

Why Should I File a Grievance?

By

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Have you ever felt too sick to go to work, but was afraid to call in because it was the day after a holiday? Or even worse, you did call in and your management operative said you needed a doctor's note, even though it was just one day and you didn't need to go to the doctor? Have you ever requested an annual day and been denied because it was a "maxed out day?" Have you ever wanted to complain about getting twice as much work as your co-worker? Have you ever noticed that management expects you to accomplish twice as much work when you telework than when you are in the office? The average SSA employee has a spouse and a couple of kids. In theory the average SSA employee has the flexibility to take a day off because a child is sick or the unthinkable like a water pipe unexpectedly bursts and it needs your immediate attention. However, your supervisor acts like they have never had a sick child or a house emergency and tells you if you don't come into the office you will be considered AWOL.

These are just a few of a litany of complaints that pervade the doldrums of a typical SSA office on any given day. This all amounts to an abuse of discretion and authority by management. And since the advent of telework beginning with

full telework during the pandemic and then a hybrid schedule that normally guarantees a minimum of 40% telework; the demand for sick leave, annual leave, and the need for any other leave has decreased as a result of telework. This should lead to more available leave when you request it but it hasn't. That's because denying any request you may make for leave irrespective of the purpose of the leave is always advantageous to management. In fact, at least anecdotally management has increased their level of micromanagement and now has expectations that exceed their prior completely in-office expectations. This means that high stress levels experienced by the bargaining unit are amplified not just by a ubiquitous pandemic, but overzealous management directives that are not based on legitimate expectations, but unreasonable and untenable motives to make employees subservient and the return to the office has not improved management's disposition towards the bargaining unit.

Because these are predictable actions by management that many bargaining unit employees have encountered often in the office and now at home as well, it is important to recognize that employees have options. The most obvious option would be to file a grievance. However, a grievance may not always be the best option, or at the very least not the first course of action. The best way to make this determination would be in consultation with your union representative. Factors to be considered are: Does the union representative have a strong relationship with local management? Does local management have a history of resolving issues informally with the union/employee? Is local management easy to communicate with? Is management consistent with its managing of the office in regards to the

bargaining unit? It is important to note that none of this contemplative inquiry happens if the employee does not bring their issue to the Union, in which case their silence empowers management and reinforces their bad behavior—this is tantamount to a reward which virtually guarantees that the bad behavior of management will continue.

Most issues between the bargaining unit and management arise out of some violation of the collective bargaining agreement. So it also has to be determined if management is intentionally breaching the contract or is it more likely that management does not have a clear understanding of the contract (the latter is more plausible than one might imagine because it is conceivable that upper management does not give adequate training on certain provisions of the contract because management errors are always to the benefit of management and they tend to be inconsequential to the agency when litigated). Knowing the answer to these questions will make the decision to file a grievance or to act informally an easier decision. In most instances it will make more sense to file a grievance. For the Union representative, it is critical that the aggrieved understand that filing a grievance bears no stigma. Also, it would be illegal for the agency to retaliate in any way (retaliation is not as difficult to prove because it would rely on a preponderance of evidence and appearances would be more than circumstantial). The best way to disseminate this information is to convey the importance of the grievance in terms of memorializing the complaint; coming to the realization that in most situations the violation is not an isolated incident; and if the grievance is not filed, it is a tacit acceptance of the violation. Most importantly, the aggrieved should be made to understand that the Union and

the agency have already agreed through the collective bargaining agreement that the grievance procedure is the accepted and preferred procedure to resolve complaints and seek redress. In other words, it is already recognized and accepted by the agency and therefore there should not be any anticipate retaliatory actions from the agency. This is extremely important because the vast majority of potential grievances are not filed because the employee is made to believe filing the grievance will do more harm than good.

It's the Union's job to explain all of this to the employee. A failure to do so will often result in the employee choosing not to file the grievance and to continue enduring the bad behavior. This can have long term consequences that intrinsically have an adverse impact on the bargaining unit, and more specifically leave the employee vulnerable to the management operative whose priorities are not the employee's well-being. When employees regularly choose not to file grievances, it emboldens management operatives to act in their own self-interests—normally to the detriment of the bargaining unit. In the absence of grievances, contract violations are reinforced as opportunities to exploit employees and devolve into business as usual. A common example of this is when a management operative denies a subordinate's request for sick leave because it is a "maxed out day." Even though this is nothing more than a management contrivance; a non-negotiated instrument to exploit the employee, it is justified by the management operative's need to subjugate the employee and feign exemplary supervisory acumen to their superiors. In effect, the management operative is really trying to extract above what is reasonable from the

employee with complete disregard for the health and safety of the employee and contempt for the employee's rights.

Ultimately, these are all impediments to the bargaining unit employees and their ability to perform the duties to the best of their ability free from subservience and micromanagement. When these violations begin to occur with predictable frequency, they become a form of harassment that turns the workplace into a hostile work environment. These are not favorable working conditions and employees should never be submissive to this. What makes these situations occur with frequency is employee's unwillingness to file grievances against management operatives. And the reason why employees accept it most of the time is because they feel that complaining about it would just make it worse.

Employees believe that if they stand up for their rights, management operatives will retaliate; management operatives will label them as trouble makers, making sure the employee will never get a detail, or a promotion, or be considered for desirable workloads. The truth is that without giving management operatives a compelling reason to alter their behavior, they won't because it is in the management operative's interest to continue behaving the same way (how it affects employees does not matter to them). And because it benefits them when they violate your rights, they will never stop this behavior until employees force them to do so. After all, every time they achieve their goal by violating your rights serves as positive reinforcement. Take the aforementioned example into consideration: you call in to your supervisor on July 5th and tell your supervisor you are calling in sick; your supervisor tells you

it's a "maxed out day" and you need a doctor's note. You are so upset because you are being asked for a doctor's note and you don't need to see the doctor, so you end up coming into the office even though you feel terrible. You have just been manipulated by the management operative and you don't even realize it (you really do realize it but unless you file a formal complaint in the form of a grievance the result is the same).

Conversely, you may not be able to come into the office and you are faced with the quandary should you incur the unexpected expense and trouble to see the doctor in order to comply with the management operative. Either way, calling in sick has become a daunting and stressful endeavor that will make you less likely to call out sick no matter how bad you feel. Now if you go without Union counsel you may be subconsciously manipulated to believe that needing a sick day will be detrimental to your status with management and will end up cause you undue stress because now you have to think twice before you request another sick day (especially if your management operative makes you AWOL). The only way to end this violation of the contract is to file a grievance. Even if there is nothing that can be done because the day is over and you are no longer sick you have to remember that unless you stand up for your rights management will continue to violate them—and they are probably doing the same thing to your co-worker. Because this is seldom done, management operatives constantly abuse the bargaining unit and prey on their perceived position of weakness and incognizance of the contract.

Management has created a culture of dehumanizing employees like they are disaffected machines and don't deserve

respect; treating employees like they don't have feelings or any sense of pride; employees are asked to do more work without ever acknowledging the fact that they are human beings and want to do their job with a feeling of self-worth and appreciation for their contributions. As valued employees you deserve to be recognized for what you contribute and should never be subjected to the dehumanization that permeates SSA offices across the country today.

Another reason why it is important to file a grievance is to memorialize the management operative's misconduct. Often what happens is an employee will endure the disrespect and discourtesy of the management operative. Sometimes this will go on for long periods of time. And then one day the employee reaches their breaking point and they insist on filing a grievance for every little indignity they have suffered at the mercy of the management operative. The problem is that regardless of how long the indignities have gone on for, without ever filing the grievance this is the first time it is being put on the record and effectively, there has never been an incident before—it's like it never happened before; in which case it is easier for the management operative to argue it never happened. It is so much easier to prove retaliation from a management operative if there is a pattern of abuse that can be referred to and a start point of the first complaint. But in this case there is none because the grievance was never filed. What is more, the employee might have helped someone else establish a pattern of misconduct by filing the grievance contemporaneously as well. So you see, by filing a grievance, you may also be helping your colleague or office because it is likely that the management operative has terrorized more than one employee in the office.

Everybody has somebody they have to answer to and that includes management operatives. Unfortunately, management operatives act as though there is nothing wrong with them trying to impress their superiors at the bargaining unit's expense instead of with employee's partnership. In one sense, one can see that local management doesn't feel like they have a choice, but their inability to find tenable solutions that don't involve employee exploitation is unacceptable and simply underscores the ineptness of management operatives. This is an agency-wide problem because their intent is not to promote critical and independent thinkers for management positions, but to promote zombies that follow orders, apply no independent and critical thinking, and do not question authority. And until employees let management operatives know that their actions are unacceptable by filing a grievance against them, management will continue to take advantage of employees; they may not act this way to purposely injure employees, but that doesn't excuse their willingness to treat employees like they are incompetent or they don't deserve respect. It is human nature to continue what works for them until it doesn't work anymore. Don't let their mistreatment of the bargaining unit work for them anymore. The culture that has conditioned employees not to file grievances and conditioned management operatives to exploit employees for their own self-interests must come to an end. There is only one way to do this: file grievances and stand vigilantly against even the tiniest form of oppression against bargaining unit employees. One more grievance will not change this culture; it requires a wholesale change in attitude that begins with AFGE providing the best counsel and guidance for the bargaining unit.