

<b>NON-STANDARD GRIEVANCE FORM</b> SSA-2048-U3		<i>(Use additional pages for any section of this form, if necessary)</i>	
NAME OF EMPLOYEE: CAROL A LEWIS		OFFICE TELEPHONE: 918-423-1631 EXT. 117	
OFFICE LOCATION: McALESTER, OK	POSITION: CR	GRADE: 11	
REPRESENTED BY: AFGE Local 2505	REPRESENTATIVE NAME: RALPH C. de JULIIS, PRESIDENT	REP TELEPHONE: 918-781-3096	

**DESCRIPTION OF GRIEVANCE: What article(s) of the Agreement are involved?**

On or about, September 29, 2008, AFGE Local 2505 President Ralph de Juliis received my final EEO Counseling Report. I still have not. It is attached. This is part of an on-going violation. Steve Lance was temporarily promoted to a GS-12 TE for 120 days when he was assigned to mentor a trainee as part of his request for Track II Developmental Assignments. I was not told that temporary, 120 day promotions were part of Track II. Had I been told, I would not have declined to participate in Track II. That EEO Final Counseling report is attached. The current attached EEO Final Counseling Report is because I am now mentoring a trainee. The duties are the same as those of . BUT I was not given a temporary, 120 day promotion to a GS-12 TE! That is a violation of equal pay for equal work. This is the result of discrimination based on age, sex and reprisal for protected Union activities and EEO Activities.

The Final EEO Counseling Report Dal-08- violates the provisions of Article 18 and the EEO ADR MOU in the last sentence in Article 18 because no Responsible Management Officials were contacted. Please note that in the final EEO Counseling Report Dal-08-0482, the Responsible Management Officials were contacted even though SSA refused to participate in Alternate Dispute Resolution.

SSA has violated Article 1, Sections 1 and 2; Article 2, A and B; Article 3, Sections 1, 2 and 10; Article 16, Sections 1, 2, 4 and 8; Article 18, Sections 1 and 6 and Article 26, Sections 1 and 2.

I wish for this grievance to be consolidated with the Union's Section 10 grievance / arbitration on this and related matters which is scheduled to be heard by Arbitrator Barnard in DF-2008-R-0010. If SSA does not agree, please advise Local President Ralph de Juliis so that an oral presentation can be scheduled.

**RELIEF SOUGHT:**

I wish to be temporarily promoted, retroactively, for 120 days to a GS-12 TE as was . I wish back pay and interest. I want a posting (Notice To All Employees) similar to what the EEO and the FLRA would order. I want SSA to discipline McAlester DM Marshall for her discriminatory actions against me.

OPTIONAL FORM 99 (7-90)

**FAX TRANSMITTAL**

# of pages = 39

To: <i>Katie Eldredge</i>	From: <i>Ralph de Juliis AFGE</i>
Dept./Agency: <i>DM - McAlester</i>	Phone #: <i>918-781-3096</i>
Fax #: <i>918-423-8399</i>	Fax #: <i>918-641-2446</i>

I hereby authorize my represents be related to the grievance.

Medical information which may

EMPLOYEE SIGNATURE:

*Carol Lewis*

DATE:

*10-09-08*

**STEP 1 SUBMITTED**

SUPERVISOR:	TELEPHONE:	ORAL PRESENTATION REQUESTED? (Y/N)	DATE RECEIVED
		YES	

AGGRIEVED'S NAME: Carol A. Lewis

ICOMPLAINTS CASE NO: Dal -08-

**SOCIAL SECURITY ADMINISTRATION  
EEO COUNSELING REPORT**

<p>1. TO: Social Security Administration Attn: Emerson Lattimore - CREO Manager 1301 Young Street Room 500 Dallas Texas 75202-5433</p>	<p>2. FROM: Janet Alvarez-Jedkins c/o Social Security Houston TSC P.O. Box 25301 Houston, TX 77265</p>	<p>3. DATE COUNSELING FIRST SOUGHT: August 8, 2008</p> <p>4. DATE OF FIRST INTERVIEW: August 28, 2008</p>
<p>5. AGGRIEVED'S (Employee/Applicant)</p> <p>NAME: Carol A. Lewis</p> <p>ADDRESS:</p> <p>TELEPHONE: cell:</p> <p>ICOMPLAINT CASE NO: Dal -08-</p> <p>SSN (Last four): 5808</p> <p>AGGRIEVED'S COMPONENT: McAlester SSA Field Office, 902 South George Nigh, McAlester, OK 74501</p> <p>E-MAIL ADDRESS: carol.a.lewis@ssa.gov</p> <p>POSITION/TITLE: Claims Representative-</p> <p>SERIES/GRADE: GS-105-11</p>	<p>6. ORGANIZATION AND ADMINISTRATIVE CODE: (Where the alleged discriminatory act occurred)</p> <p>S2D6RZ</p>	<p>7. CHECK IF AGGRIEVED ELECTS REPRESENTATIVE:</p> <p><input checked="" type="checkbox"/></p> <p>REPRESENTATIVE'S NAME, ADDRESS: Ralph C de Juliis, President AFGE Local 2505 c/o Social Security Admin 4750 South Garnett Road</p> <p>EMPLOYEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>TELEPHONE: cell: 918-781-3096</p> <p>EMAIL ADDRESS: ralph.dejuliis@ssa.gov</p>
<p>8. HAS AGGRIEVED FILED A GRIEVANCE UNDER THE NEGOTIATED GRIEVANCE PROCESS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DATE: STATUS IF GRIEVANCE FILED:</p> <p>HAS AGGRIEVED FILED A GRIEVANCE UNDER THE ADMINISTRATIVE GRIEVANCE PROCESS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DATE: STATUS IF GRIEVANCE FILED:</p> <p>HAS AGGRIEVED FILED AN APPEAL WITH THE MERIT SYSTEMS PROTECTION BOARD? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DATE: STATUS IF APPEALED:</p>		
<p>9. CHECK HERE IF AGGRIEVED WISHES TO REMAIN ANONYMOUS DURING COUNSELING: <input checked="" type="checkbox"/></p>		

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AGGRIEVED'S NAME: Carol A. Lewis

ICOMPLAINTS CASE NO: Dal -08-

On March 24, 2008, McAlester, OK SSA District Manager Kathy Marshall announced at a staff meeting that she was temporarily promoting SSI CR (who like me is a GS-11 SSI CR) to a GS-12, Technical Expert for 120 days.

There are only two other SSI CRs in McAlester, myself and Narva Wilkerson. Neither of us were told that McAlester was told about this; neither of us were asked if we wished to serve as GS-12, Technical Expert. Both and I are much older than . He is in his mid-40s. I am already retirement eligible. I believe I was not offered this because I am older.

McAlester ADM Katie Eldredge told new hire, that Misty was going to have to adjust to working in an office environment and be aware that co-workers were going to be jealous of her because she is cute, young and skinny, and that was going to have to learn how to deal with that. That comment shows the hostile working environment in which I have to work and the discrimination that older employees face in McAlester.

I also believe I was not offered the 120 GS-12 detail because I was involved in assisting former McAlester SSA CR Melanie Dinwiddie in her EEO Complaint and Reprisal Grievance. Melanie was fired in 2005. ADM Marshall was ADM her in McAlester at the time. Melanie Dinwiddie was reinstated by Arbitrator Patrick Halter with full back pay in 2006. I testified for Melanie. ADM Marshall testified against Melanie. This is also reprisal for the grievance I filed on my lousy award on May 28, 2004. Kathy Marshall was my supervisor at the time.

I deserved to be offered the GS-12 before . He got all 3s on his appraisal. I got one 5. He answers questions asked by . ALL of us ask each other questions and answer them. often comes to myself and with SSI questions. We should be paid the GS 12 like to routinely answer SSI questions, since we are already doing that.

As another example of sex discrimination, ADM Katie Eldredge purchased bulbs from . She asked ME to pot them for her, which I did. I have brought items into work to sell to my co-workers BUT ADM Eldredge did NOT purchase any. She also asked me to pick up her kid at school, which I did. McAlester SSA has relegated me to a "minor" girl's" role.

## Responsible Management Officials:

Kathy Marshall, DM  
902 S. George Nigh  
McAlester, OK 74501  
(918)423-1942

The failure of management to temporarily promote me to a GS-12 TE for 120 days as it did is even more aggravating because in my EEO complaint from June, DM Marshall slammed me and THEN turns around and gives me an ECSA award for \$800 for mentoring from July 14, 2008 and still on-going. If I'm good enough for an \$800



10. TYPE OF DISCRIMINATION (Basis) – Select from one or more of the following:

- Age (in years): 56       Race – Black
- DOB: 12/11/1951       Race – White
- Color       Race – Amer. Indian
- Mental Disability       Race – Asian/Pac. Is.
- Physical Disability       Race – Other
- National Origin       \* Other: \_\_\_\_\_
- Sex – Male
- Sex – Female      \*Sexual Orientation;
- Religion      Marital Status; Parental
- Retaliation/Reprisal      Status; Political
- Affiliation; Conduct
- Which Does Not
- Adversely Affect
- Performance

11. MATTER CAUSING COMPLAINT (Issue) – Select from one or more of the following:

- Assignment of Duties       Reassignment
- Awards       Reinstatement
- Conversion to FT/CC       Reprimand
- Duty Hours       Non-Selection
- Evaluation/Appraisal       Retirement
- Examination/Test       Separation
- Initial Appointment       Harassment (Non-Sexual)
- Pay (Including Overtime)       Sexual Harassment
- Equal Pay Act       Suspension
- Promotion       Time/Leave Attendance
- Reasonable Accommodation       Training
- (Disability)       Work Conditions
- Reasonable Accommodation       Other: Hostile Work
- (Religion)      Environment / Disparate
- Demotion      Treatment

12. DETAILED DESCRIPTION OF COMPLAINT (Include specific allegation(s) with date(s) of occurrence and indicate relief desired).

DATE OF OCCURRENCE:

On July 14th, McAlester DM Kathy Marshall told Carol A Lewis that she would be mentoring a new employee just out of training,

When Kathy Marshall named a male, Steve Lance, to be the mentor for a McAlester co-worker, Kathy Marshall gave a temporary promotion to a GS 12.

SSA's failure to give Carol A Lewis a temporary promotion to a GS 12 for being a mentor is age and sex discrimination. Ms Lewis is a female. Ms Lewis is over 40. SSA has also violated the Equal Pay Act by requiring Ms Lewis to perform the same duties at a lower grade (GS 11) while the male gets a higher grade (GS 12) to perform the same duties.

The remedy sought is a GS 12 temporary promotion (120 days) to a TE for Ms Lewis.

By way of background for the hostile work environment:

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AGGRIEVED'S NAME: Carol A. Lewis

COMPLAINTS CASE NO: Dal -08-

award, I'm good enough for a 120 day temporary promotion to a TE! Why should a women get a cash award that counts for nothing for promotion and the guy get a temporary promotion that is important when applying for a permanent, competitive promotion AND is worth more money.!

13. AGGRIEVED'S SIGNATURE ACKNOWLEDGING RECEIPT OF RIGHTS AND DESCRIPTION OF ISSUES TO BE COUNSELED:

*Carol Lewis* 8-28-08

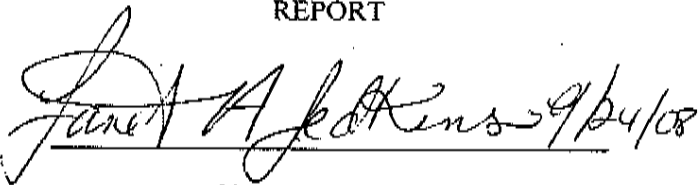
SIGNATURE AND DATE

14. COUNSELOR'S SIGNATURE (Initial Interview).

*Jane A. Lettini* 8/29/08

SIGNATURE AND DATE

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15. CONTACTS DURING EEO COUNSELING INQUIRY:				
DATE(S) OF CONTACT	NAME, TITLE GRADE, TELEPHONE, ADDRESS EMAIL ADDRESS	ORG. CODE	REASON FOR CONTACT (Aggrieved, Witness, RMO, Personnel, etc.)	TIME SPENT
08/18/08 08/28/08	Carol Lewis Carol Lewis	S2D6RZ	Aggrieved Aggrieved and Rep	15 mins 3 hours
16. INFORMATION DEVELOPED DURING INQUIRY:				
<p>Aggrieved requested ADR on 08/28/08. Per CREO office, management declined the ADR process on 09/12/2008. Representative of aggrieved elected not to go to the formal level and requested the final EEO Counseling Report to proceed with a grievance and take it through the grievance process to arbitration. Aggrieved advised concerning Personally Identifiable Information and the need to safeguard such information.</p> <p>CHECK HERE IF CONTINUED ON ATTACHED FORM <input type="checkbox"/></p>				
17. DATE OF FINAL INTERVIEW	18. TOTAL HOURS SPENT COUNSELING:	19. DATE REPORT GIVEN/ MAILED (CIRCLE ONE) TO AGGRIEVED:		
09/22/2008	3 hours 15 mins	09/24/2008 Certified mail Receipts Lewis7003 2260 0007 1667 1013 Rep 7006 2150 0001 0574 1878		
20. SIGNATURE OF COUNSELOR AND DATE OF REPORT		21. AGGRIEVED ACKNOWLEDGES RECEIPT OF FINAL COUNSELING REPORT		
 Signature and Date		<hr/> Signature and Date		

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**Alvarez-Jedkins, Janet**

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**From:** DeJulius, Ralph  
**Sent:** Thursday, August 28, 2008 9:02 AM  
**To:** Alvarez-Jedkins, Janet  
**Cc:** Lewis, Carol A.  
**Subject:** For today at 10: Request for EEO Counseling - Carol A Lewis - McAlester  
**Importance:** High

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**From:** DeJulius, Ralph  
**Sent:** Friday, August 08, 2008 5:23 PM  
**To:** Lattimore, Emerson; Cook, Brenda; Wagner, Mary Nell; Garduno, Raul  
**Cc:** Lewis, Carol A.; 'Carol Lewis'  
**Subject:** Request for EEO Counseling - Carol A Lewis - McAlester  
**Importance:** High

On July 14th, McAlester DM Kathy Marshall told Carol A Lewis that she would be mentoring a new employee just out of training.

When Kathy Marshall named a male, \_\_\_\_\_, to be the mentor for a McAlester co-worker, \_\_\_\_\_, Kathy Marshall gave \_\_\_\_\_ a temporary promotion to a GS 12.

SSA's failure to give Carol A Lewis a temporary promotion to a GS 12 for being a mentor is age and sex discrimination. Ms Lewis is a female. Ms Lewis is over 40. SSA has also violated the Equal Pay Act by requiring Ms Lewis to perform the same duties at a lower grade (GS 11) while the male gets a higher grade (GS 12) to perform the same duties.

The remedy sought is a GS 12 temporary promotion (120 days) to a TE for Ms Lewis.

Ms Lewis has not filed a grievance or MSPB complaint. She does not request anonymity.

I will be her representative.

She requests Alternate Dispute Resolution.

As in the last request for EEO counseling dated, May 2, 2008:

Carol A Lewis is a female, CR in the McAlester SSA District Office.

She is a GS-11 and has been a GS 11 for years.

Her SSN is (being provided because we have been told that it will be used to track her EEO Counseling): \_\_\_\_\_

To the best of our knowledge, the responsible management officials who made this decision are McAlester District Manager, Kathy Marshall.

My work address is c/o Social Security Administration 902 S George Nigh, McAlester, OK 74501.

The Administrative phone number is : 918-423-1942.

The Office FAX number is: 918-423-8399

Her Home Address is: . nka, OK 74883

Her home phone is:

Her Cell phone is:

My information as her representative is:

I am an Social Security Employee.

I work in the Tulsa, SSA District Office.

The address is: 4750 South Garnett Road, Tulsa, OK 74146-5233.

My cell phone number is: 918-781-3096

Thank you!

Ralph de Juliis, President

AFGE Local 2505

AGGRIEVED'S NAME: Carol A. Lewis  
SSA

ICOMPLAINTS CASE NO: Dal - 08 - 0482 - SSA

**SOCIAL SECURITY ADMINISTRATION  
EEO COUNSELING REPORT**

<p>1. TO: Social Security Administration Attn: Emerson Lattimore - CREO Manager 1301 Young Street Room 500 Dallas Texas 75202-5433</p>	<p>2. FROM: Maria Alvarez c/o Social Security 1616 Joe Yenni Blvd Kenner, LA 70065</p>	<p>3. DATE COUNSELING FIRST SOUGHT: May 2, 2008</p> <p>4. DATE OF FIRST INTERVIEW: June 18, 2008</p>
<p>5. AGGRIEVED'S (Employee/Applicant) NAME: Carol A. Lewis ADDRESS: TELEPHONE: cell: ICOMPLAINT CASE NO: Dal - 08 -0482-SSA SSN (Last four): 5808 AGGRIEVED'S COMPONENT: McAlester SSA Field Office, 902 South George Nigh, McAlester, OK 74501 E-MAIL ADDRESS: carol.a.lewis@ssa.gov POSITION/TITLE: Claims Representative- SERIES/GRADE: GS-105-11</p>	<p>6. ORGANIZATION AND ADMINISTRATIVE CODE: (Where the alleged discriminatory act occurred) S2D6RZ</p>	<p>7. CHECK IF AGGRIEVED ELECTS REPRESENTATIVE: <input checked="" type="checkbox"/></p> <p>REPRESENTATIVE'S NAME, ADDRESS: Ralph C de Juliis, President AFGE Local 2505 c/o Social Security Admin 4750 South Garnett Road EMPLOYEE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO TELEPHONE: cell: 918-781-3096 EMAIL ADDRESS: ralph.dejuliis@ssa.gov</p>
<p>8. HAS AGGRIEVED FILED A GRIEVANCE UNDER THE NEGOTIATED GRIEVANCE PROCESS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DATE: STATUS IF GRIEVANCE FILED:</p> <p>HAS AGGRIEVED FILED A GRIEVANCE UNDER THE ADMINISTRATIVE GRIEVANCE PROCESS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DATE: STATUS IF GRIEVANCE FILED:</p> <p>HAS AGGRIEVED FILED AN APPEAL WITH THE MERIT SYSTEMS PROTECTION BOARD? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DATE: STATUS IF APPEALED:</p>		

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office environment and be aware that co-workers were going to be jealous of her because she is cute, young and skinny, and that was going to have to learn how to deal with that. That comment shows the hostile working environment in which I have to work and the discrimination that older employees face in McAlester.

I also believe I was not offered the 120 GS-12 detail because I was involved in assisting former McAlester SSA CR Melanie Dinwiddie in her EEO Complaint and Reprisal Grievance. Melanie was fired in 2005. ADM Marshall was ADM her in McAlester at the time. Melanie Dinwiddie was reinstated by Arbitrator Patrick Halter with full back pay in 2006. I testified for Melanie. ADM Marshall testified against Melanie. This is also reprisal for the grievance I filed on my lousy award on May 28, 2004. Kathy Marshall was my supervisor at the time.

I deserved to be offered the GS-12 before . He got all 3s on his appraisal. I got one 5. He answers questions asked by: . ALL of us ask each other questions and answer them. often comes to myself and with SSI questions. We should be paid the GS 12 like to routinely answer SSI questions, since we are already doing that.

As another example of sex discrimination, ADM Katie Eldredge purchased bulbs from . She asked ME to pot them for her, which I did. I have brought items into work to sell to my co-workers BUT ADM Eldredge did NOT purchase any. She also asked me to pick up her kid at school, which I did. McAlester SSA has relegated me to a "minor" girl's" role.

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NOTE: FROM HERE ON, THE EEO COUNSELOR COMPLETED SECTION 12.

From the CREO Intake Form's "Issue & Date of Occurrence": On or about March 24, 2008, Complainant alleges that management in the McAlester, OK office created a special 120-day detail for the only eligible male CR in the office and did not notify or offer the detail to any of the eligible female CR's in the office.

Responsible Management Officials:

Kathy Marshall, DM

902 S. George Nigh

McAlester, OK 74501

(918)423-1942

Katie Eldredge, ADM

902 S. George Nigh

McAlester, OK 74501

(918)423-1942

Dianne Vaughn, AD 902 S. George Nigh

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AGGRIEVED'S NAME: Carol A. Lewis

COMPLAINTS CASE NO: Dal - 08 -

McAlester, OK 74501

(918)23-1942

The aggrieved and her representative added at the counseling interview, that normally the AD has "say-so" in promotions, however, since this is a temporary promotion, the AD may not have had to approved it. Therefore, the AD may not be a RMO.

As REDRESS, the aggrieved seeks: A 120-day detail to a GS-12 and "an EEO-styled posting" which gives notice to all employees that the agency will not discriminate in the future in this manner, etc.

13. AGGRIEVED'S SIGNATURE ACKNOWLEDGING RECEIPT OF RIGHTS AND DESCRIPTION OF ISSUES TO BE COUNSELED:

*Carol A. Lewis*

SIGNATURE AND DATE

14. COUNSELOR'S SIGNATURE (Initial Interview).

*Maria T. Alvarez*  
6/18/08  
6-18-2008

SIGNATURE AND DATE

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902 S. George Nigh  
McAlester, OK 74501  
(918)423-1942

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13. AGGRIEVED'S SIGNATURE ACKNOWLEDGING RECEIPT OF RIGHTS AND DESCRIPTION OF ISSUES TO BE COUNSELED:

14. COUNSELOR'S SIGNATURE (Initial Interview).

SIGNATURE AND DATE

SIGNATURE AND DATE

*Informational only  
See page "4"*

(23)

15. CONTACTS DURING EEO COUNSELING INQUIRY: 4

DATE(S) OF CONTACT	NAME, TITLE GRADE, TELEPHONE, ADDRESS EMAIL ADDRESS	ORG. CODE	REASON FOR CONTACT (Aggrieved, Witness, RMO, Personnel, etc.)	TIME SPENT
6/23/08	Katie Eldredge, ADM GS-13 (918)647-9512 SSA 1306 Tarby Rd. Poteau, OK 74953	S2D6RZ	RMO	1 hr.
6/23/08	Kathy Marshall, DM, GS-14, (918)423-1942 SSA 902 S. George Nigh McAlester, OK 74501	S2D6RZ	RMO	1 hr.
6/18/08	Carol A. Lewis,CR SSA 902 S. George Nigh McAlester, OK 74501	S2D6RZ	Aggrieved	1 1/2 hrs.
6/18/08	Ralph Dejuliis, President, AFGE Local 2505 C/O SSA 4750 S.Garnett Rd. Tulsa, OK74146-5233	S2D6RZ	Representative	1 1/2 hrs.

16. INFORMATION DEVELOPED DURING INQUIRY:

NOTE: Regarding "DATE OF OCCURRENCE"

Per RMO, Kathy Marshall's statements in #16, the aggrieved was first made aware of selection for the 120-day TE position on March 14, 2008 "as a courtesy to the union rep." (referring to Carol A. Lewis who is the union representative there).

This is prior to the general office meeting where the selection was announced to the office staff.

The difference in dates is an issue because Ms. Lewis' first contact with the CREO office was on May 2, 2008. This puts her out of her 45-day allotted period to file a complaint.

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RE: Age Discrimination in Employment Act of 1967

(The following series of emails document that the aggrieved was given the option of going straight to court since she alleged age discrimination. She declined and chose to continue with the administrative process).

Thu 06/26/2008 4:14 PM

Good Afternoon, Maria!

Carol wishes to go through the administrative EEO Counseling process.

Ralph

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From: Alvarez, Maria

Sent: Thursday, June 26, 2008 3:27 PM

To: Dejuliis, Ralph

Cc: Lewis, Carol A.

Subject: RE: EEO

Ralph,

Per my email dated Wednesday, June 25th (10:58 a.m.) below, please discuss with Carol the issue of the ADEA allowing "persons claiming age discrimination to go straight to court without going through the agency's administrative procedures".

This is just an option that I have to make you aware of. If you all don't choose it, you proceed through the agency's administrative process as usual. Let me know what you all decide.

Thanks,

Maria.

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From: Dejuliis, Ralph

Sent: Thursday, June 26, 2008 2:10 PM

To: Alvarez, Maria

Cc: Lewis, Carol A.

Subject: RE: EEO

Both Carol and I are at work today.

I'll be in OKC tomorrow.

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From: Alvarez, Maria

Sent: Wednesday, June 25, 2008 1:55 PM

To: Dejuliis, Ralph

Subject: RE: EEO

Oh, hope you feel better. Talk to you at a more convenient time.

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From: Dejuliis, Ralph

Sent: Wednesday, June 25, 2008 1:54 PM

To: Alvarez, Maria

Cc: Lewis, Carol A.

Subject: RE: EEO

I'm leaving for dentist. Chipped my tooth at arbitration. Carol is in OKC at hospital with her Mom.

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From: Alvarez, Maria  
Sent: Wednesday, June 25, 2008 10:58 AM  
To: Dejuliis, Ralph  
Cc: Lewis, Carol A.  
Subject: EEO

Ralph,

I realize both you and Carol are out of the office today. As soon as you are able to reply, I need to make you aware that since you alleged "age" as a basis in this case, that you are able to proceed straight to court if you choose to do so (per the Age Discrimination in Employment Act of 1967).

As EEO Counselor, I need to make you aware of this and document the record if you choose not to go that route and instead, proceed with the agency's administrative process.

Also, I emailed Carol on Monday to let her know that I needed her to reprint page 4 of the SSA-675 and sign at #13 and fax to me at fax number (504)468-8118). She had erroneously signed at # 20 previously.

Please get back to me on both these issues as soon as possible.

Thanks,  
Maria.

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THE FOLLOWING IS THE RMO INTERVIEW OF KATIE ELDREDGE, ADM IN MCALESTER, OK AT THE TIME THE ALLEGED COMPLAINT OCCURRED. THE RMO CHOSE TO RECEIVE AND ANSWER THE QUESTIONS BY EMAIL. THE FIRST SEVEN LINES ARE THE INFORMATION THE COUNSELOR FURNISHED. THE NUMBERED QUESTIONS ARE FOLLOWED BY HER ANSWERS. THE RESPONSE WAS RETURNED VIA EMAIL IN AN ATTACHMENT ON JUNE 20, 2008 AT 12: 20 AS INDICATED UNDER QUESTION 7.

Name of Representative: Ralph Dejuliis

ADR status: declined by agency

Matter Causing Complaint: Assignment of Duties, Equal Pay Act, Promotion, Hostile Work Environment/Disparate Treatment

Basis: Sex-Female, Retaliation/Reprisal, Age.

Redress Sought: A 120-day detail to a GS-12 and an "EEO-styled posting/directive" which gives notice to all employees that the agency will not discriminate in the future in this manner, etc.

Below you will find the questions in connection with the EEO case for which you have been named a responsible management official.

By answering the questions below, you acknowledge that you understand your rights in this process.

1). Does a temporary 120-day GS-12 Technical Expert position have to be offered to all qualified GS-11 CR's per OPM regulations? Not to my knowledge.

2). Was Carol A. Lewis ever considered for the 120-day GS-12 Technical Expert position in the McAlester, OK office?

If no, why not? No, Carol declined to participate in Track II. I also did not consider her because this particular detail required a person with T16 PE expertise. Carol herself told me that \_\_\_\_\_, who was the person selected for this detail, is the person she goes to for assistance with this type of work.

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3). If Carol A. Lewis was considered for the 120-day TE position, did age or sex have any impact on her not being selected? Carol was not considered for this detail because she is not a Track II participant and because she does not have a strong T16 PE background.

If no, what was the reason she was not selected?

4). To your knowledge, was there any retaliation or reprisal intended against Ms. Lewis in this matter because she testified for Melanie Dinwiddie in 2005-2006 and/or because she filed a grievance on an award issue in May 2004? I did not come to the McAlester DO until 8/2007. I was not aware of Carol's involvement in the grievance involving Melanie Dinwiddie and was totally unaware of her own grievance regarding an award until I read this questionnaire.

5). Ms. Carol A. Lewis alleges hostile work environment/disparate treatment faced by older employees in the McAlester, OK

office. She cited an example where you allegedly told a new hire that she would have to learn to adjust to an office environment and be aware that co-workers were going to be jealous of her because she (new hire) was cute, young & skinny and that she (new hire) was going to have to learn to deal with that. Ms. Lewis claims that this comment shows, "the hostile work environment in which I have to work and the discrimination that older employees face in McAlester." -Did you make such a comment? I do not recall making any such comment in this exact context. I would never tell any employee to just deal with it, especially a new hire.

-Is there a hostile work environment/disparate treatment of older employees in the McAlester, OK office? There is absolutely not a hostile work environment in the McAlester, OK office based on any employees' age. I above all else value the experience and wisdom that all employees especially, long time employees, bring to the mix. I have shed many a tear over the retirement of such valued members of our work force. This agency would be lost without these individuals, which I consider myself one of.

6). Please list your direct contact information (ph, mailing addr, etc.) and also list your title and grade. Currently, 918-647-9512 If unavailable at that number try 918-423-1942. Current mailing address SSA, 1306 Tarby Rd, Poteau, OK 74953 Permanent duty station SSA, 902 S George Nigh, McAlester, OK 74501. Assistant District Manager, GS 13

7). Please add additional comments here if you wish to do so.

I was very surprised by this grievance. Carol was the person who came to me from day one, when I arrived in McAlester and repeatedly told me that . was her "go to" person for complicated PE issues, computations, etc. She has told me that she constantly seeks his assistance.

Maria,

The questions are answered in the above attachment. Please give me a call if you need anything else.

Katic Eldredge  
Acting District Manager, DO E32  
Poteau, OK TL 918-647-9512  
Mon 06/30/2008 12:20 PM

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THE FOLLOWING IS RMO, KATHY MARSHALL'S RESPONSE. SHE ALSO CHOSE TO RECEIVE AND ANSWER THE EEO COUNSELING QUESTIONS VIA EMAIL. SHE 'REPLIED' TO MY EMAIL SHE DID NOT SEND HER RESPONSE AS AN ATTACHMENT (THEREFORE THE DIFFERRE NCE IN FORMAT FROM MS. ELDREDGE'S).

From: Alvarez, Maria  
Sent: Friday, June 27, 2008 12:25 PM  
To: Marshall, Kathy

Subject: RE EEO

As Requested- EEO questions via email. Thank you.

To: Marshall, Kathy  
Subject: RE: EEO  
Ms. Marshall,

Thank you for your cooperation in this matter. Before you respond to the questions below, I would like to familiarize you with my role as EEO counselor, as well as, your "rights" in the EEO process.

As counselor, I am a neutral party. My role is to make sure each party understands their rights and responsibilities in the EEO process. I will conduct a "limited inquiry", gather information and attempt to reach an informal resolution in the matter.

Your rights as a Responsible Management Official are as follows:

You have the right to representation;

You must be informed of any allegations and afforded a full and fair opportunity to respond;

You must be kept advised of the status of the complaint and informed about and given an opportunity to answer any new allegation.

Aggrieved Person's Name: Carol A. Lewis

Name of Representative: Ralph Dejuliis

ADR status: declined by agency

Matter Causing Complaint: Assignment of Duties, Equal Pay Act, Promotion, Hostile Work Environment/Disparate Treatment

Basis: Sex-Female, Retaliation/Reprisal, Age.

Redress Sought: A 120-day detail to a GS-12 and an "EEO-styled posting/directive" which gives notice to all employees that the agency will not discriminate in the future in this manner, etc.

Below you will find the questions in connection with the EEO case for which you have been named a responsible management official.

By answering the questions below, you acknowledge that you understand your rights in this process.

- 1). Does a temporary 120-day GS-12 Technical Expert position have to be offered to all qualified GS-11 CR's per OPM regulations? No, this was a non-competitive, less than 120 day detail for Track II Developmental purposes.
- 2). Was Carol A. Lewis ever considered for the 120-day GS-12 Technical Expert position in the McAlester, OK office? If no, why not? No she wasn't. Carol has told me on several occasions that she is not interested in Track II Development. The office was in need of a mentor for a T2CR that was crossing over to T16 to work in the T16 PE unit. The only CR that I had in T16 PE was \_\_\_\_\_ and he is an active participant in Track II. Carol has told me on numerous occasions what a technical asset \_\_\_\_\_ is and that she and the other T16 Initial Claim CR go to him for assistance on systems issues, offset cases, etc. That was the reasoning I used in selecting \_\_\_\_\_ for the less than 120 day detail. \_\_\_\_\_ has been assigned other TE duties during his detail like working lists, working difficult offset cases.
- 3). If Carol A. Lewis was considered for the 120-day TE position, did age or sex have any impact on her not being selected?  
If no, what was the reason for her not being selected? n/a

4). Was there any retaliation or reprisal intended against Ms. Lewis in this matter because she testified for Melanie Dinwiddie in 2005-2006 and/or because she filed a grievance on an award issue in May 2004? none

5). Ms. Lewis alleges hostile work environment/disparate treatment of older employees in the McAlester, OK office. She cites an example where ADM Katie Eldredge allegedly told a new hire that she would have to learn to adjust to an office environment and be aware that co-workers were going to be jealous of her because she (new hire) was cute, young & skinny and that she (new hire) was going to have to learn to deal with that. Ms. Lewis claims that this comment shows, "the hostile work environment in which I have to work and the discrimination that older employees face in McAlester." -Are you aware of any comments like that made by Ms. Eldredge? no -Is there a hostile work environment/disparate treatment of older employees in the McAlester, OK office? Not at all - I would consider myself part of this group.

6). Was AD Diane Vaughn involved in the selection of Steve Lance for the 120-day TE position? I discussed the possibility of a less than 120 Detail for Track II Developmental purposes with Dianne Vaughn, AD. I also discussed with her doing some other future Track II Details. Since [redacted] was the only Track II Participant with T16 PE experience there wasn't really a discussion about selection.

7). Please list your direct contact information (ph, mailing addr) and also your list your title and grade.  
Kathy Marshall, District Manager GS-14  
902 S George Nigh Expressway  
McAlester OK 74501  
918-423-1942

8). Please give additional comments here if you wish to do so.  
The McAlester Track II development plan was presented to the McAlester Staff on June 6, 2007. I sent out a subsequent email on 6/25/07 to the staff advising them that if they were interested in Track II to complete the self assessment and individual plan worksheet and I would meet with them individually. I then went to each employee individually to see if they were interested in Track II development. Carol has expressed on numerous that she is not interested in Track II.

I advised Carol on 3/14/08 (as a courtesy to the union rep) of the NTE 120 day detail for [redacted]. She thought it was a great idea and even brought up making it permanent. I told her that our staff only warrants 1 TE slot, so we couldn't make it permanent. We also discussed doing other details for Track II development and she thought it was a great idea.

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COUNSELOR SUMMARY/FINDINGS:

AD Diane Vaughn was not interviewed since she did not directly take part in the decision-making process for the 120-day detail for which Carol A. Lewis has filed a complaint.

The aggrieved alleges that she was informed by DM, Kathy Marshall, the day before the office staff was informed of the selection of the 120-day TE position (March 24, 2008). That is on March 23, 2008, Kathy Marshall informed her of the selection. The DM, alleged to CREO that she notified Carol A. Lewis on March 14, 2008. This discrepancy affects whether the aggrieved filed her complaint timely OR NOT. Per the CREO office, "Baltimore may, at a later date, make a (just cause) determination".

The RMO's deny that there exists a hostile work environment in the McAlester, OK office. They also deny that there is disparate treatment of older employees and therefore, no age discrimination in the McAlester, OK office.

RMO Kathy Marshall denies any retaliation/reprisal against Ms. Lewis in connection to the Dinwiddie case of 2005-2006.

RMO Katie Eldredge denies making comments to new hire [redacted] in the context described by Ms. Lewis which



AGGRIEVED'S NAME: Carol A. Lewis  
SSA

ICOMPLAINTS CASE NO: Dal - 08 -0482-


imply a hostile work environment in the McAlester, OK office.

Both RMO's stated that the reason Carol A. Lewis was not considered for the TE 120-day detail was because she was not in the Track II Program. Both RMO's also state that she was offered the Track II opportunity like everyone else but she was not interested in it. Carol also does not have a strong Title 16 background.

The allegations of sex discrimination relating to "buying bulbs, potting bulbs and picking-up children" are documented in the aggrieved's statements in #12 above. The examples given, in my opinion, are not work-related issues. They are all voluntary actions on behalf of the RMO & the aggrieved. This issue can be looked at closer, if a formal complaint is filed.

As EEO Counselor on this case, I do not think that an informal resolution can be reached. The redress cannot be granted by the RMO's since the aggrieved does not have the Track II criteria required for the 120-day detail. Even if the Track II criteria were overlooked, the RMO's state that the aggrieved does not have the T16 background needed for TE position.

CHECK HERE IF CONTINUED ON ATTACHED FORM

17. DATE OF FINAL INTERVIEW  <p style="text-align: center;">6/18/08</p>	18. TOTAL HOURS SPENT COUNSELING:  <p style="text-align: center;">6 hrs including report</p>	19. DATE REPORT GIVEN/ MAILED (CIRCLE ONE) TO AGGRIEVED:  <p style="text-align: right;">7/11/08 <u>SUTA</u></p>
20. SIGNATURE OF COUNSELOR AND DATE OF REPORT   <p style="text-align: center;">Signature and Date</p>	21. AGGRIEVED ACKNOWLEDGES RECEIPT OF FINAL COUNSELING REPORT  <p style="text-align: center;">Signature and Date</p> <p><i>Sent via certified mail # 7005 1160 0002 5209 0363</i></p> <p style="text-align: right;"><u>SUTA</u> <u>SUTA</u></p>	

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