



December 7, 2017

Mr. Witold Skwierczynski
SSA/AFGE General Committee Spokesperson
P.O. Box 47638
Baltimore, MD 21244-7638

Mr. Skwierczynski:

On December 14, 2016, the parties mutually agreed to extend the 2012 AFGE/SSA National Agreement until March 31, 2018. The parties further agreed that either party may give notice to add, amend, reopen, modify or terminate existing articles not more than 120 or less than 90 calendar days prior to the expiration date (March 31, 2018).

This constitutes notice to the American Federation of Government Employees (Union) from the Social Security Administration (Agency) that the Agency elects to terminate the National Agreement and engage in term negotiations with the Union in good faith.

This notice further constitutes the Agency decision to terminate and renegotiate the numbered and unnumbered Articles (as listed in Attachment 1) of the National Agreement. Either party, of course, has the discretion to present negotiable proposals on additional topics concerning employee conditions of employment during term negotiations. In addition, the Agency intends to propose new articles:

- Article 42 Information Requests
- Article 43 Unfair Labor Practices
- Article 44 Office Space

The Agency also gives notice to terminate all existing negotiated Memoranda of Understanding (MOU), Supplemental Agreements or any other written agreements between the Union and the Agency that were in effect from April 6, 2004 until March 31, 2018, at any and all levels within the Agency. Either party will have the opportunity to negotiate over the conditions of employment contained in these MOUs and agreements or attempt to preserve any or all parts of these agreements during the upcoming term negotiations.

The Agency will continue to adhere to the conditions of employment contained in all negotiable contract articles, MOUs, Supplemental Agreements or any other written agreements until a new contract is negotiated and implemented. However, the Agency does not waive its rights to propose changes, independent of term negotiations, to any of the negotiable article(s), MOUs, Supplemental Agreements or any other written agreements in accordance with Title 5, Chapter 71 of the United States Code (the Statute).

The Agency also gives notice to the Union that as of March 31, 2018, after the termination of the National Agreement, the Agency has the right to elect to no longer be bound by provisions of the expired National Agreement that either impermissibly interfere with the management rights delineated in section 7106(b)(1) of the Statute or which do not concern conditions of employment of bargaining unit employees, or which waive a statutory right.

The Agency also gives notice to the Union that as of March 31, 2018, after the termination of the National Agreement, the Agency has the right to no longer be bound by provisions of the expired National Agreement that either impermissibly interfere with the management rights delineated in section 7106(a)(1) and (2) of the Statute or which are otherwise nonnegotiable under the Statute because they either conflict with the Statute or other law or Government wide regulations. The Agency has determined that the following contract clauses fall within the criteria above and will be null and void as of March 31, 2018:

Contract Article and Clause	Null and Void to the extent the clause:	Legal Authority
Article 22, Section 3.B	Allows employees to go to the MSPB on a WIGI denial	5 CFR 531.410(d) 5 CFR 1201.3(c)
Article 33, Section 2.B	Requires the Agency to notify AFGE of the proposed separation of temporary employees	5 USC 552a(b)
Article 34, Section 1.B	Requires the Agency to notify AFGE of individual employees who file a workers compensation claim.	5 USC 552a(b)

The Agency is prepared to engage in term negotiations in an expeditious manner and to fulfill its statutory bargaining obligation, and to negotiate, in good faith, over the full range of Union proposals that are negotiable under the Statute. This includes the Agency's obligation to negotiate in good faith over Union proposals that directly interfere with section 5 U.S.C. § 7106(a)(1) or (2) a reserved management right, as long as the proposal is an arrangement that does not excessively interfere with that management right consistent with section 7106(b)(3) of the Statute. This also includes the Agency's obligation to negotiate in good faith over proposals that are procedures under section 7106(b)(2) of the Statute. The Agency, however, will not negotiate over nonnegotiable proposals that are outside the duty or scope of bargaining under the Statute.

Please contact me if you have any questions. I am available by email at Ralph.Patinella@ssa.gov or by telephone at 410-966-7860.

Sincerely,



Ralph Patinella
Associate Commissioner
Office of Labor-Management
and Employee Relations

Dated: DECEMBER 7, 2017

Attachments:

Certificate of Service – one page

Attachment I – List of Unnumbered, Numbered and New Articles – two pages

CERTIFICATE OF SERVICE

I hereby certify that copies of this document, Notice to AFGE, dated December 7, 2017, were served this date, December 7, 2017, on the following individuals by the following means:

<u>Individual</u>	<u>Service by:</u>
Witold Skwierczynski (AFGE General Committee)	Electronic Delivery via Email Witold.Skwierczynski@SSA.Gov Witoldc220@gmail.com
Agatha Joseph (AFGE General Committee)	Electronic Delivery via Email Agatha.Joseph@SSA.Gov
Richard Couture (AFGE General Committee)	Electronic Delivery via Email Richard.Couture@SSA.Gov
Cynthia Ennis (AFGE General Committee)	Electronic Delivery via Email Cynthia.Ennis@SSA.Gov ecynthia@aol.com
Earl Tucker (AFGE General Committee)	Electronic Delivery via Email Earl.Tucker@SSA.Gov TuckerTwo@sbcglobal.net
John Walton, Jr. (AFGE General Committee)	Electronic Delivery via Email John.Walton@SSA.Gov


Ralph Patinella
Agency Chief Spokesperson

DATE: DECEMBER 7, 2017

ATTACHMENT 1
List of Unnumbered and Numbered Articles

Unnumbered Articles

Preamble
Recognition and Coverage of this Agreement
Management Rights

Numbered Articles

Article 1	Governing Laws, Regulations, and Existing Conditions of Employment
Article 2	Union Rights and Responsibility
Article 3	Employee Rights
Article 4	Negotiations During the Term of the Agreement on Management Initiated Changes
Article 5	Union Initiated Mid-Term Bargaining
Article 6	Dues Withholding
Article 7	Duration of the Agreement
Article 8	Official Travel
Article 9	Health, Safety and Wellness
Article 10	Hours of Work, Flextime, Alternate Work Arrangements and Credit Hours
Article 11	Union Use of Official Facilities and Communications
Article 12	Recycling and Going Green
Article 13	Parking and Transportation
Article 14	Reduction-in-Force and Transfer of Function
Article 15	Contracting Out Bargaining Unit Work
Article 16	Training and Career Development
Article 17	Monetary Awards
Article 18	Equal Employment Opportunity
Article 19	Upward Mobility
Article 20	Child Care and Elder Care
Article 21	Performance
Article 22	Within-Grade Increases
Article 23	Disciplinary and Adverse Actions
Article 24	Grievance Procedure
Article 25	Arbitration
Article 26	Merit Promotion
Article 27	Details
Article 28	Classification
Article 29	Union-Management Meetings
Article 30	Official Time
Article 31	Time and Leave
Article 32	(Deleted)
Article 33	Temporary, Probationary, Part-Time Permanent and Seasonal Employees

Article 34	Employee Disability Compensation (OWCP)
Article 35	Employee Assistance and Counseling
Article 36	Research Programs and Demonstration Projects
Article 37	Tests and Employee Selection Process
Article 38	Multilingual/Bilingual Employees
Article 39	Work At Home By Exception
Article 40	Alternative Dispute Resolution
Article 41	Telework

New Articles

Article 42	Information Requests
Article 43	Unfair Labor Practices
Article 44	Office Space