI PE CR; creation of a 120 day detail from GS-11 to GS-12 TE for the only male CR in the McAlester DO without offering that big money opportunity to any of the more senior female CRs in McAlester; by-passing the Union by consulting directly with the McAlester staff about how to deal with the staffing shortage created by the maternity leave of a female McAlester CR, etc.

All of the above changes, individually and *in toto*, constitute changes in terms and conditions of employment which are greater than *de minimis*. SSA's failure to give the Union's designated representative advanced notice and its refusal to bargain and its bargaining directly with the employees in McAlester constitute an Unfair Labor Practice (a violation of 5 USC 7116) and a violation of the AFGE-SSA National Agreement, Article 1, Sections 1 and 2, Article 2, letters A and B, Article 3, Sections 1 and 2, Article 4, Sections 1 and 5, Article 16, Sections 1, 2, 4 and 8 and Article 26, Section 3.

AFGE Local 2505 Executive Vice President, Carol Lewis, will assist me in this matter. Please contact me to arrange for the Union's oral presentation.

This is just the latest in a series of McAlester instances of mismanagement and totally inappropriate mishandling of the Labor-Management Relation. The Union is agreeable to submitting all of our McAlester-related bargaining requests and grievances to Alternative Dispute Resolution, as provided for in Article 40 of the AFGE-SSA National Agreement.

Thank you!

Sincerely,



Ralph E. de Jullis
AFGE Local 2505

Attachment

cc: AFGE Local 2505 Executive Board