

United States of America

For FLRA Use Only

Federal Labor Relations Authority

CHARGE AGAINST AN AGENCY

Case No.

Date Filed

Complete instructions on the back of this form.

1. Charged Activity or Agency

Name: Social Security Administration
Address: 410 Opal, Clinton, OK 73601
Tel. #: 580-323-3901 Ext.
Fax #: (580) 323-3856

2. Charging Party (Labor Organization or Individual)

Name: AFGE Local 2505
Address: c/o SSA, 4750 S Garnett Rd., Tulsa, OK 74146
Tel #: 918-781-3096
Fax #: 918-641-2446

3. Charge Activity or Agency Contact Information

Name: Shelly Thompson
Title: District Manager
Address: See above
Tel. #: See above Ext.
Fax #: See above

4. Charging Party Contact Information

Name: Ralph de Juliis
Title: President
Address: See above
Tel. #: See above
Fax #: See above

5. Which subsection(s) of 5 U.S.C. 7116(a) have been violated (see reverse) (1), (5) and (8).

6. Tell exactly what the activity (or agency) did. Start with the Date and Location, State who was involved, Include titles.

By email dated 30 June 2008. AFGE Local 2505 demanded that SSA in the Clinton, OK SSA District Office bargain "Track 2" which is a career-development program and

In order for the Union to understand what is actually occurring in each office, the Union requests, pursuant to 5 USC 7114(b)(4) what ever written documents each office has regarding Track 2 as being implemented in each office and Area VII. This includes but is not limited to emails to employees, emails from each office to the AD and / or RO about what can be done (e.g., temporary 120 day details) and what is being done (e.g., emails and paper work to temporarily promote an individual), submissions from employees to SSA which request Track 2 credit and SSA's response, a print out of the website referenced above indicating what was credited and in what office.

If there is a document that discusses the interplay of Track 2 and Individual Development Plans (Article 16, Section 4), the Union also requests that document. If there is no document, the Union would like that covered during the briefing.

The Union's particularized need is that we need to understand what is going on so that we can formulate our bargaining proposals to remedy sex discrimination and disparate treatment because of protected activities, so that we can see the variation from office to office since we are anticipating one bargaining to cover all offices in Local 2505, or, in the alternative, because we are going to be bargaining one agreement for each, individual office in Local 2505 and we need to know best practices so we can propose them in every office.

On 30 June 2008, District Manager Thompson deleted the email without reading it, which means the Union is never going to get a response to its request for information.

7. Have you or anyone else raised this matter in any other proceeding? [X] 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 on this charge can be punished by fine and imprisonment, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE IDENTIFIED PERSON IN BOX #3 (check "x" box) [] Fax [] 1st

Class Mail [] In Person [] Commercial Delivery [] Certified Mail

Ralph de Juliis

Your signature

1 July 2008

Type or Print your name

Date

American Federation of Government Employees

AFFILIATED WITH THE AFL-CIO

Local 2505

Ralph C. de Juliis
President



Carol A. Lewis
Executive Vice President

1 July 2008

TO: Federal Labor Relations Authority
FROM: Ralph C. de Juliis, Representative
RE: ULP over SSA failure to provide information per 5 USC 7114(b)(4) – Clinton, OK SSA – Request of 30 June 2008

I will be the Union's Representative.

Documents:

1. Union's 30 June 2008 Bargaining Demand and Information Request
2. READ receipt showing DM Thompson deleted the Union's 30 June 2008 Bargaining Demand and Information Request without reading it

UNION WITNESS:

Ralph de Juliis – Cell Phone: 918-781-3096

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

Dejuliis, Ralph

From: Dejuliis, Ralph
Sent: Monday, June 30, 2008 11:36 AM
To: Schuenemeyer, Ramona; Vaughn, Dianne A. RO Dallas; ||DA Area VII; ||DA ORC; |OK FO Ada; |OK FO Ardmore; |OK FO Bartlesville; |OK FO Chickasha; |OK FO Clinton; |OK FO Enid; |OK FO Hugo; |OK FO Lawton; |OK FO McAlester; |OK FO Miami; |OK FO Moore; |OK FO Muskogee; |OK FO Oklahoma City; |OK FO Okmulgee; |OK FO Poteau; |OK FO Shawnee; |OK FO Stillwater; |OK FO Tulsa; |OK FO Woodward RS
Subject: TRACK 2 - Question and Concerns / Bargaining Demand

Good Morning, All!

At a recent Track 2 employee discussion, management displayed data which is not available to employees, but is available to management, of the various things for which employees have been given credit as a TRACK 2 developmental assignments.

One of the employees, from Fayetteville, AR was given TRACK 2 credit for giving EEO Counseling.

The last time I asked (it was several years ago) SSA would NOT permit AFGE representatives to become EEO Counselors.

So, if SSA is giving TRACK 2 credit for EEO Counselors, if SSA will NOT permit AFGE Representatives to be EEO Counselors, THEN AFGE representatives are deprived of the ability to engage in EEO Counseling duties to get Track 2 credit SOLELY because AFGE Representatives are engaged in protected activities.

To grant or withhold something like that because of an employee engaging in protected activity is an Unfair Labor Practice. It violates Articles 1, 2 and 3 of the National Agreement. Such discrimination is a prohibited personnel practice. <http://www.osc.gov/ppp.htm#q1>

Will SSA permit AFGE representatives to serve as EEO Counselors?

If not, will SSA give ALL AFGE representatives TRACK 2 credit for their representational activities, which in my opinion, would be fair and level the playing field?

These are NOT the only problems with Track 2. In at least one office, management created a 120 day detail to a GS-12 TE position and claimed it was Track 2. It provided that assignment to the ONLY MALE in the office in question. When the female employees asked about it, management could not and did not promise that there would be any more such 120 day details to a GS-12. Naturally, none of the female employees were told about the assignment and given the opportunity to compete before hand.

It appears to the Union that Track 2 as SSA has implemented, willy-nilly, catch-can, is, at best, rife with favoritism and, at worst, unfair and discriminatory.

Since we appear to be consulting and bargaining via email, please consider this another formal request to negotiate from AFGE Local 2505. The Union does NOT agree to post-implementation bargaining. The Union reserves the right to submit any agreement to membership ratification. It appears that since every office is doing its own thing, the appropriate level of bargaining is the Local level.

As you are aware, Article 25, Section 2.C of the AFGE-SSA National Agreement states, "Neither

party waives its rights under 5 U.S.C. 71 regarding the implementation of career development programs." If SSA consider Track 2 a career development program, then we are good to go regarding bargaining. If SSA doesn't consider Track 2 a career development program, I think we are still good to go regarding bargaining since SSA has created and implemented something which is severely flawed and discriminatory as noted above.

In order for the Union to understand what is actually occurring in each office, the Union requests, pursuant to 5 USC 7114(b)(4) what ever written documents each office has regarding Track 2 as being implemented in each office and Area VII. This includes but is not limited to emails to employees, emails from each office to the AD and / or RO about what can be done (e.g., temporary 120 day details) and what is being done (e.g., emails and paper work to temporarily promote an individual), submissions from employees to SSA which request Track 2 credit and SSA's response, a print out of the website referenced above indicating what was credited and in what office.

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The negotiators for AFGE Local 2505 will be myself and Executive Vice President Carol A. Lewis.

Thank you!

Ralph de Jullis, President
AFGE Local 2505

Dejuliis, Ralph

From: Thompson, Shelly
To: Dejuliis, Ralph
Sent: Monday, June 30, 2008 4:11 PM
Subject: Not read: TRACK 2 - Question and Concerns / Bargaining Demand

Your message

To: Schuenemeyer, Ramona; Vaughn, Dianne A. RO Dallas; ||DA Area VII; ||DA ORC; |OK FO Ada; |OK FO Ardmore; |OK FO Bartlesville; |OK FO Chickasha; |OK FO Clinton; |OK FO Enid; |OK FO Hugo; |OK FO Lawton; |OK FO McAlester; |OK FO Miami; |OK FO Moore; |OK FO Muskogee; |OK FO Oklahoma City; |OK FO Okmulgee; |OK FO Poteau; |OK FO Shawnee; |OK FO Stillwater; |OK FO Tulsa; |OK FO Woodward RS
Subject: TRACK 2 - Question and Concerns / Bargaining Demand
Sent: 6/30/08 11:36 AM

was deleted without being read on 6/30/08 4:11 PM.