

AFGE LOCAL 2505

February 17, 2004

Horace Dickerson, Regional Commissioner
Social Security Administration
Dallas Region – Office of the Regional Commissioner
1301 Young Street. Suite 130
Dallas, Texas 75202-5433

Dear Regional Commissioner Dickerson:

This is an Article 24, Section 10 Grievance by AFGE Local 2505 concerning the unilateral change in past practice regarding staffing the day before holiday (Christmas Eve).

Without notice or opportunity to consult or bargain, Muskogee District Manager Joe Deschaine changed the past practice concerning unit staffing for days on which many employees wish to use leave.

It is NOT the change itself which is the subject of this grievance; it is how it was changed during implementation to the disadvantage of one employee.

The old practice was that unit coverage had to be 50%, round UP to next whole body. (For instance, with 7 T 2 CRs, 4 had to be on duty; with 3 SRs, 2 had to be on duty).

The new policy which was implemented without notice or the opportunity to bargain impact and implementation was 2 T2, 2T16 and 1 SR. On Christmas Eve, the two T2 CRs were supposed to be XXXX and XXXX; the two T16 CRs were supposed to be XXXX and XXXX.

Ms XXXX worked out an arrangement with XXXX to split up the Christmas Eve tour to work early and late; XXXX was scheduled to work from 11 through 2:30. Muskogee management concurred with that arrangement, even though it was different from what the other Muskogee employees who were scheduled to work Christmas Eve were told.

Compounding the injury, Muskogee management did NOT tell Ms XXXX, Mr. XXXX or Ms XXXX that they could arrange to share/split their Christmas Eve tour of duty. Further compounding the egregiousness of Muskogee Management by-pass of the Union and failure to inform and give the Union advance opportunity to consult / negotiate per 5 USC 71 and Article 4, XXXX was told by Muskogee management on December 23, that she did NOT have to come to work at all on Christmas Eve, if she, XXXX, was willing to

sign for leave the entire day. Effectively, Muskogee management decided that the T2 unit could be staffed on Christmas Eve by two CR's only until 11 am, and only one CR thereafter, for the remainder of the day

The Union must be clear that it concurs and approves of the unilateral change in the staffing of the T2 unit. Its complaint and this grievance are over the fact that Muskogee management did not tell Ms XXXX (a Union member) about the secret arrangements it was permitting the others (non-Union members) to make.

Shortly before Ms XXXX was planning to leave at 11 am on Christmas Eve, Muskogee management told Ms XXXX that she did NOT have to come back at 2:30. As noted above, XXXX was also told that she did NOT have to sign in to begin work at 11, as had been previously arranged.

At 12:30 pm, Muskogee management asked Ms XXXX if she wanted to sign out for leave for the rest of the day, she did.

At no time did Muskogee Management offer Ms XXXX the opportunity to sign out for leave before the end of her tour on Christmas Eve.

The Union asserts that is age discrimination and anti-union animus. It was a disadvantageous change in the Muskogee past practice regarding staffing and leave approval without prior notice and/or opportunity to bargain given to the Union.

SSA, by its actions, has violated 5 USC 7116(a) (1), (2) and (5), Article 1, 2, 3, 4, 18, 31 and 33 of the National Agreement. The Union requests an oral presentation. The Union's representatives in this matter will be: Ralph de Juliis and Judy Norton.

As late as the week of January 23, Muskogee DM Joe Deschaine, XXXX and Local 2505 Vice President Judy Norton were meeting to attempt to resolve to informally resolve this situation. Such meetings serve to toll the time frames for a filing of a grievance. The matter was not resolved.

Please contact Ralph de Juliis at 918-581-6300 to arrange a mutually agreeable time for the oral presentation.

As remedy: All Muskogee employees will be advised that whenever each must work on a day where the new coverage policy is being used (e.g., Christmas Eve or any other day before or after a holiday), all employees will be notified that they can work out arrangements with another co-worker in their unit to split the work day. If the manager, supervisor or officer-in-charge determines that one of the two individuals who is supposed to stay all day may go, both of the individuals who are slated to work will be notified. If they cannot work out, between them, which one will take leave, the most senior employee will be allowed to take leave for the rest of the day. Also, XXXX gets her next choice of holiday WITHOUT losing her position on the leave roster.

This grievance with an original signature is being mailed to the above address. It is being faxed to (214) 767-6148.

Sincerely,

Ralph C. de Juliis
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cc (by e-mail):

Ylita Edd, President, AFGE Local 2505
Judy Norton, Vice President, AFGE Local 2505
Mike Lyons, Area Director