

United States of America

BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of

UNITED STATES SOCIAL SECURITY
ADMINISTRATION

And

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 3342

Case No. 18 FSIP 079

DECISION AND ORDER

The American Federation of Government Employees, Local 3342 (Union) filed this request for Panel assistance under the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7119, over an impasse with the U.S. Social Security Administration (Agency or SSA) concerning an office renovation of the Dunkirk, New York Field Office. SSA promotes the economic security of the nation's people through compassionate and vigilant leadership in shaping and managing America's social security programs. SSA manages a social insurance program, consisting of retirement, disability, and survivors' benefits. SSA is headed by a Commissioner and has a staff of almost 60,000 employees working in multiple subcomponents, both at the headquarters office in Baltimore, Maryland and in a field organization. The field organization is decentralized to provide services at the local level and includes 10 regional offices, 6 processing centers, and over 1,200 field offices in communities throughout the United States.

The Union represents four bargaining unit employees at the Dunkirk, New York Field Office. The employees encumber the positions of a GS-12 Claims Technical Expert, a GS-11 Claims Specialist, and two GS-8 Customer Service Representatives. The parties are covered by a national collective bargaining agreement (CBA) that has been in effect since 2012. After it expired in 2017, it continued to roll over in one-year increments. In January 2018, the SSA and the American Federation of Government Employees, AFL-CIO reopened the CBA and

are engaged in ongoing bargaining. The parties in the instant dispute are bound by the current CBA until a successor agreement is reached.

BACKGROUND

In June 2018, the Agency provided the Union notification that it intended to renovate the Dunkirk, New York Field Office. As part of a national initiative to make SSA Field Offices safer for employees, the Agency advised the Union that it would enclose the offices where employees interview claimants applying for Social Security benefits with barrier walls to separate the public from the employees in an effort to shield the employees from potential threats of violence. The Agency also advised the Union that it would build an addition to the Dunkirk Office - a new training room - used for interactive video, telephone, and in-person training sessions.¹

The parties engaged in all-day telephonic bargaining on July 17 and July 18, 2018, and a half-day of telephonic bargaining on July 19 and July 20, 2018. During the bargaining, the Union asserted that the proposed renovation would decrease natural sunlight in the office; the barrier walls would block the sunlight from entering the front of the office. Therefore, the Union proposed that the Agency add two windows along the wall of the new training room. The Agency considered the Union's request, but determined that it was not viable due to the excessive costs that the Agency would incur as a result of adding the windows.

On July 18, 19, and 20, 2018, the parties enlisted the services of the Federal Mediation Conciliation Service (FMCS). With the help of an FMCS Mediator, the parties reached agreement on several issues related to the office renovation; however, the parties were unable to reach a resolution on two issues. On August 22, 2018, the Union filed the instant request for Panel assistance.²

The Panel asserted jurisdiction over the Union's request for assistance and determined that it should be resolved through a Written Submissions procedure with an opportunity to submit rebuttal statements to the Panel and each other. The parties were informed that, after considering the entire record, the Panel would take whatever action it deemed appropriate to

¹ The Agency plans to initiate the renovation in April 2019.

² During the Panel investigation of this case, the Union withdrew the second issue in dispute.

resolve the dispute, which could include the issuance of a binding decision. The Panel has now considered the entire record, including the parties' written submissions, final offers, and rebuttal statements.³

ISSUE

a. Union's Final Offer

The addition of two windows to the proposed floor plan for renovation of the Dunkirk Social Security (SSA) office.

The Dunkirk Field Office configuration includes windows that run nearly the length of the front of the office with no windows on any of the other three walls. The employees have direct access to sunlight from the windows in the front of the office. However, under the Agency's proposed floorplan, the Union asserts that the employees will have no natural sunlight, since the barrier walls will block the light from the windows in the front of the office. The Union states that the loss of employee access to all exterior windows will negatively impact the employees' daily work life, productivity, welfare, and morale. The Union states that its proposal seeks to maintain the little natural light that the employees currently have in the office by adding windows to the training room.

The Union states that during training for new hires, employees spend full-work days in the training room for periods of three-to-four months at a time. The work environment for these employees would be significantly improved if windows were added to the training room. When not in use, the employees have access to the training room during breaks and lunches. If the training room door was left open, the Union argues that the natural light would permeate into the office.

Throughout the negotiations, the Union asserts that the Agency maintained that it was cost prohibitive to add windows to the renovation; however, the Agency offered no such clarification as to how two windows were cost prohibitive beyond mere assertion. In three prior office negotiations, the windows were added to an already existing structure meaning demolition was necessary to retrofit the windows. Here, the Union's proposal will not require the Agency to reconstruct a new wall to support the windows. Instead, the windows can be an addition

³ The Agency requested an extension of time to submit its written submission and rebuttal statement. The Panel granted the request and permitted both parties additional time to submit their statements.

to the newly constructed training room. Therefore, the Union states that its proposal is less costly because it would only require the Agency to add windows as part of its already proposed renovation.

As to the Agency's argument that blackout shades would likely be installed to reduce the glare from the light onto the training room screen, the Union asserts that it can identify at least six offices in upstate New York that currently have windows in the training room; however, none of these offices have blackout shades in their training room and none of the offices have ever reported issues with glare from sunlight on the training screen. The Union states that it is important to note that the windows the Union is proposing are on the west wall of the office. Direct sunlight will not reach the building until later in the day. Thus, the Union asserts that its proposal addresses the Agency's concern over glare, yet still provides direct sunlight to the employees.

b. Agency's Final Offer

In consideration of issues raised by the union during bargaining regarding lighting in the proposed floorplan for the renovated Dunkirk FO, the Agency agrees to install Light Emitting Diode (LED) lights throughout the entire office, including the IVT room.

The Agency argues that in order to maintain a high quality workforce, employees are required to attend periodic training. All field offices contain a multi-purpose room, or a specifically designated Interactive Video Training (IVT) room, where training is provided to employees by means of a satellite link and large television screen. The current IVT room in the Dunkirk Office is very small and cramped. Based on space constraints in the office, a newly built extension at the back of the office is required in order to provide a sufficiently sized training room for employees.

The Agency states that wherever possible, floorplans for new or renovated office space are designed to place the IVT room in the interior of the office without windows. This is done to reduce any glare on the television screen while employees view the training. If the IVT room is designed with windows, blackout shades are generally installed to cover the windows and reduce the glare.

The Union argues that installing the windows in the IVT room would provide natural sunlight to the office; however, no other area would benefit from the windows and the blackout shades would generally be drawn in the room when in use. Further, the wall of the IVT room faces an alleyway; a minimal amount of sunlight will be able to penetrate the room. Even if the door to the room is left open, the door faces a wall on the other side of the hallway. Light would not reach through to other parts of the office and employees would not benefit from the installation of windows.

The Agency states that it is important to note employees do not spend much time in the training room; every two weeks there is an IVT session lasting about 20 minutes. Staff meetings are also held in the room on an as-needed basis. When new hires are engaging in IVT training, they only spend part of their workday in the training room. They are generally working in the office, receiving on-the-job training. Overall, employees are not in the training room for long periods of time, so the Agency asserts that there is no benefit to having windows installed in the IVT room.

Finally, the Agency argues that it is cost prohibitive to add windows to the renovation. The Agency states that the cost of adding two windows to the training room will be approximately \$15,000 to \$20,000, offering little to no benefit to the employees as an unnecessary and wasteful expenditure of the taxpayer funds. The Agency states that just because other locations might have added windows does not mean that the Dunkirk Field Office is equipped for windows. In an effort to brighten up the workspace, the Agency asserts that it will equip the office with LED lighting, which will be brighter than the current florescent lighting. Thus, the Agency asserts that the Dunkirk Office will have sufficient lighting without the addition of windows in the training room.

a. Conclusion

Having carefully considered the evidence and arguments presented in support of the parties' positions, the Panel finds that the Agency's proposal is the best alternative to resolve the impasse. The Agency presents a more compelling argument that the Dunkirk Field Office will have sufficient lighting throughout the office. As the name implies, the training room is used to train employees via an Interactive Video Training on a large screen. As such, the room must remain dark to reduce any glare that light might have on the training screen when in

use. Even if windows were added, it is speculative how much light would actually enter into the office. The \$15,000 to \$20,000 needed to add windows to the training room does not appear to offer a benefit commensurate with its cost. Thus, the Agency's proposed solution to equip the office with LED lighting appears to be the better, most equitable solution to resolve the impasse.

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 adoption of the following to resolve the impasse:

In consideration of issues raised by the union during bargaining regarding lighting in the proposed floorplan for the renovated Dunkirk FO, the Agency agrees to install Light Emitting Diode (LED) lights throughout the entire office, including the IVT room.

By direction of the Panel.



Mark A. Carter
Chairman

February 15, 2019
Washington, D.C.