

American Federation of Government Employees

AFFILIATED WITH THE AFL-CIO

Local 2505

Ralph C. de Juliis
President



Carol A. Lewis
Executive Vice President

16 January 2009

Ms Ramona J. Schuenemeyer
Regional Commissioner - Dallas Region
Social Security Administration
1301 Young St., STE 130
Dallas, Texas 75202

BY FAX: (214) 767-4259

Dear Regional Commissioner Schuenemeyer:

By this letter, AFGE Local 2505 AMENDS the remedy to the Section 10 grievance it filed earlier today concerning the January 12, 2009 email declaration of Moore, OK, SSA District Office Manager Dennis Purifoy that:

Per guidance from the RO LMR office, WC is not a condition of employment, so official time for a union representative is not appropriate for this activity.
(Attached)

By its actions, SSA violated Articles 1, Sections 1, and 2; Article 2, paragraphs A and B; Article 3, Sections 1, 2.A and 6; Article 30, Sections 1 and 4; and Article 34, Section 1.B and 5.

SSA's action also violates TITLE 20--EMPLOYEES' BENEFITS CHAPTER I--OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR PART 10 CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, Subpart H_Special Provisions Sec. 10.701 which reads in relevant part:

c/o Social Security Administration
4750 South Garnett Road ♦ Tulsa, Oklahoma 74146-5233
CELL: (918) 781-3096 ♦ SSA FAX: (918) 641-2446
SSA E-mail: ralph.dejuliis@ssa.gov ♦ Internet E-mail: ralph.de.juliis@sbcglobal.net

Who may serve as a representative? A claimant may authorize any individual to represent him or her in regard to a claim under the FECA.... A Federal employee may act as a representative only: ... or (b) While acting as a union representative, defined as any officially sanctioned union official, and no fee or gratuity is charged.

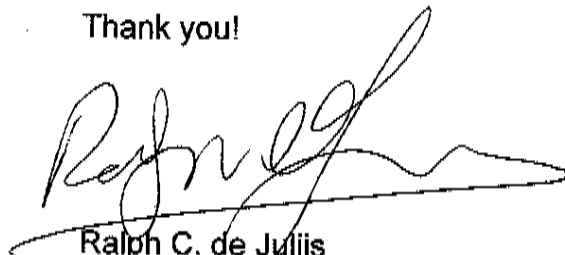
SSA's refusal to allow AFGE Local 2505 2nd VP Mary Roberts to serve as a Union Representative on my OWCP complaint (1) has a "chilling effect" on my exercise of my protected rights to file an OWCP Complaint and (2) a "chilling effect" on any employee who wishes to serve as a Union Representative and (3) a "chilling effect" on any employee who believes in workplace safety and who opposes an unsafe working environment.

"Chilling effect" is retaliation and is reprisal discrimination. See *Burlington Northern and Santa Fe Railway Co. v. White*, 548 U.S. _____, 126 S.Ct. 2405 (2006) (which in the retaliation context means that the action might have deterred a reasonable person from opposing discrimination or participating in the EEOC charge process); see also *Lindsey v. United States Postal Service*, EEOC Request No. 05980410 (Nov. 4, 1999) (citing EEOC Compliance Manual, No. 915.003 (May 20, 1998)). Instead, the statutory retaliation clauses prohibit any adverse treatment that is based upon a retaliatory motive and is reasonably likely to deter the charging party or others from engaging in protected activity. ... the type of activity that is reasonably likely to deter a complainant or others from engaging in protected activity.

The remedies the Union seeks are: (1) the annual leave taken by AFGE Local 2505 2nd VP Mary Roberts be restored; (2) Ms Roberts' time for the hearing (including travel) be charged to official time; (3) the annual leave taken by Ralph de Juliis be restored; (4) Mr. de Juliis' time for the hearing, including travel time, be changed to duty time; and (5) A fine per 18 USC 1922 for those management officials in Moore, the Area Office and RO who actions and advice interfered with the OWCP complaint.

The Union waives its right to make an oral presentation of this grievance.

Thank you!

A handwritten signature in black ink, appearing to read 'Ralph C. de Juliis', written over a horizontal line.

Ralph C. de Juliis
AFGE Local 2505

cc: Local 2505 Executive Board

TRANSMISSION REPORT

(FRI) JAN 16 2009 13:58

ACCOUNT NAME :
DESTINATION : 912147674259
DEST. NUMBER : 912147674259
F-CODE :

DOCUMENT# : 6802058-099
TIME STORED : JAN 16 13:56
TIME SENT : JAN 16 13:57
DURATION : 28sec
MODE : ECM

PAGES : 2 sheets
RESULT : OK

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