



# THE GOOD FIGHT



"Insanity is doing the same thing over and over again and expecting different results." by **Albert Einstein**

## The FSIP rules in favor of the Agency and Against YOU!

On May 29, 2019 The Federal Service Impasses Panel ruled against the Union on articles of the contract that will reduce the amount of official time they have to represent you by 80%, summarily terminated over 1,400 memorandum of understandings, severely limited the Union's ability to file arbitrations, made telework completely Management's discretion, made transit subsidies easier to eliminate, among other things. It was another example of the Administration assaulting the working class in order to promulgate their political agenda.

As a result of the new contract Local 3369 will be utilizing private emails and home addresses as the preferred method to communicate to the employees. It is vital for you to provide us with your contact information, as well as making sure your information is up to date on AFGE.org. While these changes will make it more difficult for Local 3369 to represent you, we are committed to making every effort to ensure that you are protected in the workplace. We will continue to work tirelessly lobbying Congress and advocating for employee rights. The fight was made more difficult for us, but we are more determined than ever to triumph in all of our endeavors. With your support I have every confidence that no matter how many battles we have thrown at us, WE WILL WIN THE WAR!

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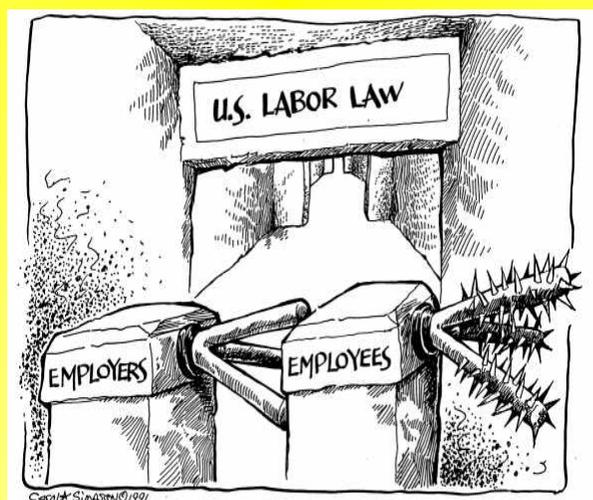
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# What is a Weingarten and why do I need my union rep?

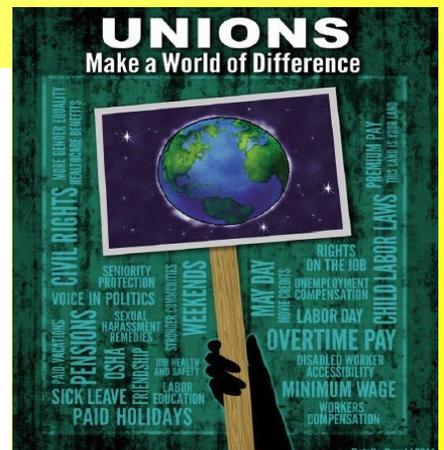
In 1975 the U.S. Supreme Court ruled in *NLRB V. Weingarten* that federal employees have a right to union representation during an investigatory interview. These rights are called Weingarten Rights. All employees have the right to union representation before or during an investigatory interview. It is important to understand that this is your right and you cannot be punished for exercising your right. Management must make it clear that you have the option to elect union representation and the interview must be delayed until you have an opportunity to consult with your union rep in private.

If Management denies your request for union representation, they must end the interview immediately. The most important thing is that you must have a clear understanding of what is going on and know what your options are. It is up to Management to ensure that you have a clear understanding of your rights. If Management denies your right to union representation, they are committing an unfair labor practice (ULP). Under this circumstance, you have the right to refuse to answer any questions. You cannot be disciplined for this, however Management will try to discipline you anyway; so you will need to let your union rep know so he/she can file ULP complaint, as well as to put Management on notice for their violation.

So the obvious question you may ask yourself is “why do I need a union rep? I didn’t do anything wrong.” Most employees feel like they have never done anything wrong or going to the union may be an admission of guilt; other employees feel that going to the union would reflect badly on them and tarnish their image with management. The truth is that it is simply unwise to go into a Weingarten with Management when they have all the information, and they only give you bits and pieces at a time in a controlled environment controlled entirely by Management.

What often happens is an employee declines his/her right to union representation, then finds out that the situation is more serious than they thought. Sometimes an employee will answer a question in a way that is disadvantageous to their situation. This happens because the employee is not familiar with the process and doesn’t understand the importance of the interview, and that how they answer the questions could be the difference in being disciplined or not.

Your union rep has experienced these types of interviews many times and is very familiar with the techniques employed by Management to achieve the results they are looking for. Even though a union rep cannot save an employee that may have committed a violation, a good union rep can often mitigate the circumstances and minimize the discipline received. Sometimes a union rep can prevent an employee from self-incrimination or being charged with lack of candor (often due to a faulty memory). Answering the questions without fully understanding the gravity of the situation can make it worse than it was prior to the investigation. And it is more difficult for the Union to mount an effective defense after the fact. So just like you would never go to court without a lawyer, you should always seek counsel from the Union during a Weingarten interview.



## **Let's Work Together To Make Federal Service Efficient By Keeping Management Accountable**

As a federal employee you are the frontline between the public and the Agency's mission, and you should be recognized for your contributions and devotion to the work you do. Unfortunately, Management is often unwilling to give you the accolades you deserve. We all have challenging jobs and feel overworked and stressed out. Does this give Management the right to keep demanding more and more while disaffecting us from the pride we derive from serving the public? We are supposed to be the "most valued asset" of the Agency. Instead of being treated commensurate with our value, we are subjected to overwhelming demands with insufficient resources. When Management does not acknowledge the hard work you do, you feel demoralized and unappreciated. We are human beings and not machines.

This is not to say that every member of Management is guilty of mistreating the bargaining unit. But there are too many of them that mistreat the employees; offices have low morale and an inherent mistrust of Management. And all of this adds up to an underproductive office which not only hurts the employees, but the public as well. Nobody wants to come to work every day feeling like they don't want to be there. Listed below are some of the more common contributors to low office morale. If you can identify with any of these sentiments then you are one of the unappreciated and affected employees:

"My supervisor micromanages me and treats me like I don't know what I am doing."

"How can I get my desk work done if I am interviewing all of the time."

"I don't want to raise my concerns to Management because then I will make things worse for myself."

"My supervisor just asked me to give them a doctor's note because I was sick on a maxed out day."

"My supervisor just asked me to pull an interview from the board before I go to break or lunch."

"I feel like Management is bullying me."

"I feel like Management talks down to me."

"Management makes me feel like I don't know my job in front of my co-workers."

"I was threatened by a claimant and Management did not support me."

"A claimant said I was rude to them and I wasn't, but management took the claimant's side."

"Management doesn't acknowledge my contributions."

"I do not agree with my PACS evaluation and Management couldn't explain how they came about their appraisal."

"Management gives me too many interviews to do when I am on telework."

"I made a complaint to Management about harassment in the office and I still haven't heard from HPO."

"My supervisor tells me my interviews take too long."

If any of these or similar statements apply to you, you have not been provided a workplace that is conducive to being a happy productive employee. In fact, management is taking advantage of you and you don't deserve it. And if you don't do something to change the culture of bad behavior, you are enabling them. In other words, you are telling Management that it's OK to mistreat you. And you have to ask yourself, "if I don't compel them to stop treating me this way, why would they stop?" The truth is they treat you in a certain way because it benefits them and they believe they can get away with it and how it affects you does not matter to them.

I am asking you to end the silence and share your stories of discontent with Management with me. My goal is to find out how many unhappy employees we have and to determine if its due to poor or unethical management. Depending on what I find, I will be filling a class action grievance or a class action lawsuit U.S. District Court. I feel strongly about this because I believe that Management has a duty to treat every employee with courtesy and respect and instead, they are the biggest abusers of not promoting the efficiency of federal service, and the bargaining unit employees that are constantly being reprimanded, suspended, and terminated need to be supported and motivated in an environment that is free from hostility and inequity. Furthermore, they count on your fear of reporting Management's malfeasant behavior and the time is now to put an end to their abuse. It is against the law for them to retaliate against you and once you file a complaint, it is impossible for them to get away with retaliation. Please let me help you and let's all help each other. You can email me at [eobass4@aol.com](mailto:eobass4@aol.com). If you want more information, please reach out to me. Most importantly, please give my words consideration. This is not just your job, it's your career.

# **Unions: the Value of Collective Bargaining and Organized Support in the Workplace**

## **By Jed Natkin**

Unions have their roots in the craft guilds prevalent in Europe in the Middle Ages. A defined group of workers with common characteristics and goals would band together in order to demonstrate strength in numbers and the ability for the group to care for the good of the group and the needs of the individual. That concept, considerably enhanced and defined is what we have today. Thanks to President Kennedy, Executive Order 10988, a United States presidential executive order issued on January 17, 1962 recognized the right of federal employees to collective bargaining. This executive order was a breakthrough for public sector workers, who were not protected under the 1935 Wagner Act, which only applied to the private sector.

Think of this: how would you as an individual, a very small cog in a very big machine, negotiate or defend yourself as one against an employer whose entire institutional culture, method of operation, bottom line or political stance was opposed to or disadvantageous to you? Could you go it alone, or would you rather have the power of organized, trained, experienced, collective bargaining behind you?

Let's bring it closer to home-- What has AFGE and Local 3369 done for me: I worked for SSA for over 43 years- I was a Union member for most of this period and can testify to the benefits the Union won on my behalf. One sticks out in particular-- back in the 1980's, due to lack of funding in the late 1970's the Agency was so backlogged on the "AERO" workload that the beneficiaries who worked after retirement were being short-changed every month. In order to catch up, the NEPC invited a lot of us to come in on weekends to clear up the mess. That's overtime, folks, but SSA arbitrarily and illegally capped the overtime at the Grade 10 Step 1 rate, not the true time and a half that most of us deserved under DOL rules. Well, it took years of fighting in court but AFGE prevailed and the Agency finally coughed it up, and many of the back checks were five and six figures. But wait, there's more. When I started in the early 1970's CR's topped out at GS-10, now, thanks to the power of the union journeyman CR's are GS-11, and the TE (GS-12) position was created for even more career enhancement. And when Management got me in their sights for an alleged security violation Local 3369 was there to defend me.

Thanks to regressive, anti-labor legislators unions are under attack. It seems like every employer wants to turn every job into a "gig", where you're on your own. Think your job can't be privatized? Now, more than ever, we must realize that "strength in numbers" and a clear and reasonable voice speaking for all is the way to go.

### **Management exploits passionate workers**

Have you ever done extra work above your workload and never got credit for it? Have you ever kept quiet about being given more work than your co-workers? If so, you are probably very passionate about your job and Management is taking advantage of it. And whether it is done intentionally or not, Management believes it is a legitimate practice to take advantage of your passion just to serve Management's needs. Management is more likely to get an employee that is passionate about their work to perform duties that are not their workload; get them to work later; and take interviews that tend to be disadvantageous to the worker, even when there is somebody else more appropriate for the interview.

While you are being exploited for the passion you have for the job, Management is quick to point out unsuccessful performances like interviews that take too long, "there are too many people on the board waiting to be seen, you are two minutes late from lunch and you need to use 15 minutes of leave," and the backend work isn't getting done. On the other hand, the Agency almost never takes action against unsuccessful management. They hold management up to a different standard with little to no accountability for their lack of leadership skills. The biggest reason for this is employees get promoted into management largely on their technical skill alone and not their ability to lead and inspire.

There is no correlation between technical skill and leadership skill. In most cases the technical skills that got the employee a managerial position isn't an integral part of the position. However, interpersonal and leadership skills are fundamental to be a skilled manager or supervisor and these qualities are never measured in the interview process.

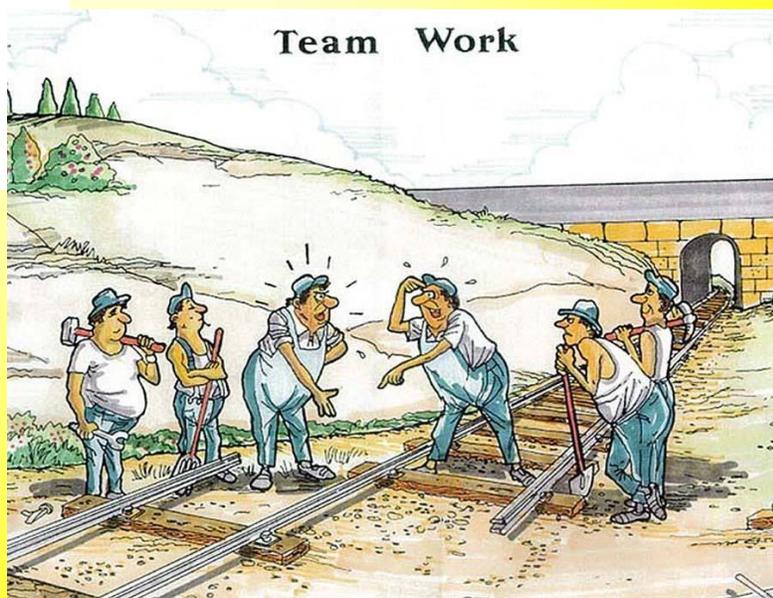
Now I understand that the Agency has the right to choose who gets a promotion and who doesn't. My question is why do bargaining unit employees have to suffer because of the Agency's poor judgement and training of supervisors? If a supervisor lacks common courtesy and treats employees as if they are inferior human beings, it means they are not qualified to be management and should be held to the same standard of performance as bargaining unit employees. This is why it is so important that you reach out to the Union and share your story of mistreatment by management. Together we have the ability to stand up for what is right. Unless we give them a compelling reason to change their behavior, they won't. Let's compel them together!

## When management treat employees fairly employees produce more and everyone win. By Nicole Morio

As employees of SSA, we deal with the public on a daily basis in some way, shape, or form. The expectation from management is optimal interpersonal skills, superb communication skills, and the ability to ensure accuracy with all of our work. Management stresses the need for employees to meet goals and statistics that satisfy an upper management (who are so far removed from the work we do, they can no longer empathize with us) by micro-managing, poor communication and enforcing directives. And this all stems from an inability for management to trust you and your ability to do your job. So they feel the need to micro-manage you as a way of reinforcing their belief that without their supervision you would be incapable of doing your job.

In an agency where great communication and interpersonal skills are expected, we are often deprived of the same courtesy from management. The reality is: a manager's attitude and demeanor can set the entire tone of an office. As a union representative, I have encountered a lack of courtesy and respect from management. This is striking considering management's insatiable need to be respected and revered by the employees. The lack of reciprocity on the part of management is bewildering because it only results in diminished morale and higher stress levels in SSA offices. How are we to exist in an environment where communication and interpersonal skills are deficient and there is no motivation for thriving and excelling at your job?

Communication is the only way to allow for all areas of public service and good employee/employer relationships to exist; and is optimal for good service to the public, great communication and overall general health for all involved. This begins with management trusting that employees have the ability to do the job and the competence to execute. I have been involved with many offices where the lack of communication caused hostility in the office. I have met with both management and employees to resolve these conflicts without having to file a grievance, by simply pointing out the humanity and reality in how an employee should be treated and spoken to in the workplace. I am able to convey an understanding that the employees want the same thing as management does and there are no two competing ideologies at work. Encouraging a healthy work environment where employees who were extended courtesy, often reciprocated without even thinking about it. It is important to always contact your union rep when there is an issue. Sometimes it can be the difference between a difficult working situation made worse and an improved workplace where both management and the employee have a clear understanding of what is expected of each other.



## The Dehumanization of an SSA Employee

Most Americans that wind up working for the Social Security Administration do so because of an earlier experience with the government agency. Some remember going to the office to apply for disability benefits with their father or retirement benefits with their grandmother; others just know somebody whose life has been impacted by the perceived largesse of Social Security. My story is simple: I was an SSI recipient and I know what it's like to live on an AA rate of \$488 a month. The one common denominator is that we all associate Social Security with benevolence and predictability interchangeably. With this positive feeling of both compassion and generosity, it is easy to feel an inherent sense of reciprocity that also satisfies our insatiable civic pride and patriotism. This is what brings us to work for SSA.

And From the time we first interviewed for the job until probably our final day of our employment with SSA, most of us go through a systematic dehumanization that leaves us bereft of empathy, while working for an agency whose mission statement indirectly is empathizing with the public. We have become alienated from the virtue of our jobs. We have become a part of a culture that provides many protections for the public like protective fillings, Goldberg-Kelly Notices, and immediate response when they go to Management to complain about us. However, it is a different standard when Management responds to us; as SSA employees, we may go through an entire career not being permitted to be in the office of your choice; never getting your first choice for annual leave; and having to endure the proclivities of a supervisor that appears to be less technically skilled as you, and lacking the leadership quality that is required to bring out the best performance in every employee.

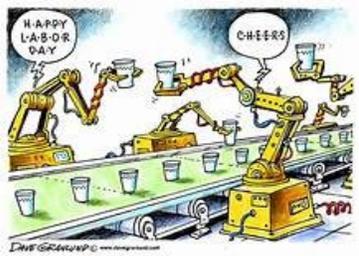
What makes this insidious and arduous journey more frustrating is the constant barrage of Management reminding employees of the public's right to due process and the extreme measures we are required to take to ensure there is no deprivation of services to the public, and how the public is afforded every opportunity to receive their benefits—on the heels of employees being deprived of their rights to representation—having to worry about losing their transit subsidies, having to pay for their own glasses if they don't want to file a worker's comp claim, and possibly being told what time they have to come in to start their tour in the morning. There are double pin processes to ensure we do the right thing for the public, yet we are not safe from Management's arbitrary request for a doctor's note before a sick leave request is approved the day before a holiday.

These divergent standards for the public and us exist because we are undervalued and underappreciated by Management. The agency has become insensitive to our needs as "valued employees," while at our expense the needs of the public are protected at all costs, almost as to rub it in our faces. This is tantamount to working at a food bank distributing food to the hungry while suffering from hunger ourselves and not being allowed to eat any food. Not only is this insensitive and perhaps even cruel, it is also rather disingenuous considering all the underlying behavior by the Agency to not only cheat the public in surreptitious ways, but as frontline employees, the appearance to the public is that we don't know our job or we are too incompetent to do it—and Management facilitates this notion.

An example of this was in one of the field offices the employees were told at 8:30 AM that because there were too many interviews, the office could not see any walk-ins. The employees knew this was wrong and discussed it amongst themselves but they knew to not follow orders would be insubordination. One claimant was very upset that they had waited a long time to be seen, only to be told they could not be helped and needed to come back another day. Rightfully upset, the claimant asked to see a supervisor. After expressing their discontent with not being helped, the supervisor instructed the employee to put the claimant on the system to be seen by the next representative. This sent the message to the claimant that it was the employee that did not want to help the claimant and the claimant made their displeasure with the employee known.

Because employees are working under the most challenging of circumstances; they are overworked and subjected to inordinate levels of stress that are endangering their health; the quality of their lives has been diminished by an employer that avoids opportunities to make their lives better.

Employees have become so disenchanted with their jobs, instead of seeing the virtue of their efforts, and reveling in appreciation for working for the agency that is directly responsible for taking millions of people out of poverty, employees feel bullied, taking advantage of, and are only present in a perfunctory role at work, biding their time before it is time to go home. What began as an exciting adventure beginning at their commencement of their jobs is now a source of depression, oppression, and a quick regression into complacency and conformity to a form of mindless acquiescence.



## **They Want to Run Government like a Business. Are They Right?**

The idea of running government like a business is nothing new. If it sounds new, it is in part due to the overwhelming determination of our current administration in the White House to streamline the process of terminating employees under the guise of being “more like the private sector,” in order to improve efficiency and efficacy. However, upon further examination, improving efficiency and efficacy does not appear to be what the administration is in reality selling to the rank and file. The old axiom that gives birth to this doctrine “government needs to be run like a business” is a euphemism for the distaste of the inefficiencies of the bureaucracies within government. The problem is dismantling the status quo from the bottom up will have the adverse result, while having a chilling effect on the employees.

This ideal is flawed when you look at how the implementation of these “streamlining” proposals that are designed to improve government efficiency actually results in federal employee consternation and a stressed out workforce; and it is no secret that an unhappy employee is an underproductive employee. The biggest problem is that the changes agencies want to implement are only meant to impact the bargaining unit employees—surreptitiously of course—while leaving management unscathed, unfettered and unaccountable.

Within SSA, this can manifest itself in bargaining unit employees being reprimanded or suspended on the allegations of bad behavior by the public. This could be Management arbitrarily denying sick leave for an employee due to operational needs in the office. These examples denote a standard of conduct that every employee is expected to adhere to when dealing with the public, or human compassion for an employee. However, there is no similar standard that ensures that management speaks to employees with dignity and respect.

There is no similar standard that would prevent a supervisor from abusing their position of authority capriciously. In fact, the burden of proof appears to require a higher standard when it’s a complaint of an employee against management. This standard is not codified anywhere, so it is as flexible as Management needs it to be. Management almost never factors in the employees condition when balancing with operational needs, or even the health of employees at work that may be exposed to an employee that feels ill.

This is rather incongruous when you consider the amount of trust management must have in their subordinates in order to protect the repository of private personal information, all at an employee’s finger tips. This trust is not reciprocated by Management when employees are constantly subjected to poor leadership and cronyism. This bears no resemblance to the private sector where it is Management that is held accountable for inferior results.

In the private sector, the higher up the ladder you are, the more accountable you become. In sports franchises, when a team is performing badly, they fire the manager or the coach; when a company has a poor quarter or two of profits, they hold the CEO or CFO accountable. The rank and file are never held responsible, devoid of malfeasance. It is understood that substandard performances are as a result of poor management. This is a complete departure from SSA who blames the staff when they don’t reach the goals of the Agency. It makes more sense if Management is held accountable because this responsibility would be more commensurate with their expectations and would give them an incentive to improve relationships with their staff. Management would have a reason to provide motivation to their staff instead of intimidating them or holding them hostage by controlling their appraisals.

Creating such a dynamic between Management and the bargaining unit would ultimately foster a trust between bargaining unit employees and management that would develop a culture of energy and cooperation that would increase productivity and inspire employees to be their best. And isn’t this the essence of the business sector to increase productivity while expending the least amount of resources? The sum of which can most certainly considered a profit. For SSA, the profit would be a high level of office morale, employees exuding pride in their work, and employees eager to go the extra mile for the agency. This would yield far more productivity which would be the equivalent to higher profits in the private sector. So at the end of the day, it isn’t about being more like a business as much as it is just valuing your employees and giving them respect, courtesy, and all the resources they need to do what they love to do: to serve the public in a way that gives them great pride.

## SSA is Coming After Your Transit Subsidies, Eyeglass Program, and Religious Comp: What's Next?

OPM has issued a change in policy regarding the use of Religious Comp Time (RCT). Under the new guidelines employees requesting RCT are required to provide the name or description of the religious observance. It is my interpretation that if you are willing to provide this information, your request will be approved. I say this because your supervisor is not an authority on religious freedom and to prohibit you from exercising your right to practice your religious beliefs would be a violation of your First Amendment rights. The First Amendment extends to the protection of establishing a religion. So even if you worship in the house of Mickey Mouse, if this is your religious belief, you are protected by the U.S. Constitution.

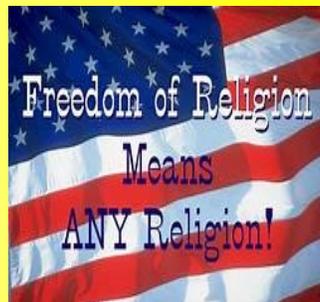
The bigger issue is that this change is symbolic of a methodical shift by the Agency to systematically chip away at your rights. First it's RCT, next it will be the eye glass program, the transit subsidies, and then they will be doing away with flex time, putting everyone on a fixed tour. And if you don't get along with your management, you will get the tour you don't want for the rest of your career with SSA.

And how does the Agency justify this? By saying it saves them money. The value of your service, your health and safety is less important to them than saving money. And for years we have accepted this with our silence. In exchange for the hard work we do; the frustration we endure because we have so much work on our desk and not enough time to do it; being told to finish our interviews faster despite claims taking longer because everything is web based or we are concerned with PQR; the years of service we have put in and still not being able to get the days off we requested because of "maxed out days;" freezing in our office while Management tells us the temperature is standardized. I can go on and on but I think you get the point. Management has created a culture designed to take advantage of the fact that we have a tremendous passion for the work we do, leaving us susceptible to the whims of Management because we are afraid of disappointing them.

As of late the Agency is more emboldened than ever. The only way we can effect change is if we fight for what we deserve. Management has no incentive to change their ways. But I am hoping you find these changes to be an incentive for you to stand up and share your stories with me. I want to hear how Management gives you twice the amount of work when you telework. I want to hear how Management bully's you into taking a long interview 15 minutes before you go to lunch. I have received about ten responses so far. My visits to your offices indicate to me there are over one hundred employees that are dissatisfied with Management. If each of you would share your story with me, can you imagine what we can do united together? If we don't tell them we don't like the way we are being treated, they will continue to act like we do like it. To not act now is not only a missed opportunity, we will continue to incentivize Management to treat us any way they want because there are no consequences. We are better than that. Anyone can reach out to me through my personal email address: [eobass4@aol.com](mailto:eobass4@aol.com). The Agency is so far winning with their contract proposals, but it is never too late and until we are dead we are not dead.



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