

In the Matter of

SOCIAL SECURITY ADMINISTRATION
CHICAGO SOUTHEAST FIELD OFFICE
CHICAGO, ILLINOIS

and

LOCAL 1395, AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO

Case No. 12 FSIP 40

ARBITRATOR'S OPINION AND DECISION

Local 1395, American Federation of Government Employees, AFL-CIO (Union) filed a request for assistance with the Federal Service Impasses Panel (Panel) to consider a negotiation impasse under the Federal Service Labor-Management Relations Statute (Statute), 5 U.S.C. § 7119, between it and the Social Security Administration, Chicago Southeast Field Office, Chicago, Illinois (Employer or SSA).

After an investigation of the request for assistance, which arose during negotiations over the relocation of the Chicago Southeast Field Office, the Panel directed the parties to submit their dispute to the undersigned, Panel Member Martin H. Malin, for mediation-arbitration. The parties were informed that if a settlement were not reached during mediation, I would issue a binding decision to resolve the dispute. Accordingly, on March 2, 2012, I met with representatives of the parties at the Harold Washington Social Security Center in Chicago, Illinois, and conducted a mediation-arbitration proceeding. Although potential modifications to the floor plans offered by each side were explored, a voluntary settlement was not reached during the mediation portion of the proceeding. Accordingly, I am required to issue a final decision resolving the parties' dispute. In reaching this decision, I have considered the entire record in this matter, including the documentary evidence submitted by the parties.

BACKGROUND

The Employer's mission is to administer retirement, Medicare, disability, survivor, and supplemental security income programs. Nationwide, the Employer operates approximately 1,300

field offices which serve members of the public. The Union at the national level represents a bargaining unit consisting of approximately 50,000 employees. Currently, there are 34 bargaining-unit employees in the Chicago Southeast Field Office who hold positions as claims representatives, service representatives, and technical experts. Bargaining unit employees' conditions of employment are governed by a collective bargaining agreement that was due to expire on August 15, 2009, but remains in effect until the parties' negotiations over a successor are successfully completed.

ISSUES AT IMPASSE

The parties disagree over the floor plan for the new office, including the layout of the front-end-interviewing (FEI) area, whether the public should have to enter employee work areas when using the emergency exit, and the location of the public restrooms.

POSITIONS OF THE PARTIES

1. The Union's Position

With respect to the main floor plan issues at impasse, the Union essentially proposes that the FEI area for the new office have a U-shaped design, with claimants walking down a corridor to the east of the public waiting area. There would be FEI workstations on both sides of the corridor where interviews with claims representatives would be conducted. The FEI area is located at the southeast part of the facility. At approximately half of the FEI workstations, claims representatives would have their backs to the south exterior wall while conducting interviews; at the remaining FEI workstations, claims representatives would have their backs to the interior of the office while conducting interviews. There would be an exit door at the end of the corridor permitting claimants to leave the building in an emergency; when using that exit, the public briefly would enter the interior of the office, make a quick right turn, walk a few steps, and exit through a second door that would take them outside the building. The public restrooms would be located next to the waiting area on the opposite side of the FEI corridor.¹

¹ During the mediation phase of the proceeding on March 2, the Union offered two alternative floor plans. In one, the U-shaped FEI interviewing area was located on the west side of the facility. In the other, the FEI interviewing

In the Union's view, its proposal should be adopted because it "is more efficient, more spacious, eliminates confusion, and increases safety for the building's occupants." Its proposed floor plan, particularly the U-shaped FEI area with an exit door at the end of the FEI corridor, is similar to numerous designs approved for other SSA field offices, frequently at the Agency's insistence.² Contrary to the Employer's claims, throughout the negotiations, the Union has tried to meet every interest management has raised. Its proposal is not based on the personal preferences of the Union or solely on the interests of the employees it represents. Rather, the Union has also taken into account the interests of the public. In this regard, the U-shaped FEI design would be less confusing to claimants than the Employer's proposed design, which would establish two separate FEI areas. Its proposed floor plan is also better for disabled claimants in wheelchairs because, unlike the Employer, the Union has taken the necessary measurements to ensure aisle widths are adequate. In addition, its proposal ensures that all space is utilized and accommodates future increases in staffing.

The Employer's proposed floor plan unnecessarily places supervisors in close proximity to the claims representatives. Supervisory oversight should not be an issue in this office, however, because most of the bargaining unit employees have reached the journeyman level. Moreover, the Employer can use existing technology to monitor employees without having to observe them directly. Any Employer argument that supervisors need to be seated close to employees to provide security should be rejected by the Arbitrator. FEI areas should be easily accessible to the security guards if disturbances occur. The Union's proposal meets this standard. In addition, FEI workstations are equipped with panic/duress buttons which notify the security guards if trouble arises, reducing the need for supervisory assistance. Indeed, the incident reports it has submitted for the current Chicago Southeast Field Office, as well as some other offices for the period from January 25, 2010,

area was located in a single line on the west side of the facility. The Employer summarily rejected both offers.

² In support of its position, the Union submitted the floor plans for SSA field offices at the following locations: El Centro, California; Gary, Indiana; Muskogee, Oklahoma; Moore, Oklahoma; New Brunswick, New Jersey; Nogales, Arizona; Springfield, Ohio; Sterling Heights, Michigan; Toledo, Ohio; Waltham, Massachusetts; Joliet, Illinois; West Bend, Wisconsin; Lansing, Michigan; Springfield, Illinois; and Chicago Heights, Illinois.

to March 11, 2011, indicate that most incidents were handled by the on-site guards rather than by supervisors. Any argument that claims representatives should not have their backs to an exterior south wall while conducting interviews because of glare or proximity to windows also should be rejected. The pictures the Union has provided confirm that outside windows are placed at a height that eliminate the possibility that claims representatives would have their backs against them. The Employer's proposal to have an FEI area on the west wall of the building is problematic, however, because claims representatives would be working in direct sunlight that blinds and filters would be unable to alleviate.

The Union's proposal to place the public restrooms on the side of the reception area opposite the FEI area also is superior to the Employer's design because it would eliminate noises and odors from distracting claimants and claims representatives during interviews. While the Employer has made an issue of the fact that the emergency exit at the end of the FEI corridor would permit public access to employee space in the interior of the office, the same design is used in most of the floor plans for the SSA field offices the Union has entered into the record. The Union points to, as an example, a Letter of Intent for a similar configuration at the Fort Dodge, Iowa, Field Office which indicated that the door from the interview area to the employee-controlled space will be secured with a lock that automatically unlocks in an emergency or equipped with an alarm that is activated when the door is opened, and that the door will have a window that allows sight from the employee-controlled space to the public space but does not allow the public to see into the employee space.

The Union maintains that its proposal also comports with the requirements of the General Services Administration's Administrative Instructions Manual, which establishes SSA policy regarding Safety, Health and Fire Standards. In summary, the Union's proposed floor plan does not contain anything unusual or unique that has not already been implemented at numerous field offices within SSA. For this reason, and the other reasons stated above, it should be imposed on the parties by the Arbitrator to resolve their impasse over the relocation of the Chicago Southeast Field Office.

2. The Employer's Position

Under the Employer's proposed floor plan, there would be 10 FEI workstations on the west wall of the building and another 7 FEI workstations on the south wall. Each row of workstations would be in close proximity to the public waiting area and would require claimants to have their backs to the exterior walls while being interviewed. The claims representatives would have their backs to the interior of the office when interviewing claimants, and supervisors would be seated close by. Each of the FEI areas in its floor plan would have an emergency exit that permits the public to leave the building without entering the interior of the office. The public restroom would be to the left of the public waiting area next to the FEI area on the south wall of the building. To address the Union's concern that noise and odor would disturb claimant interviews, the Employer proposes to add padding and insulation to the sections of the public restroom abutting employee workstations. The Employer also notes that the restrooms will be separately ventilated, thereby precluding concerns with odors.

In designing its floor plan, the Employer has considered the interests of all of the stakeholders affected by this issue, including the public. As a result, its proposal allows for the safe and efficient use of workspace by employees and supervisors and is navigable by the public. The Union's proposal, on the other hand, considers only the preferences of employees and would frustrate the interests of supervisors and the public. If adopted, management would be unable to supervise workflow and ensure the efficient operations of the office. Further, by allowing unsecured access by the public into employee work areas, it compromises employees' safety. In this regard, the Chicago Southeast Field Office is one of only 12, in a region with over 200 field offices, requiring two security guards. It has had 22 security incidents in the past 2 years. There currently is no public access to the interior of the office whereas, under the Union's proposal, the public would have such access. This is unsound, particularly since there also would be no supervisor workstations close to the FEI area. Although it is true that the security guards have primary responsibility for ensuring the safety of the office, supervisors still have a role to play in de-escalating disputes between claimants and employees that may avoid security guard involvement. Supervisors cannot do this if they are not in the FEI area.

The Employer contends that the other field offices that have FEI areas similar to that proposed by the Union are not appropriate bases for comparison. Many are in rural areas or small cities that are very different in terms of volume and demographics of the populations served.

A number of the Union's concerns are speculative. For example, it provided no proof of noise or odors emanating from public restrooms to support its proposal to locate the restrooms on the other side of the public waiting area across the room from the FEI area. Nevertheless, the Employer has proposed to address the concern by providing additional padding and insulation to the sections of the public restroom abutting employee workstations. In addition, the Union did not demonstrate how the creation of two FEI areas would confuse the public. The Union also has been inconsistent concerning the issue of whether claims representatives should have their backs to external windows when interviewing claimants. It initially claimed that natural light from the windows would create glare on the computers, so the Employer designed a floor plan where employees would never have their backs to the windows when interviewing claimants. The Union apparently no longer has such a concern because claims representatives would have to sit with their backs to the wall at over half of the FEI workstations in its U-shaped FEI area. Finally, contrary to the Union's contention, the Employer's proposed floor plan accounts for the possible growth of the office by providing space for additional workstations. Given all of the reasons that support its proposed floor plan, the Employer's approach should be adopted by the Arbitrator.

CONCLUSIONS

After carefully reviewing the arguments and evidence presented during the mediation-arbitration proceeding, I shall order the adoption of the Union's final offer with one change detailed below to resolve the parties' impasse.

The Chicago Southeast Field Office is a high volume office with an average wait time to see a claims representative of 40 minutes and 15% of customers waiting more than one hour. It serves a low income population. As observed above, it experiences higher than average incidents. Both parties attributed part of the high incident rate to the office serving a large number of claimants with mental disabilities.

Accordingly, there is merit to the Employer's caution that I not over-emphasize the use of a similar FEI set-up in other field offices. However, taken together, the Union's evidence does demonstrate that the FEI set-up it advocates is a common one in SSA Field Offices.³ Moreover, it is comparable to the FEI set-up in use in the current Chicago Southeast Field Office and the Employer has not proffered a single example of any SSA Field Office using an FEI set-up comparable to the one that it advocates.

Contrary to the Employer's contention, the Union's proposal has two supervisor work stations directly north of the FEI interviewing area. This appears to provide for easier supervisor observation of the FEI area than in the current facility where some claims representatives' permanent workstations come between supervisors' workstations and the FEI area. I recognize that claims representatives sitting with their backs to the southern wall will not be directly observable from supervisor workstations, but that is no different from the current facility. Moreover, effective supervision requires more than observation from a supervisor's work station, regardless of the location of the workstation vis-à-vis the FEI stations. Effective supervision requires that supervisors "walk the floor." As the Union has pointed out, supervisors also have available electronic means of communicating with and monitoring employees.

Under the Union's proposal, all members of the public walk to the east of the public seating area to see a claims representative. Under the Agency's proposal, members of the public will walk either to the east of the public seating area or to the north of it, depending on which FEI interview station they have been assigned. This can cause confusion, particularly considering that this facility serves a large number of customers with mental disabilities. Furthermore, it appears that customers directed to FEI stations at the far northern section of the FEI area will have a longer distance to walk than any customers will have under the Union's proposal. This is a

³ I note that I have not relied on every floor plan submitted by the Union. For example, I am unable to tell from the Union's exhibits whether El Centro, Moore and Toledo use a comparable U-shaped FEI area. But the overall thrust of the Union exhibits demonstrates that the U-shaped FEI area is a commonly used floor plan in SSA field offices.

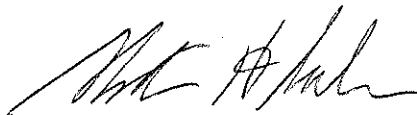
concern for customers who have mobility impairments even though not wheelchair-bound.⁴

Finally, as the Union argues, the Union's proposal keeps all of the claims representatives in proximity to each other when they are interviewing customers. This facilitates collaboration and enables them to assist each other in the event of an incident.

One aspect of the Union's proposal requires modification, however. Under the Union's proposal, the door at the end of the FEI corridor opens out into the secure employee area. This enables that door to serve as an emergency exit for members of the public. In the current facility, the door opens in from the secure area, denying members of the public access to the secure area. In the current facility, the only exit available to the public in the event of an emergency is through the main public entrance. The handling of the door is a matter best reserved to management to resolve. For example, the Employer may decide to use one of the approaches provided for in the Fort Dodge letter of intent or it may come up with a different approach. I will modify the Union's final offer to provide that the status of the door at the east end of the FEI interviewing corridor shall be decided by the Employer.

DECISION

The parties' shall adopt the Union's final offer to resolve their impasse over the relocation of the Chicago Southeast Field Office, with the exception of the door at the end of the FEI corridor, which the Employer shall have discretion to resolve.



Martin H. Malin
Arbitrator

March 13, 2012
Chicago, Illinois

⁴ Indeed, the Employer rejected the Union's proposal to have all FEI interviewing stations in a single aisle on the west side of the facility because of the distance that some mobility-impaired customers would have to traverse.