

COMPLAINT OF POSSIBLE PROHIBITED PERSONNEL PRACTICE OR OTHER PROHIBITED ACTIVITY

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. (If more space is needed, use Continuation Sheet at page 12.)

PART 1: PROHIBITED PERSONNEL PRACTICES / OTHER PROHIBITED ACTIVITY (GENERAL)

- 1. Name of person seeking OSC action ("Complainant"): Mr. () Ms. () Mrs. (x) Miss () Ralph C. de Julis
For USERRA complaints only - please provide the last digit only of your Social Security Number (SSN):
2. Position, title, series, and grade: Claims Representative, GS-105-11
3. Agency name: Social Security Administration
4. Agency address: 4750 South Garnett Road, Tulsa, OK 74146-5233
5. Home or mailing address: 4741 So Harvard Ave., Tulsa, OK 74135-3008
6. Contact information: Telephone number(s): (918) 749-3412 (Home) (918) 641-2409 (Office) Ext. 2923
Fax number: (918) 641-2445
E-mail address: ralph.dejuliis@ssa.gov or ralph.de.juliis@sboglobal.net
7. If you are filing this complaint as a legal or other representative of the Complainant, please supply the following information:
Name and title of filer: Mr. () Ms. () Mrs. () Miss () Jessica Parker
Address: WORK: c/o Social Security Administration, 506 West Utah Avenue, Chickasha, OK 73108
HOME:
Telephone number(s): (405) (home) (405) 35 (office) Ext. 109
Fax number: (405)
E-mail address: WORK: jessica.parker@ssa.gov ; HOME:
8. Are you (or is the Complainant, if you are filing as a representative) covered by a collective bargaining agreement? (Check one.) (x) Yes () No () I don't know
9. How did you first become aware that you could file a complaint with OSC? (x) OSC Web site () OSC speaker () OSC brochure () OSC poster () news story () agency personnel office () union () co-worker (x) other (please describe): Union Training Date (approximate): 1982

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10. What is the employment status of the person affected by the suspected prohibited personnel practice or other prohibited activity? (*Check all applicable items – more than one item may apply.*)

- a. Applicant for Federal employment
- b. Competitive Service
 - temporary appointment
 - term appointment
 - career or career-conditional appointment
 - probationary employee
- c. Excepted Service
 - Schedule A
 - Schedule B
 - Schedule C
 - National Guard Technician
 - nonappropriated fund
 - Postal Service
 - Tennessee Valley Authority
 - VA Dept. of Medicine and Surgery
 - Veterans Readjustment Act (VRA)
 - other (*specify*): _____
- d. Senior Executive Service (SES), Supergrade, or Executive Level
 - career SES
 - noncareer SES
 - career GS-16, 17, or 18
 - noncareer GS-16, 17, or 18
 - Executive Level V or above (career) fund
 - Executive Level V or above (noncareer)
 - Presidential appointee (Senate-confirmed)
- e. Other
 - civil service annuitant
 - former civil service employee
 - competitive service
 - excepted service
 - military officer or enlisted person
 - contract employee
 - other (*specify*): _____
 - unknown

11. What other action(s), if any, have you taken to appeal, grieve, or report this matter under any other procedure? (*Check all that apply.*)

- None, or not applicable Date: _____
- Appeal filed with Merit Systems Protection Board (MSPB) Date: _____
- Petition for reconsideration of initial decision filed with MSPB Date: _____
Initial Decision No. _____
- USERRA claim filed with VETS (Department of Labor) Date: _____
(Form VETS/USERRA/VP-1010)
- Grievance filed under agency grievance procedure Date: _____
- Grievance filed under negotiated grievance procedure Date: _____
- Matter heard by arbitrator under grievance procedure Date: _____
- Matter is pending in arbitration Date: _____
- Discrimination complaint filed with agency Date: _____
- Agency or Administrative Judge (AJ) decision on discrimination Date: _____
complaint appealed to Equal Employment Opportunity Commission
- Appeal filed with Office of Personnel Management Date: _____
- Unfair labor practice (ULP) complaint filed with Date: _____
Federal Labor Relations Authority General Counsel
- Lawsuit filed in Federal Court Date: _____
Court name: _____
- Reported matter to agency Inspector General Date: _____
- Reported matter to member of Congress Date: _____
Name of Senator or Representative: _____
- Other (*specify*): Requested Union Audit of Merit Promotion Package (no response from Agency)

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12. What official is responsible for the violation(s) that you are reporting, and what is his/her employment status? (See question 10 for appropriate description of employment status. If space is needed to identify more than one official, use Continuation Sheet at page 12.)

Name: KELLY RUFFRIDGE

Position/Title: DISTRICT MANAGER

Employment status: ACTIVE, ON-DUTY

13. What are the actions or events that you are reporting to OSC? (To the extent known, specifically list: (a) any suspected prohibited personnel practices or other prohibited activity, other than reprisal for whistleblowing; and (b) any personnel actions involved.) **IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING, SKIP TO PART 2 ON THE NEXT PAGE.**

(1) SSA through its officers and agents, obstructed/deceived applicants competing for the Chickasha, OK Technical Expert Position. (2) SSA gave unauthorized advantage and preference to [redacted] to injure the promotional opportunities of others who might apply for the Chickasha, OK Technical Expert Position. (3) By transferring [redacted] to [redacted], SSA took a personnel action that guaranteed that [redacted] would be selected for the Chickasha, OK Technical Expert Position. (4) By falsely claiming that they could not consider the most qualified candidate, [redacted], SSA guaranteed that [redacted] would be selected for the Chickasha, OK Technical Expert Position. The above actions violate Merit Systems Principles which require that (1) "...selection and advancement should be ... after fair and open competition which assures that all receive equal opportunity; (2) All employees and applicants for employment should
(Continued)

14. Provide details of the actions or events shown in your response to question 13. (Be as specific as possible about dates, locations, and the identities and positions of all persons mentioned. In particular, identify actual and potential witnesses, giving work locations and telephone numbers when possible. Also, attach any pertinent documents that you may have. Please provide, if possible, a copy of the notification of the agency's proposal and/or decision about the personnel action(s) covered by your request for OSC action. If more space is needed, use Continuation Sheet at page 12.)

In 2006, when the Chickasha, Oklahoma Technical Expert, Glenna Shropshire, announced she was retiring, DM Ruffridge transferred Lawton, Oklahoma SSA Claims Representative, [redacted] to the Chickasha District Office. Prior to the reassignment, SSA did NOT announce an opening which would have allowed other employees to have the opportunity to request reassignment. Once in Chickasha, with the concurrence of DM Ruffridge, the Chickasha DM Sharon Frazier, began grooming [redacted] for the TE Position, which is a GS 12 position (the CR position is only a GS 11). No other employees were offered the opportunities which SSA provided [redacted].
These opportunities included being allowed "down time" to work pending backlogs (thereby increasing [redacted] personal work units); NOT being assigned interviews for several weeks (again,
(Continued)

15. What action would you like OSC to take in this matter (that is, what remedy are you asking for)?

As remedy, the Union requests that the promotion of [redacted] be reversed and she be returned to her position as a GS-11 Claims Representative in the Lawton, Oklahoma SSA District Office. This action; however, should not reduce the number of FTE's for the Chickasha District Office. Ms. Grounds should be replaced by the most qualified candidate, who should be retroactively promoted. Alternately, SSA could re-announce and re-run the Chickasha TE Vacancy, giving full consideration to all qualified candidates
Continued

CONTINUATION SHEET

<i>Part No.</i>	<i>Item/Question No.</i>	<i>Response Continuation</i>
1	14	<p>allowing more time to clear workloads and increasing her personal work units being selected to mentor new employees (although she had no formal mentor training); and consistently being chosen to serve as OIC (though the prior past practice established that the Technical Assistant or the most senior Claims Representative would be assigned that duty). Ms. Shropshire was neither the Technical Assistant nor the most senior CR. Ms Shropshire retired. SSA announced the GS 12 TE opening in Chickasha and through the entire Dallas Region of SSA.</p> <p>When the list of eligible candidates was released, it reflected eight eligible individuals from which DM Ruffridge was to select the new TE. On this list was the name of a GS-11 Claims Representative from another Area within the Region. This candidate was widely considered to be the best qualified candidate for the position. However, DM Frazier and DM Ruffridge would neither select nor consider this candidate because of the effort it would have required to transfer the Full-Time Equivalency (FTE) slot between the Areas. The District's failure to consider that candidate is a violation of the Contract. In order to exclude employees from consideration because they were not within Area V (where the opening was located) would have required advanced notice to the Union. Additionally, the Union would have had to concur with the reduction of the Area of Consideration from the contractually mandated Region-wide posting to ONLY Area V. Essentially, the selecting official reduced the area of consideration from the contractually required Region-wide Vacancy Announcement to a selection that was limited to Area V. This occurred without advance notice to the Union and without Union concurrence.</p> <p>Continued</p>
1	12	Sharon K. Frazier, Chickasha, OK District Manager - Active, on-duty
1	13	<p>receive fair and equitable treatment in all aspects of personnel management ... (3) "...Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance." and (4) "Employees should be - (A) protected against arbitrary action, personal favoritism."</p>

**KEEP A COPY OF THIS PAGE FOR YOUR RECORDS
 (ESPECIALLY IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING)**

Continued of Part 1, Question 14 from Continuation Sheet, Page 12

The selection of [redacted] violated Merit Systems Principles. The events leading to her promotion clearly show that she was the beneficiary of training opportunities intentionally denied to other employees; [redacted] was pre-selected. SSA reassigned her without giving other employees the opportunity to transfer. Developmental opportunities and time to boost her production numbers were provided ONLY to [redacted] and denied to all other employees who were potentially eligible (based position and time in grade). SSA failed to fully consider the most qualified candidate due to unannounced FTE policies intended to exclude other potential candidates in the posted area of consideration (the Dallas Region); thereby, improperly and secretly manipulating the Area of Consideration for the benefit of [redacted].

Continued of Part 1, Question 15 from Continuation Sheet, Page 3

As remedy, the Union requests that the promotion of [redacted] be reversed and she be returned to her position as a GS-11 Claims Representative in the Lawton, Oklahoma SSA District Office. This action; however, should not reduce the number of FTE's for the Chickasha District Office. [redacted] should be replaced by the most qualified candidate, who should be retroactively promoted. Alternately, SSA could re-announce and re-run the Chickasha TE Vacancy, giving full consideration to all qualified candidates regardless of their present location. A second alternate would be for all of the applicants who made the well-qualified list who were not selected to receive a *bona fide* priority consideration for a GS-12 position in SSA (i.e., SSA must select them if they apply, exercise their priority consideration and are NOT unqualified for the position). In addition, DM Ruffridge and DM Frazier should be reprimanded and required to attend training on proper selection methods in order to prevent future acts of subversion of the Merit Systems Principles.

The principal witness in the matter is: