

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

FOR FLRA USE ONLY

Case No. DA-CA-06-0499

Date Filed MAY 16 2006

Complete instructions are on the back of this form.

1. Charged Activity or Agency

Name: Social Security Admin
Address: 1610 SW Lee Blvd., Lawton, OK 73501
Tel#: (580)357-8087 Ext.
Fax#: (580) 355-8361

2. Charging Party (Labor Organization or Individual)

Name: Ralph C. de Jullis AFGE Local 2505
Address: 3302 Jeannie Lane, Muskogee, OK 74403-7758
Tel#: (918)641-2406 Ext. 2923
Fax#: (918) 641-2446

3. Charged Activity or Agency Contact Information

Name: Ramona J. Schuenemeyer
Title: Regional Commissioner
Address: 1301 Young St., Ste. 130, Dallas, TX 75202
Tel#: (214) 767-4207 Ext.
Fax#: (214) 767-4259

4. Charging Party Contact Information

Name: see above
Title: Exec. Vice President, Local 2505
Address:
Tel#: () Ext.
Fax#: ()

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

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

On or about, January 5, 206, Lawton, OK SSA Field Office District Manager Kelly Ruffridge held a staff meeting with the bargaining unit employees.

She wished to inform the staff of the decision of management to unilaterally change either (1) increase the number of employees on the 2nd shift or (2) change the start of 1st shift employees on their "demand days" to 7:30 a.m. or later.

DM Ruffridge at that meeting publicly polled each BU member. None of them wanted the number of employees on the 2nd shift increased. Each of them promised to start at 7:30 or later on their "on demand" days.

This was a formal discussion. SSA, by its officers and agents, failed to provide the Union with advanced notice of this formal discussion so that it could decide who its representative would be.

SSA, by its officers and agents, failed to provide the Union with advanced notice of its proposed changes so that the Union could decide if it wanted to bargain.

SSA, by its officers and agents, improperly by-passed the Union and bargained directly with employees at that meeting.

SSA, by its officers and agents, unilaterally implemented changes in terms and conditions of employment and working conditions.

SSA, by its officers and agents, unilaterally changed a long-standing past practice in terms and conditions of employment and working conditions (i.e., the start time of 1st shift employees on their "on demand" days) without affording the Union advanced notice and the opportunity to bargain.

SSA, by its officers and agents, implemented the 7:30 start time rule, which is in conflict with of the collective bargaining agreement, Article 10, Appendix A, Section 5.

SSA, by its officers and agents, repudiate Article 10, Appendix A, Section 5 of the National Agreement with sets shift one start time for all employees on the first shift in large offices (such as Lawton) to 2 hours before the normal start time, not 1-1/2 hours before the normal start time.

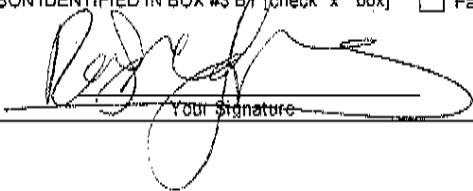
7. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where? [see reverse] _____

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 CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY [check "x" box] Fax 1st Class Mail In Person

Commercial Delivery Certified Mail

Ralph C. de Jullis

Type or Print Your Name



Your Signature

05/12/2006

Date



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
DALLAS REGION

A. Maceo Smith Federal Building
525 S. Griffin Street, Suite 926, LB 107
Dallas, Texas 75202-5093
(214)767-6266 FAX: (214)767-0156
www.flra.gov

May 19, 2006

Ralph de Juliis
Executive Vice President
AFGE Local 2505
3302 Jeannie Lane
Muskogee, OK 74403-7758

Milt Beaver, Associate Commissioner
SSA, Office of Labor-Management
and Employee Relations
Room 2172 Annex Building
6401 Security Boulevard
Baltimore, MD 21235-6401

Re: Social Security Administration
Lawton, Oklahoma
Case No. DA-CA-06-0499

Dear Messrs. de Juliis and Beaver:

Enclosed is a copy of the unfair labor practice charge which has been filed with this Office and assigned the case number shown above. To complete the investigation expeditiously, and to make a determination as to the merits of the charge, it is important that the parties cooperate fully during the ensuing investigation of the charge. You will be contacted shortly by the Agent who has been or will be assigned to investigate the charge. If you have any questions, please contact directly either the Agent or Regional Point of Contact indicated below.

If you are the party who filed the charge (Charging Party) and have not already done so, please submit the following so that it is **received** by this Office by May 30, 2006:

1. A list of witnesses – names, positions, day and evening telephone numbers, and a summary of their expected testimony about their personal knowledge of the charge;
2. Copies of all relevant documents, with an Index if submission is voluminous.

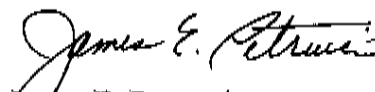
Section 2423.4(e) of the FLRA's Regulations requires that you provide this evidence/information. If you did not submit any evidence or information when you filed the charge and do not provide the material noted above so that this Office has **received** it by May 30, 2006, the charge may be dismissed for lack of cooperation. The Charging Party is responsible for confirming that all supporting evidence and information has been received by the date noted above.

If you are the party against whom this charge is filed (Charged Party), you are requested to review the allegations in the charge and submit a written position to this Office. You also are expected to cooperate fully in the investigation and will be asked by the Agent to supply documentary evidence or witnesses as is deemed necessary.

To assist both parties in understanding how an unfair labor practice charge is processed, I have enclosed an information sheet describing the investigatory process. Also, if someone other than you will be representing your party in this matter, please complete the enclosed "Notice of Designation of Representative."

The General Counsel encourages the informal resolution of unfair labor practice charges and the assigned Agent is available to assist the parties in resolving this matter. In addition, the parties may jointly and voluntarily request that the Region conduct an Alternative Case Processing Procedure. More information concerning the General Counsel's dispute resolution services is contained in the enclosed question and answer sheet.

Very truly yours,


James E. Petrucci
Regional Director

Assigned Agent or Regional Point of Contact:

James P. Hughes, (214)767-6266 ext. 8018, e-mail: jhughes@flra.gov

Enclosed: Description of Unfair Labor Practice Investigation Procedure
Alternative Dispute Resolution Services Q&As
Notice of Designation of Representative

DESCRIPTION OF THE UNFAIR LABOR PRACTICE INVESTIGATION PROCEDURE

What happens after a charge is received by a Regional Office?

After a charge is received, it is docketed and given a case number. An opening letter is then sent to both parties with a copy of the charge, a notice of designation of representative form, and an information sheet on alternative dispute resolution services. Both parties are informed of their obligations to cooperate fully in the investigation and are encouraged to informally resolve the dispute that gave rise to the charge.

Can the charge be transferred to a different Regional Office?

Yes. Occasionally, when necessary to avoid unnecessary costs or delay and to effectuate the purposes of the Statute, a charge may be transferred to a different Regional Office. The charge is processed in the same manner regardless of the Region processing the charge.

When will I first speak with the Agent?

Soon after the charge is filed, the assigned Agent contacts both parties and:

(1) clarifies the allegation(s) in the charge; (2) describes each party's obligation to cooperate in the investigation; (3) reviews each party's testimonial and documentary evidence; (4) explains how the case will be investigated; and (4) clarifies and determines whether official time is needed for any employees.

Will the Agent assist the parties in resolving the dispute that gave rise to the charge?

Yes. The General Counsel encourages the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the issuance of a complaint by a Regional Director. A representative of the appropriate Regional Office, as part of the investigation, assists the parties in informally resolving their dispute. The charge may be resolved and withdrawn by the Charging Party at any stage of the investigation. More information is contained in the ADR Services questions and answers.

Can the Office of the General Counsel assist the parties in resolving a dispute that gave rise to a pending unfair labor practice charge without deciding whether an unfair labor practice occurred?

Yes. Upon joint agreement by the parties, the Regional Director may determine to utilize an alternative case processing technique to assist the parties in resolving the dispute underlying the pending charge by facilitating a problem solving approach, in lieu of initially investigating the particular facts and determining the merits of the charge.

How will the charge be investigated?

The Regions utilize a variety of investigative techniques to obtain the best possible, relevant evidence. The investigation may involve: (1) an on-site visit and the taking of signed and affirmed affidavits and the gathering of documents; (2) the taking of affidavits over the telephone; (3) parties filling out signed and affirmed questionnaires; and (4) letters confirming information discussed telephonically. The RD relies upon this evidence in deciding whether or not the ULP charge has merit. Agencies are always notified before an Agent visits the workplace.

When are employees entitled to official time?

Employees deemed necessary by the Region to give evidence during the investigation are granted official time under section 7131(c) of the Statute. Employees requested to complete a questionnaire and to review a telephone affidavit also are entitled to reasonable official time. The Agent arranges such time with the agency. Official time to gather information during the course of the investigation depends upon the parties' contract and past practices and does not involve Regional Office authorization.

How do the parties cooperate with the Region during an investigation?

Cooperation includes, as determined by the Regional Director: (1) making union officials, employees and agency supervisors and managers available to give sworn/affirmed testimony regarding matters under investigation; (2) producing documentary evidence pertinent to the matters under investigation; and (3) providing statements of position in the matters under investigation.

What happens if a party does not cooperate in the investigation?

A Charging Party's failure to cooperate could result in a dismissal of the charge for lack of cooperation. A Charged Party's failure to cooperate, as requested, could result in the issuance and enforcement of an investigative subpoena.

When is an investigation completed?

An investigation is completed when each party has been given a reasonable opportunity to provide relevant evidence and there are sufficient facts for the Regional Director to render a decision on the merits of the charge.

What happens if the Regional Director determines that the charge does not have merit?

If the Regional Director determines that the charge does not have merit and therefore should be dismissed, the Charging Party is afforded a brief opportunity to withdraw the charge without issuance of a written dismissal. If the charge is not withdrawn or is not withdrawn promptly, a written dismissal issues and is served on the parties. The dismissal letter describes the allegation(s), the facts disclosed during the investigation, the applicable law and the reasoning upon which the Regional Director's decision to dismiss is based.

Can that dismissal decision be appealed?

Yes. A dismissal is appealable to the Office of the General Counsel in Washington, D.C. The General Counsel may dismiss the appeal and close the case or remand the case for further investigation or issuance of a complaint. The General Counsel's decision to deny an appeal and close a case is not subject to review.

What happens if the Regional Director determines that the charge has merit?

If the Regional Director determines that the evidence supports issuance of a complaint, the Region, as the public prosecutor, attempts to settle the charge prior to issuance of a complaint and notice of hearing which schedules the matter for trial before a FLRA Administrative Law Judge. The complaint sets forth the allegations to be prosecuted and is served on all parties to the charge.

DISPUTE RESOLUTION SERVICES

Why does the Office of the General Counsel offer labor-management dispute resolution services?

The Office of the General Counsel furthers its mission by promoting stable and productive labor-management relationships governed by the Federal Service Labor-Management Relations Statute and by providing services which assist labor organizations and agencies to: develop collaborative labor-management relationships; avoid unfair labor practice disputes and resolve any unfair labor practice disputes informally. Inquiries to the FLRA's Regional Offices and the FLRA's Office of the General Counsel in Washington, D.C., to explore alternatives to formal litigation and to request assistance are encouraged.

Can a union force an agency, or an agency force a union, to participate in a dispute resolution program offered by the Office of the General Counsel?

No. These services are only offered upon joint request for the parties. However, as part of processing an unfair labor practice charge, the Office of the General Counsel may suggest to the parties, as appropriate, that they may benefit from these alternative dispute resolution services.

Does a union or agency have to file an unfair labor practice charge to request dispute resolution services?

No. Dispute resolution services are offered to parties apart from the filing of unfair labor practice charges, in connection with pending charges, and/or in connection other aspects of the parties' labor-management relationship as governed by the Statute.

Can the Office of the General Counsel assist the parties in resolving a dispute that gave rise to a pending unfair labor practice charge without deciding whether an unfair labor practice occurred?

Yes. Upon joint agreement by the parties, the Regional Director may determine to utilize an alternative case-processing technique to assist the parties in resolving the dispute underlying the pending charge by facilitating a problem solving approach, rather than initially investigating the particular facts and determining the merits of the charge.

Is this ADR procedure considered part of the investigation?

No. No evidence is taken during the ADR procedure. The purpose of the ADR procedure is to resolve the underlying dispute without determining the merits of the charge. The role of the agent is to assist the parties in that endeavor by facilitating a solution rather than conducting an investigation. No testimonial or documentary evidence or positions on the merits of the charge is gathered during the intervention or entered into the case file.

What happens if the dispute is not resolved and the charge is not withdrawn?

If the parties are unable to resolve the dispute and the charge is not withdrawn, the Region conducts a full investigation on the merits of the charge. The Charging party does not waive any right to an investigation and the Charged Party does not waive any right to establish that it has not committed an unfair labor practice by electing to participate in the ADR procedure. If an investigation on the merits of the charge is necessary, the agent that facilitated the ADR procedure is not involved.

What other types of dispute resolution services are offered?

Agencies and labor organizations also may jointly request the Office of the General Counsel to provide the following types of services:

- **Facilitation** - Assisting the parties in improving their labor-management relationship as governed by the Federal Service Labor-Management Relations Statute;
- **Intervention** - Intervening when parties are experiencing or expect significant unfair labor practice disputes.
- **Training** - Training labor organization officials and agency representatives on their rights and responsibilities under the Federal Service Labor-Management Relations Statute and how to avoid litigation over those rights, and on utilizing interest based problem solving and alternative dispute resolution skills, techniques and strategies to resolve informally unfair labor practice disputes; and
- **Education** - Working with the parties to recognize the benefits of, and establish processes for, avoiding unfair labor practice disputes, and resolving any unfair labor practice disputes that arise by consensual, rather than adversarial, methods.



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
NOTICE OF DESIGNATION OF REPRESENTATIVE

CASE NO.

TO: Regional Director,

I, the undersigned party, hereby designate as my representative in this proceeding, the person whose name and address appears below. Said representative is to be served copies of all formal documents and written communications in this proceeding, excepting subpoenas. This designation shall remain valid until a written revocation is filed by me.

<i>Signature of party (please sign in ink)</i>		<i>Representative's name, address, zip code (print or type)</i>	
<i>Title</i>			
		<i>Area Code</i>	<i>Telephone Number</i>