

United States of America
BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of
SOCIAL SECURITY ADMINISTRATION

and

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 3694

Case No. 17 FSIP 086

DECISION AND ORDER

The American Federation of Government Employees, Local 3694 (AFGE or Union) filed a request for assistance with the Federal Services Impasses Panel (Panel) to consider a negotiation impasse over the rotation of impacted employees between the Front End work assignments and the Back End work assignments under the Federal Service Labor-Management Relations Statute (Statute), 5 U.S.C. §7119, between it and the Social Security Administration (SSA, Agency, or Management).

Following an investigation of the Union's request for assistance, the Panel determined that it would assert jurisdiction over the matter. Under 5 C.F.R. §2471.6 (a)(2) of its regulations, the Panel determined that it would resolve the impasse through a Written Submission procedure, with opportunity for rebuttal statements. The parties were informed that, after considering the entire record, the Panel would take whatever action it deemed appropriate to resolve the dispute, which may include issuance of a binding decision. The Panel has now considered the entire record, including the parties' final offers, written submissions, and the rebuttal statements.

BACKGROUND

The Social Security Administration promotes the economic security of the nation's people through compassionate and vigilant leadership in shaping and managing America's social security programs. The Supplemental Security Income (SSI) program within the SSA is a Federal income supplement program funded by general tax revenues (not Social Security taxes). The SSI program is designed to help aged, blind, and disabled people, who have little or no income and it provides funding support to meet basic needs for food, clothing, and shelter.

The American Federation of Government Employees, Local 3694 represents the Claim Specialists (CS) and Claims Technical Experts (CTE) in the Phoenix (Downtown) office. There are approximately 23 bargaining unit employees who are impacted by this change. The Master Collective Bargaining Agreement (CBA) has been in effective since 2012 and it expired in 2017. The provisions of the CBA roll over annually unless the parties reopen.

In September 2016, as the result of a ULP filed by the Union when Management unilaterally implemented a change in the SSI workflow, the parties conducted Impact and Implementation (I&I) bargaining concerning the SSI workflow. The parties reached a Memorandum of Understanding (MOU) on September 15, 2016, in which the parties agreed to implement a 3-month rotation. The Parties also agreed to revisit the rotation duration at a later date.

On February 2, 2017, the parties sat down to discuss the 3-month rotation. On February 24, 2017, the Union requested to bargain. On March 9, 2017, Management responded to the demand to bargain. Management initially declined to bargain as they believed that the change was de minimis (i.e., no duty to bargain). Management subsequently agreed to meet to bargain over the change.

Bargaining commenced on June 14, 2017. The parties discussed the Union's interest in changing the length of the work flow/rotation from 3-months to 2-months. The parties caucused, awaiting the arrival of the Federal Mediation and Conciliation Service Mediator. With the Mediator engaged in the bargaining, the parties discussed what would become their last best and final offers. On July 18, 2017, the Union e-filed the request for FSIP assistance.

ISSUES

The parties disagree over the duration of the rotation of the impacted employees between the Front End work and the Back End work.

POSITIONS OF THE PARTIES

Agency's Final Offer

- A rotation period of two (2) months for the front-end work and back-end work for six (6) months. To begin on Monday March 5, 2018 and end on Friday, September 7, 2018.

The Agency initially proposed that the employees would be rotated in a timeframe at management's discretion. While the Agency does not dispute that there is a bargaining obligation, the Agency prefers to maintain the discretion to make changes to the rotation if and when they conclude it is most efficient. The Agency argued that the 3-month rotation system had been in place since November 2015 and that the current system had shown improvement in office efficiency and effectiveness. It allows the Claims Specialists to reacquaint themselves with the new workload responsibilities during the first month, then capitalize on this familiarity to make substantial gains over the following two months of productivity thereby providing a better level of customer service. Through the negotiation process, the Agency expressed a willingness to allow for a two (2) month rotation on a trial basis: the shorter duration would provide an opportunity for the parties to evaluate and discuss the effects on the bargaining unit employees and the public, office productivity, and sustainability of operating under a 2-month rotation. After the trial period, Management would maintain the discretion to adjust the rotation duration as it determined was most efficient.

Union Final Offer

- Each SSI CS/CTE will work two (2) months of front end, and two months of back end on an equal rotational basis.

The Union has proposed that employees would be rotated in a timeframe of 2-months, and this rotation will be permanent (i.e., not on a trial basis). The Union argued that the 3-month rotation is too long for employees; it wears down the employees mentally and physically. The Union asserted that the Phoenix Downtown office is one of the busiest offices in the country; the office interviews 300 to 400 people a day. The SSI Claims Specialists that are Front End are completely exhausted by the start of the 3rd month. The Union claimed that as a result, employees call out sick and are unable to provide excellent customer service because they are overwhelmed and tired. An SSI Claims Specialist affidavit submitted by the union's Chief Negotiator noted "you are helping people that yell, scream and curse at you because they are not happy." The affidavit continued "I have contracted an illness from the public." The Union polled the employees and determined that the employees would prefer a 2-month rotation for mental and physical stability; 2-month rotation provides for a shorter span of work at the windows.

Conclusion

Having carefully considered the evidence and arguments presented in support of the parties' positions, we find that the Agency's proposal is the better alternative to resolve the impasse. In this regard, the Panel has determined that while the parties should create the opportunity to test the effects of the 2-month rotation, the Agency should maintain the discretion at the end of the trial to implement the rotation period that maximizes customer service, office efficiency, and productivity. Based on the foregoing, the Panel imposes the Agency's proposal concerning the rotation between Front End work and Back End work.

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 the Panel's regulations, 5 C.F.R. § 2471.6(a)(2), the Federal Service Impasses Panel under § 2471.11(a) of its regulations hereby

orders the parties to adopt the following to resolve the impasse:

- A rotation period of two (2) months for the front-end work and back-end work for six (6) months to begin on Monday March 5, 2018 and end on Friday, September 7, 2018.

By direction of the Panel.



Mark A. Carter
FSIP Chairman

February 1, 2018
Washington, D.C.