



DEPARTMENT OF HEALTH & HUMAN SERVICES

Social Security Administration

Refer to: S1EA42

Memorandum

Date: MAY 15 1990

From: Associate Commissioner
for Human Resources Management

Subject: SSA Management Labor Relations Handbook for the 1990 National Agreement, Question and Answer Release No. 1--INFORMATION

To: All SSA Offices with AFGE Recognition

The application of the leave roster provisions of Article 31 in the new National Agreement has generated an unusually large number of questions. Because of the nature of these questions, we have met with representatives of the American Federation of Government Employees' General Committee to discuss the problems encountered in administering these provisions. As a result of these discussions, general agreement has been reached concerning the manner in which the annual leave rosters will be administered. The attached Question and Answer Release No. 1 reflects the understandings reached in those discussions.

The use and scheduling of annual leave is a topic of great importance to all employees. It is important that employees and management have a common understanding of how leave requests will be handled. Therefore, to the extent that you have not already done so, we encourage you to have a meeting with your employees to discuss this topic. Of course, any such meeting would be a formal discussion, and you should provide advance notice to your designated union representative.

In addition to everyone having a common understanding of the leave roster procedures, it is also critical that employees be fully informed of situations affecting the approval of their leave. Accordingly, managers should take whatever steps are necessary to ensure that employees are aware of their standing on the leave roster, and any other information they would need to decide whether to exercise their option in a conflict situation.


Michael W. Grochowski

Attachment

Article 31, Section 2C - Annual Leave Requests and Rosters

1. Q. Can management decide the employee groupings for leave purposes and the number of employees in each grouping that can be spared?
 - A. Yes. Under case law, management has the authority to decide the numbers and types of employees needed to complete work and when the work is to be accomplished. While employees have a vested right to accrued leave, management has the authority to fix the time the leave is to be taken. However, management should not exercise this right in such a manner that the roster is so small as to be meaningless.

2. Q. What kinds of annual leave requests for vacations and holidays are governed by the national contract?
 - A. Only the days immediately preceding and following a Federal holiday or extended annual leave of one week or more. Annual leave for any other periods are not controlled by the national agreement and are subject to preexisting local procedures.

3. Q. What happens when there is a conflict in scheduling that involves both leave governed by the national contract and leave governed by local procedures?
 - A. The national provisions are paramount and must be applied first. For example, if during an appropriate request period, one employee asks for part of the same week that does not precede or follow a Federal holiday and both cannot be spared, the employee asking for the calendar week has first opportunity to have the time off. If that employee is the only employee asking for the week off, there is no "conflict" under the system agreed to and that employee would not have to

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May 14, 1990

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exercise a roster option. It's only after annual leave for a calendar week or more or days immediately surrounding Federal holidays is scheduled that other types of leave would be handled.

4. Q. At what point does a conflict exist so as to trigger use of the roster?
- A. A conflict exists when there are more people who request leave during one of the two request periods than management can let off work. With very limited exceptions (see question 6 below), once a conflict exists, any employee who wants to be assured of leave for the conflict period must exercise a roster option.
5. Q. If there is initially a conflict and one or more employees decline to exercise their option and the number of remaining employees does not exceed the number who can be spared, may I consider the situation as not presenting a conflict and not require the remaining employees to exercise a roster option?
- A. No. Use of the roster is required to guarantee a specific period on the schedule where there is an initial conflict (except in situations as indicated in question 6).
6. Q. If there is an initial conflict and one or more employees decide to withdraw so that the number of remaining requests does not exceed the number that can be spared, can I consider this as not a conflict and not require the employees who get the time off to exercise a roster option?
- A. Yes. Withdrawing a request is different than not exercising an option. In this instance, the employee is saying that his/her request should be treated as if it was never submitted. If the employee declines to exercise his/her option, he/she is leaving the request in place, but choosing not to relinquish his/her place on the roster. Withdrawing a request would generally be the result of the informal resolution of leave scheduling problems by the employees involved.

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7. Q. When a conflict exists, should I ask the employee who is highest on the list first if he/she wants to exercise his/her option, then go on to the next employee if the answer is no, and work my way sequentially through the list?
- A. When a conflict exists, all employees who are involved in the conflict should be informed of the conflict, and asked to see if they can work the conflict out themselves. If they cannot, then they should be asked whether or not they wish to exercise their option. Since any employee who gets the leave approved during this process would have to exercise an option (see questions 4 and 5), it does not make any difference whether they are asked sequentially or simultaneously.
8. Q. If there is a conflict in scheduling, how do I handle the situation where there are more declinations than there need to be; that is, some of the people initially requesting the leave are not willing to exercise a roster option to reserve the time off?
- A. This is one of the situations we recently covered with the union. Those employees who don't decline and want to reserve the time off must exercise their option. Employees who decline may, of course, subsequently resubmit their requests. These requests would be handled on a first-come-first-served basis, with conflicts resolved by preexisting local practices.
9. Q. Does a roster option apply to each leave request or to the entire 6-month request period; e.g., Thanksgiving Friday, or Thanksgiving Friday and Christmas week?
- A. The employee can only use a roster option for one leave conflict, either one week or more or days surrounding a single Federal holiday. Once the employee does so, the employee's name is placed at the bottom of the roster for the next requested leave when there is a conflict.

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- 10. Q. Is there a separate roster for each 6-month request period?
A. No. There is but one roster and once established it is to be used to resolve all conflicts for all subsequent leave scheduling periods.

- 11. Q. What position on the roster is given to a new hire (i.e., anyone who is not currently an SSA employee)?
A. A new hire, whether or not a prior Federal employee, is placed at the bottom of the roster.

- 12. Q. What do we do with an SSA employee who transfers into the installation or otherwise changes leave groupings?
A. Place the employee on the new roster in the same relative position to employees on the new roster as the employee held on the old roster; e.g., if the employee was third of four people in the old list and moves into a new roster of four people, he/she would be placed in the third spot. If the number of people on the two lists do not match exactly, the appropriate position can be determined by applying a ratio formula. For example, if an employee is third on a roster of seven and moves into a roster of 13, the ratio would be $3/7 = x/13$. In this example, the employee would be placed sixth on the new roster.

- 13. Q. How should we handle a situation where an employee moves into a new leave grouping and, based upon a timely request within one of the two request periods, already has had leave approved and a conflict exists in the new location?
A. Absent an operational exigency, preapproved leave should be honored. If there is a conflict, the senior employee would prevail.

- 14. Q. Once leave is approved, can management cancel it because of unforeseen needs?

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A. Yes. While we should make every effort to avoid this, management has the authority under case law to cancel an approval. In such an event, the employee would be placed at the top of the roster.

15. Q. What happens to an employee who, after exercising an option, cancels the leave after the schedule is posted?

A. Absent extremely unusual circumstances, the employee's prior position on the roster would not be restored. Who might then want and be eligible for the opening would be determined on a first-come-first-served basis. Based on local practice, this might be those who were placed on a waiting list at the time the schedule was established.

16. Q. What happens when management increases the number of employees who can be off after the schedule is established?

A. Essentially, the first-come-first-served provision would apply. As in the case of an employee cancellation, employees previously denied might be on a waiting list based on local practice.

17. Q. Can local systems used for leave not governed by the national provision be changed?

A. They are treated as past practices and you can seek to change them by giving notice to your union counterpart and the opportunity to bargain. The outcome of the bargaining would determine whether the prior system is changed.

18. Q. What constitutes a full "calendar" week for part-time employees?

A. A calendar week for a part-time employee would be his/her work schedule for a week. For example, an employee who works Monday through Thursday would fall under the roster provisions if they requested leave for the period from Monday through Thursday.

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19. Q. What constitutes a period of conflict? For example, if an employee requests July 3 and July 5, is this two different requests, or one request?
- A. This would be treated as one request. Any leave request which contains consecutive days, no matter how long the request may be for, or how many holidays are included, is considered to be one request. For example, a request for leave from December 23 through January 2 would be one request, even though it included the day before two holidays and the day after two holidays. On the other hand, a request for December 23 through December 26 and December 31 through January 2 would be treated as two different requests.
20. Q. Is the roster applied sequentially, in chronological order? For example, do you apply the roster first to conflicts involving Columbus Day, rework the roster, then apply it to conflicts involving Veteran's Day, rework the roster, apply it to conflicts involving Thanksgiving, etc?
- A. The roster should be applied sequentially, in chronological order, starting with the first date on which there is a conflict.
21. Q. During February and August, do you solicit or accept leave requests which are for less than a calendar week, or not adjacent to a Federal holiday? Likewise, what do you do with requests for less than a calendar week, or not adjacent to a Federal holiday, which you receive before the leave request period?
- A. You may solicit such requests in February and August if you wish. However, any such request received at that time, or before that time, should be date stamped, approved or denied on a tentative basis, and held until after the leave roster is applied. Once the leave roster is applied, these other requests would be acted upon, in their order of receipt.

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Date: **SEP 27 1990**

From: Acting Director
Office of Labor Management Relations

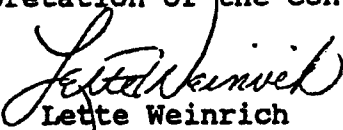
Subject: SSA Management Labor Relations Handbook for the 1990 National Agreement, Question and Answer Release No. 2--INFORMATION

To: All SSA Offices with AFGE Recognition

The application of the annual leave roster provisions of Article 31, Section 2.C. in the National Agreement has generated additional questions because we are now in the second request period for the year. (Question and Answer [Q&A] Release No. 1, distributed on May 15, 1990, also dealt with this specific provision in the contract.)

We have discussed the current situations with the designees of the American Federation of Government Employees, and agreement was reached on how the roster should be administered. The attached Q&A Release No. 2 reflects the understandings reached during these discussions.

We will continue to share these types of issues with you as they arise so that we can work towards consistent administration and interpretation of the contract.


Lette Weinrich

Attachment

bcc:
Regional LRSs
PSC LRSs
DOC LRSs
Chief, LMRB, OHA
OP, DPPDR
DCO

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Article 31, Section 2.C. - Annual Leave Requests and Roster

1. Q. If an employee transfers into an AFGE-covered office from an office that would not have been using a roster system (e.g., a non-union office, an office in another bargaining unit, etc.), where should he/she be placed on the leave roster?
 - A. An employee who transfers from an office or a position (e.g., operations supervisor) where a roster was not previously used, should be placed at the bottom of the gaining office's roster.

2. Q. If a person who was No. 1 on the roster in an office transfers into another office, does that individual take over the No. 1 position in the new office?
 - A. This would be treated as any other transfer situation, and the ratio method utilized. For example, if the employee was one out of nine in his old office and becomes one out of five in his new office, he/she would be No. 1 on the roster after using the ratio ($1/9 = X/5$) because $X=.55$. If the employee was one out of four and moves into an office where he/she is one out of ten, he/she would be No. 3 on the roster after using the ratio ($1/4 = X/10$) because $X=2.5$, and we round up. If the employee was one out of seven in his/her old office, and the new office also has seven people on the roster, the supervisor should flip a coin to determine where the employee is placed on the roster.

3. Q. If a person transfers out of an office that uses a roster, but comes back to that same office at a later date, is the employee placed in the same position that he/she was on the roster when he/she left (e.g., if No. 3, is he/she placed at No. 3)?
 - A. An employee in this situation is to be treated like any other transferee for purposes of the roster. The application of the roster that has been agreed to by the parties must be followed. Therefore, if an employee transfers in from an office or a position where a roster was not used, he/she would be placed at the bottom of the roster. However, if the employee is transferring from an office or a position where a roster was used, he/she would be placed in the same relative position that held on the roster from which he/she transferred. (Please see Q&A Release No. 1, Question No. 12, for an explanation as to the ratio formula that should be used.)

4. Q. If a leave request includes 2 days before a holiday, 1 day each in 2 different weeks, is the request considered consecutive for approval purposes or two separate requests? For example, an employee asks for Friday, December 28, and Monday, December 31 prior to the New Years holiday on Tuesday, January 1.
- A. The request is considered one request for conflict purposes because the employee submitted a request for 2 consecutive workdays. It is one request, even though the request involves 2 days in 2 different workweeks.
5. Q. Christmas Eve falls on a Monday, December 24th, this year. If the President declares all or a portion of the day as a holiday (as sometimes has happened in the past), and Tuesday, December 25th, is an official holiday, would an employee who has Monday as his/her "5/4/9" day off get Wednesday as the "in-lieu of holiday"? If so, how does that affect the annual leave roster requests? Does the 5-4-9 day (which is really not an "assigned" day) take precedence over annual leave requests?
- A. If the President issues an Executive Order to give employees holiday leave for all or part of Monday, December 24th, the employee whose 5/4/9 day off is the 24th would get a like amount of time off on holiday leave on Wednesday, December 26th. Wednesday is the employee's in-lieu-of holiday. If the full workday, Monday, is declared a holiday, then the in-lieu-of holiday, Wednesday, is a nonworkday for the employee, and it would have to take precedence over annual leave requests from other employees. If less than a full workday is declared holiday leave (e.g., 4 hours), the employee would have to work the remaining 4 hours in his/her tour on Wednesday, or take other approved leave. The in-lieu-of holiday would not take precedence in this case.

Each component has a separate Memorandum of Understanding (MOU) on Alternate Work Schedules which covers the issue of an in-lieu-of holiday. Depending on which day of the week December 24th falls on in the future, the in-lieu-of holiday could change. Therefore, the appropriate MOU should be checked each year to determine the day off. For example, in Headquarters, if the holiday leave is declared on a Friday, the MOU requires that the in-lieu-of holiday would be Thursday.

6. Q. There is a conflict for Christmas Eve, so the roster is used to approve/deny annual leave requests. If the President later gives Federal employees Christmas Eve off, what, if anything, happens to the roster?
- A. There should be no changes made to the roster. Any leave approvals/denials should stand, and the roster rotation which was based on these approvals should not change.
7. Q. An employee transfers into an AFGE office from an office that does not have a roster? Under the current instructions, the employee would go to the bottom of the roster. However, in this particular office, there has been no roster rotation because there has been no conflict thus far. The roster is, therefore, still in seniority order. The employee coming into the office has many more years seniority than the No. 1 person on the roster now. Where is the transferee placed on the roster?
- A. The current application of the roster provides that an individual transferring from a non-roster location would be placed at the bottom of the roster. This rule would also apply in this situation.
8. Q. Before an employee transferred into a new office, he/she was two out of ten on the roster in the old office. Including the employee, there are four on the roster in the new office. This means that by using the ratio $(2/10 = X/4)$, the employee becomes No. 1 on the roster because $X=.8$. The last "go-round" the office did not have to use the roster because everything had worked out. The person who was then, and still is, No. 1 has been in the office for 6 years. Who gets to take the No. 1 slot?
- A. You apply the ratio formula and, therefore, the employee transferring into the office gets the No. 1 position on the roster.
9. Q. If an employee is in a training class where there is no roster used, where would that individual be placed when he/she is assigned to a unit or office with an annual leave roster?
- A. Where the employee worked before entering training class determines where he/she will be placed on the roster. According to the current instructions, if an employee

worked in an office with no roster prior to entering class, he/she would be placed at the bottom of the roster. If an employee worked in an office with a roster, the ratio method must be used to determine his/her relative position on the roster in the new office.