

Congress of the United States

Washington, D.C. 20515

January 2, 2019

Acting Commissioner Nancy A. Berryhill
Social Security Administration
6401 Security Blvd.
Baltimore, MD 21235

Dear Commissioner Berryhill,

We are writing in support of the 45,000 Social Security Administration (SSA) employees represented by the American Federation of Government Employees, AFL-CIO (AFGE) who serve our constituents and who deserve to have their workplace rights respected. We are deeply disturbed that the Social Security Administration is pursuing anti-labor policies in contract negotiations with those workers, failing to comply with a federal district court order, Office of Personnel Management (OPM) guidance, and federal law.

Last summer, we expressed our strong opposition to three Executive Orders (Executive Orders 13836, 13837, and 13839) issued by President Trump that would have had the effect of undermining collective bargaining, union representation and whistleblower protections for federal workers. On August 25, a federal district court acted to invalidate and enjoin many of the most egregious provisions of those Executive Orders; and on August 29, the Office of Personnel Management issued a memorandum rescinding previous guidance relating to those provisions. Nonetheless, it is our understanding that the Social Security Administration (SSA) is attempting to circumvent the court decision and guidance, seeking to implement the substance of those invalidated provisions through ongoing contract negotiations. We strongly oppose that action and urge you to negotiate in good faith on a new contract that is consistent with the court's order and the Federal Service Labor-Management Relations Statutes (FSLMRS).

Here are just three examples of how SSA is attempting to implement the substance of the EOs and evade the intent of the court's order. First, the EOs sought to severely restrict official time, time authorized by the FSLMRS for federal employees to undertake legitimate representational purposes. SSA's contract proposal, like the EOs, envisions draconian cuts to official time, severely restricting protected activity such as representing employees who have been victims of illegal discrimination or whistleblower retaliation.

Second, the EOs sought to prohibit the bargained use of agency-provided office space at no cost—even if that space was otherwise unoccupied or unused. The SSA is currently seeking to evict AFGE and its affiliates -- who have been provided office space for decades -- despite the fact that vendors, credit unions, and other non-union employee groups would continue to receive free space. Coupled with the official time cuts described above, employees would have greatly

restricted access to their representatives, and unions would find their effectiveness significantly diminished.

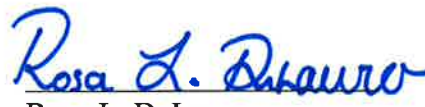
Third, in lockstep with the EOs, SSA is insisting on proposals that would bar performance appraisals, awards, performance removals and disciplinary removals from negotiated grievance procedure and arbitration. Doing so would leave employees with little recourse to ensure fairness in performance assessment and disciplinary actions, taking away AFGE's often successful ability to combat unfair, arbitrary and capricious actions through grievances, arbitration, and settlements. In addition, since accusations of employment discrimination and sexual harassment occur most often in the context of performance ratings, awards and terminations, employees would be prevented from utilizing the grievance procedure in these cases.

We urge the SSA to abandon its negotiating positions and instead commit to dealing with AFGE fairly and in good faith. We look forward to hearing you shortly as to what specific actions SSA is taking to prevent the invalidated provisions of the EOs from being implemented or enforced. Thank you for your consideration.

Thank you,



Jan Schakowsky
Member of Congress




Rosa L. DeLauro
Member of Congress



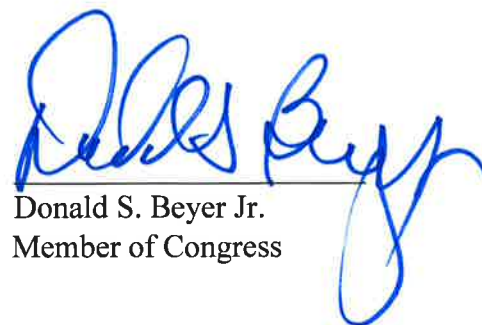
Mark Takano
Member of Congress



Mark Pocan
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Nanette D. Barragán
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Donald S. Beyer Jr.
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Cheri Bustos
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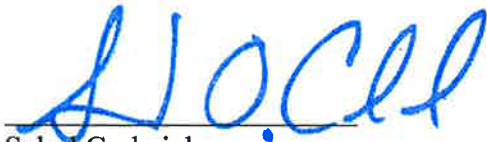
Brendan Boyle
Member of Congress



Anthony Brown
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Julia Brownley
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Salud Carbajal
Member of Congress



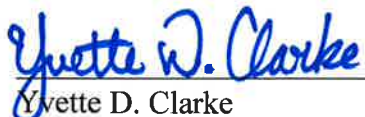
Tony Cárdenas
Member of Congress



Matt Cartwright
Member of Congress



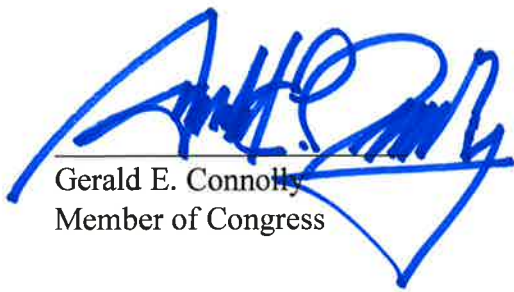
David Cicilline
Member of Congress



Yvette D. Clarke
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Emanuel Cleaver II
Member of Congress



Gerald E. Connolly
Member of Congress



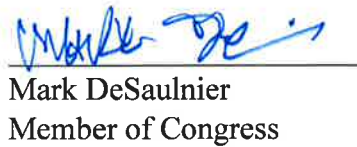
Joe Courtney
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Charlie Crist
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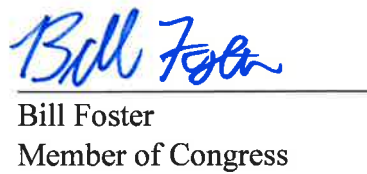
Danny K. Davis
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Mark DeSaulnier
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Mike Doyle
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Bill Foster
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John Garamendi
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Jimmy Gomez
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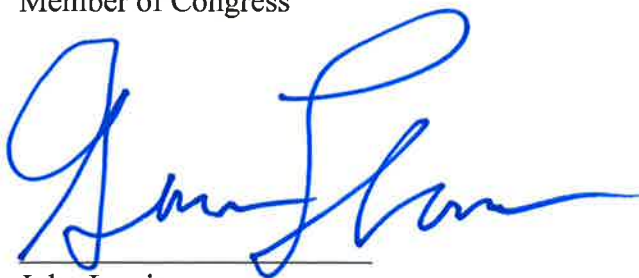
Ron Kind
Member of Congress



Conor Lamb
Member of Congress



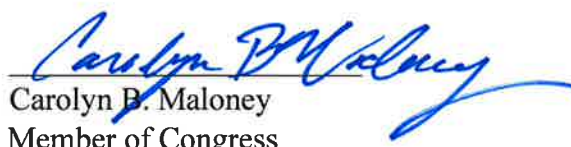
Barbara Lee
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John Lewis
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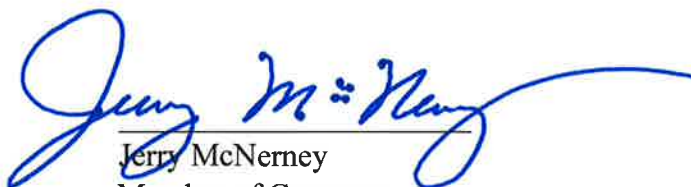
Zoe Lofgren
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Carolyn B. Maloney
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Betty McCollum
Member of Congress



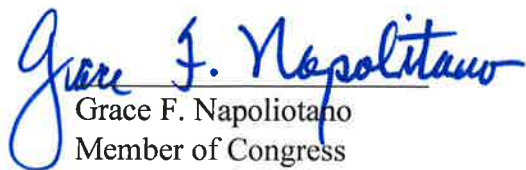
Jerry McNerney
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Gwen S. Moore
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Jerrold Nadler
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Grace F. Napolitano
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Donald Norcross
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Eleanor Holmes Norton
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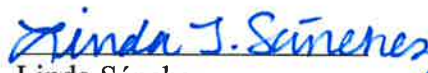

Bill Pascrell, Jr.
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Jamie Raskin
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Lucille Roybal-Allard
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C.A. Dutch Ruppersberger
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Tim Ryan
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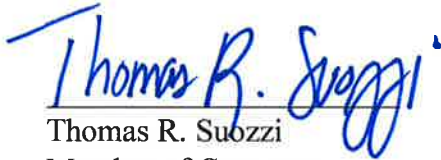

Linda Sánchez
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Albio Sires
Member of Congress



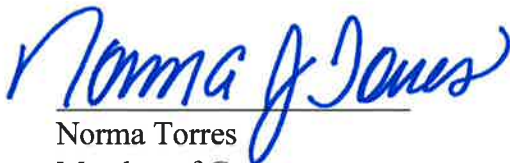
Darren Soto
Member of Congress



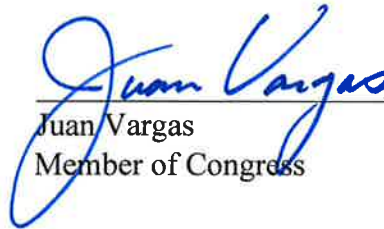
Thomas R. Suozzi
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Dina Titus
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Norma Torres
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Filemon Vela
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Bonnie Watson Coleman
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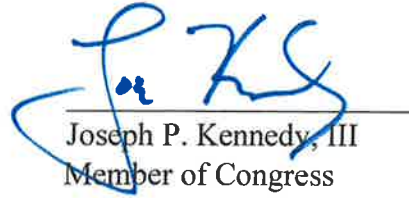
Peter Welch
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Frederica S. Wilson
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Chellie Pingree
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Joseph P. Kennedy, III
Member of Congress



Pete Aguilar
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