

**ARBITRATION**

**OPINION AND AWARD**

Of Ed W. Bankston

in a Matter of Dispute Between:

**SOCIAL SECURITY ADMINISTRATION**

**and**

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
AFGE, LOCAL 3291**

Held at:  
Little Rock, Arkansas  
March 3 – 4, 2010

Case Number: DF-2009-R-0004(B)  
Magnolia Littles  
90-Day Suspension

**APPEARANCES:**

**For the Agency:**

- Ms. Dianne Mullins Pryor, Assistant Regional Counsel
- Mr. Ralph Padiella, Senior Advisor, OLMER
- Ms. Rebecca Crosland, Manager, SSA Conway, AR Office
- Ms. Carolyn Jackson, Center for H/R, Dallas Regional Office
- Mr. Mike Lienhart, District Manager, Little Rock, AR Office

**For the AFGE:**

- Ms. Patricia J. McGowan, Attorney for AFGE, Council 220
- Ms. Cheryl Spurr, Technical Expert
- Ms. Lisa Morris, Technical Expert
- Ms. Magnolia Littles, Grievant

May 28, 2010

## I. GENERAL BACKGROUND

The parties to this dispute, SOCIAL SECURITY ADMINISTRATION (“Agency”) and the AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Local 3291 (“Union”) are signatories to a collective bargaining agreement effective August 15, 2005, for an initial term of four years and annually renewable thereafter. The Social Security Administration is charged with administration of the Social Security Act of 1935, a government program of old age, unemployment, health, disability and survivors’ insurance funded by employer and employee contributions. The Union represents professional and nonprofessional employees in a bargaining unit certified by the Federal Labor Relations Authority (“FLRA”) on August 30, 1979 as Case No. 2-09146(UC).

The grievant was first employed by the Agency as a college work-study student beginning in 1987. On April 17, 1994, she began work as a full-time “Service Representative.” In October 2003, she was promoted to the position of “Claims Representative,” and held that position for three years. In September 2007, the grievant voluntarily downgraded to Service Representative seeking to reduce stress levels due to severe, unexpected family trauma. The personal stress had impacted her work such that she was denied a regular step increase and her work effort was placed under supervisory review. It was during 2007 that she approved certain CPS payments requested of her by fellow employee Zelenka Herts. Those CPS payments proved to be fraudulent and Herts was later convicted of theft. For her role in approving those CPS payments, the grievant received a 90-day suspension. It is this 90-day disciplinary action which is the subject of this dispute.

The inability of the parties to resolve the dispute throughout the various steps of the grievance procedure and preliminary to arbitration has resulted in the grievance being submitted to the undersigned arbitrator for resolution. The dispute was heard by Ed W. Bankston who was selected by the parties pursuant to Article 25 of the National Agreement. The hearing was held on March 3<sup>rd</sup> and March 4<sup>th</sup>, 2010, at SSA Offices in Little Rock, Arkansas. The hearing was recorded and transcribed by Ms. Kay Butler, CCR, CVR-CM, duly certified as a Court Reporter for the State of Arkansas. A transcript of the hearing was timely received by the arbitrator and by the parties.

The Agency was represented at the hearing by Ms. Dianne Mullins Pryor, Assistant General Counsel. The Union was represented by its attorney, Ms. Patricia J. McGowan. Each party was properly and ably represented at the hearing. The parties agreed that the matter is properly before the arbitrator. Although the hearing was informal, each party was provided an opportunity to support its position with respect to the dispute by the testimony of sworn witnesses, exhibits and oral argument. The parties waived oral summation and elected presentation of Post-Hearing Briefs. The Briefs were timely received and the record was closed.

## II. ISSUES

The parties were unable to agree upon issues to be submitted. The Agency proposes the issue to be:

Whether the Agency violated the 2000 American Federation of Government Employee/Social Security Administration (AFGE/SSA) National Agreement when it suspended Magnolia Littles (Grievant) for 90 days in this case? (Agency's Closing Brief, p.1)

The Union proposes the following issues: