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American Federation of Government Employees

AFFILIATED WITH THE AFL-CIO

Local 2505

Ralph C. de Juliis
President



Carol A. Lewis
Executive Vice President

11 February 2009

ARBITRATION INVOCATION

Mr. Edwin Hardesty, District Manager
Social Security Administration
4750 South Garnett Road
Tulsa, OK 74146-5233

Dear District Manager Hardesty:

By this letter, AFGE invokes arbitration on the Union's January 13, 2009 Section 10 grievance regarding SSA's holding a formal discussion with the SR's without giving the Union advanced notice and the opportunity to attend that meeting, SSA refusal to bargain over its decision to open the front windows at 8:30. SSA denied the grievance by letter dated January 28, 2009.

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

Thank you!

Ralph C. de Juliis

cc: AFGE Local 2505 Executive Board

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



Social Security Administration
4750 South Garnett Road
Tulsa, OK 74146
(866) 593-5664

January 28, 2009

Mr. Ralph DeJuliis
AFGE Local 2505
4750 S. Garnett Rd.
Tulsa, OK 74146

Dear Mr. DeJuliis:

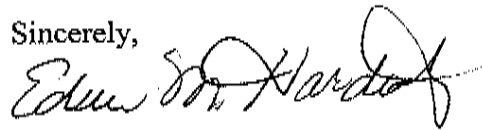
This is the response to your Section 10 Union Management Grievance filed on January 13, 2009 regarding management's refusal to bargain the temporary screening process recently implemented in the Tulsa, OK Field Office. I have been delegated the responsibility to respond on behalf of the Agency.

As stated above, your grievance is based on the Agency's refusal to bargain the temporary screening process recently implemented in the Tulsa District Office. You have asked for a remedy that includes an FLRA styled posting, a return to the status quo, and an extra 30 minutes of non-interviewing time for staff members that participated in screening of customers prior to 9:00 a.m.

The change that was implemented in the Tulsa District Office to alleviate the burden to screen an inordinate number of customers at 9:00 a.m. constitutes assignment of work and is not subject to bargaining. This assignment of work 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 foreseeable adverse impact on the working conditions of bargaining unit employees beyond that of a speculative or a *de minimis* nature. Thus, absent evidence of a change with more than *de minimis* adverse impact, there is no duty to bargain.

I am, therefore, unable to grant the relief that you requested. Management considers this matter resolved and closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin M. Hardesty". The signature is written in black ink and is positioned above the printed name.

Edwin M. Hardesty
District Manager



SOCIAL SECURITY

January 22, 2009

Sent via fax to (918) 641-2446

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

Dear Mr. de Juliis:

This is regarding the union-management grievance filed pursuant to Article 24, Section 10 on January 13, 2009. These issues pertain only to the Tulsa, OK Social Security Administration (SSA) Office. Therefore, I have delegated the grievance to Ed Hardesty, District Manager of the Tulsa OK SSA Office. He will be contacting you shortly to proceed with the grievance process. If you have any questions, please call Dana Callahan in Management Operations Support at (214) 767-0290.

Sincerely,

*Dana Callahan for
Ramona Schuenemeyer*

Ramona Schuenemeyer
Regional Commissioner

cc: Dianne Vaughn, Area Director, Area VII
Ed Hardesty, District Manager, Tulsa, Oklahoma

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President



Carol A. Lewis
Executive Vice President

13 January 2009

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 a Section 10 grievance of concerning yesterday's implementation of expanded hours of public service in the Tulsa, OK SSA District Office.

On Thursday, January 8, 2009, Service Representative Supervisor Robert Everidge called an SR Unit meeting to discuss the implementation of expanded hours of public service in the Tulsa, OK SSA District Office effective Monday, January 12, 2009. The Union was not given advanced notice nor afforded the opportunity to attend that formal discussion.

The SRs were told that they would open the front windows at 8:30 and start interviewing at 8:30. They were still expected to keep the front windows open until 4 PM. That is an expansion of the number of hours the front windows are open to the public; that is an increase in the number of hours the SRs interview. That is a corresponding DECREASE of 30 minutes daily in the number of hours the SRs have available for paper work. If an SR started work at 6:45 AM, that 30 minute daily decrease in the amount of adjudication time is almost a 25% decrease. Additionally, on Monday, January 12, 2009, the CRs were required to

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start interviewing before 9 AM. That was not part of the notice or consultation between DM Hardesty and LP de Juliis. Any employee interviewing before 9 am is a change in past practice.

On Thursday, January 8, Local 2505 President Ralph de Juliis sent an email to Tulsa District Manager Ed Hardesty about the proposed changes. Later that morning, DM Hardesty discussed the changes with LP de Juliis. LP de Juliis said that the Union wouldn't request bargaining unless it received complaints. The Union received complaints; and that same afternoon, LP de Juliis sent DM Hardesty a demand to bargain, which clearly stated:

After giving it some thought, the Union still wishes to bargain and demands that implementation be delayed until completion bargaining, including member ratification of any agreement which we reach, with or without the assistance of the Federal Mediation and Conciliation Service / Interest Arbitrator.

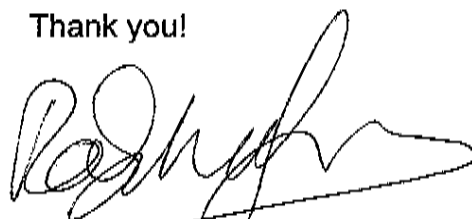
SSA did not respond to the Union's bargaining demand. SSA implemented.

By its actions, SSA has committed an unfair labor practice, in violation of 5 USC 71. SSA has also violated Articles 1, Sections 1, and 2; Article 2, paragraphs A and B; Article 3, Sections 2.A, 6.C and 6.E.1 and 2; and, Article 4, Section 1 and 5.

The remedy the Union wishes from this grievance is multi-fold: (1) An FLRA styled posting, (2) a *status quo ante* remedy and (3) an extra 30 minutes of non-interviewing time for each day that each employee had to interview the public prior to 9 A.M.

The Union waives its right to make an oral presentation of this grievance.

Thank you!



Ralph C. de Juliis
AFGE Local 2505

cc: Local 2505 Executive Board

TRANSMISSION REPORT

(TUE) JAN 13 2009 12:28

ACCOUNT NAME :
DESTINATION : 912147674259
DEST. NUMBER : 912147674259

DOCUMENT# : 6802058-936
TIME STORED : JAN 13 12:27
TIME SENT : JAN 13 12:27
DURATION : 27sec
MODE : ECM

PAGES : 2 sheets
RESULT : OK

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Ms Ramona J. Schuenemeyer
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Social Security Administration
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Dallas, Texas 75202