

United States of America

BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of

SOCIAL SECURITY ADMINISTRATION
MALDEN DISTRICT OFFICE
MALDEN, MASSACHUSETTS

and

LOCAL 1164, AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO

Case No. 09 FSIP 38

DECISION AND ORDER

Local 1164, American Federation of Government Employees, AFL-CIO (Union) filed a request for assistance with the Federal Service Impasses Panel (Panel) to consider a negotiation impasse, under 5 U.S.C. § 7119 of the Federal Service Labor-Management Relations Statute (Statute), between it and the Social Security Administration (SSA), Malden District Office, Malden, Massachusetts (Employer).

After investigation of the request for assistance, the Panel determined that the dispute, which arose during negotiations over the floor plan for the relocation of the office, should be resolved on the basis of single written submissions from the parties. The parties were advised that after receiving their submissions, the Panel would take whatever action it deemed appropriate to resolve the impasse, which may include the issuance of a binding decision.^{1/} Written

1/ On December 4, 2009, the parties submitted written statements of position and other evidence in support of their final offers. After reviewing that information, the Panel directed the parties to submit rebuttal statements and respond to specific questions regarding their positions. In their rebuttal statements of position, the parties revealed that the office move took place on January

submissions were made pursuant to the Panel's direction, and the Panel has now considered the entire record.

BACKGROUND

The Employer's mission is to administer retirement, Medicare, disability, survivor, and supplemental security income programs. Nationwide, the Employer operates approximately 1,300 field offices which serve members of the public. The Union at the national level represents a bargaining unit consisting of approximately 48,000 employees who in such positions as service representative, claims representative, clerk, and technician. In the Malden District Office there are 19 bargaining-unit employees, who hold positions as claims representatives, service representatives, or technical expert. The parties are covered by a master collective-bargaining agreement that was scheduled to expire on August 15, 2009, but has been continued until a successor agreement is negotiated and implemented. There is no local supplemental agreement.

At its previous location, visitors to the Malden office stood before one of the reception windows to speak with an employee who would evaluate what the individual needed and answer initial questions. In the past, the Employer has called this practice the rapid interview counter, designed to have customers move quickly through the process and on to the next step, as necessary, which often is a more detailed interview where both the visitor and employee are seated at ground level. At the reception counter in the previous office, however, visitors stood on one side, and employees were seated on the other, separated by Plexiglas and a barrier wall below the counter, which was 42 inches in height. On the employee side of the reception windows, employees would walk up a ramp and sit on chairs placed on an elevated platform that allowed the employees to be at eye-level with visitors standing on the other side of the reception counter. A dispute arose when the Employer proposed to change the design of the reception counter in the new office by eliminating the ramp and platform, thereby

8, 2010, and the Employer constructed the reception window areas on the basis of its last best offer. On February 10, 2010, Panel staff convened a teleconference with the parties' chief spokespersons to clarify some of the additional information provided by them.

allowing both employees and visitors to be seated for discussions that take place at the reception windows.

ISSUE AT IMPASSE

The sole issue in dispute is the height of the counter at the reception windows in the new office.

POSITIONS OF THE PARTIES

1. The Union's Position

The Union proposes that the practice at the previous location of the Malden office be continued, i.e., that the new office include a ramp and platform that elevates employees who would sit behind a 42-inch reception counter, thereby allowing them to be at eye-level with visitors who stand on the opposite side. It contends that the design supports the rapid interviewing process the Employer has promoted in the past. A 42-inch reception counter is the better way to provide good customer service in an office that is increasingly crowded with visitors because it allows employees quickly to serve the clientele and move them along to the next phase of their visit, as necessary. There is no demonstrated need to change the practice. Rather, when visitors sit at the reception counter, initial interviews are likely to take longer because people need time to move in and out of chairs and they are less likely to leave their seated position quickly.

In addition, the office receives many visitors who are mentally disabled, physically aggressive, have criminal records and are often in an agitated state; because of this, employees feel that their safety is threatened on a daily basis and would be more secure in their work environment if the counter that separates them from the public is high enough to inhibit someone from reaching through the window to touch or grab the employee. The Employer's proposed lower counter does not offer employees that additional security because anyone who chooses to stand rather than sit could easily reach through the window to grab the employee or climb on top of the desk into the employee-side of the reception area. Employee fears of assault are genuine and employees have signed an affidavit attesting to their apprehension should the Employer's proposal be adopted. Although there is a security guard in the reception area, the guard does not have a direct line of vision from his station

where he can view the interactions taking place at the reception windows.

2. The Employer's Position

The Employer proposes the following:

Reception counter in the relocated Malden, Massachusetts District Office will not include a raised platform and ramp. The counter height of the three reception workstations will be approximately 30 inches from the floor to the counter work surface.

Lowering the height of the reception counter, and eliminating the ramp and platform that elevates employee seating on the other side of the counter, allow both the visitor and the employee to be seated at the counter during the interview. In the Employer's view, the change is necessary to accommodate the office's visitors, many of whom are elderly and/or disabled, and find it difficult to stand even for short periods of time. In this regard, it furthers the Agency's mission "(t)o deliver Social Security services that meet the changing needs of the public." The Employer already provides seating for those waiting to be interviewed, and permitting customers to continue to be seated while at the reception counter would accord them a greater level of comfort during their visit to the office. Nationwide, the trend is to eliminate the ramps/platforms that elevate seating for employees. In this regard, a survey shows that, as of December 2009, 1,019 field offices do not have platforms/ramps, while only 268 continue to utilize them. The proposal would not jeopardize employee health because the Employer would provide ergonomic seating to accommodate the change.

As to the security concerns raised by the Union, lowering the height of the reception counter does not place employees at risk for aggressive behavior by visitors. There is an armed guard present in the reception waiting area that monitors activities there, employees have the option of closing the sliding glass windows at the reception counter, and each reception window is equipped with a duress alarm the employee can activate to summon a manager to the reception area to help deal with threatening situations. The office does not have a history of incidents that involve personal attacks on employees and there is no reason to believe that the move to a new office

location is likely to adversely affect employee safety. Finally, eliminating the ramp and platform at the new office would benefit taxpayers by permitting the Employer to save approximately \$20,000 in construction costs.

CONCLUSIONS

After carefully reviewing the arguments and evidence presented, we conclude that the dispute should be resolved on the basis of a modified version of the Employer's proposal. In our view, on balance, the benefits of allowing the many disabled and elderly persons who visit the office to be seated at the reception windows while speaking with employees outweighs the apprehensions the Union has expressed concerning employee safety. There are ways, however, to mitigate the Union's safety concerns. To this end, we shall order the Employer to prepare signs for each reception window that ask visitors to be seated during the interview. Employees manning the reception counter may display the sign at their option. This would address employee unease at having visitors looking down at a seated employee on the opposite side of the counter. To further promote employee safety in the reception area, the Employer also should take steps to increase the security guard's ability to view interactions between visitors and employees at the reception windows. This may include repositioning the guard station or, to the extent of management's discretion, having the guard patrol the reception area to get a better view of the reception windows.

ORDER

Pursuant to the authority vested in it by the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7119, and because of the failure of the parties to resolve their dispute during the course of proceedings instituted under 5 C.F.R. § 2471.6(a)(2) of the Panel's regulations, the Federal Service Impasse Panel under 5 C.F.R. § 2471.11(a) of its regulations hereby orders adoption of the Employer's proposal, modified as follows:

The reception counter in the relocated Malden, Massachusetts District Office will not include a raised platform and ramp. The counter height of the three reception workstations will be approximately 30 inches from the floor to the counter work surface.

Employees who work at the reception windows will have the option of displaying a sign, to be provided by management, asking visitors to be seated while speaking with the employee. Management, to the extent of its discretion, will take steps to increase the ability of the security personnel stationed in the reception area to view the interactions between visitors and employees at the reception windows.

By direction of the Panel.



H. Joseph Schimansky
Executive Director

February 24, 2010
Washington, D.C.