

NATIONAL GRIEVANCE

Ng-8/8/13

Date: August 8, 2013

TO: Doug Huth, Attorney-Adviser to the Deputy Assistant Secretary, Labor-Management Relations, Department of Veterans Affairs (VA), 810 Vermont Avenue, NW, Washington, DC 20420

FROM: William Wetmore, Chair, Grievance and Arbitration Committee, National Veterans Affairs Council, #53 (NVAC), American Federation of Government Employees (AFGE), AFL-CIO

Subject: National Grievance in the matter of VA's failure to comply with federal law and the Master Agreement between VA and AFGE, effective March 15, 2011 (MCBA) concerning temporary promotions

STATEMENT OF CHARGES

Pursuant to the provision of Article 43, Section 11 of the MCBA, the NVAC is filing this national grievance against you and all other associated VA officials and/or individuals acting as agents on behalf of the VA for violations as it relates to its failure to comply with federal law and the MCBA with regard to temporary promotions for multiple GS-6 employees who were detailed to VA Central Office (VACO) to perform the duties of GS-13 employees for in at least one case 19 months.

This matter was first brought to the attention of an AFGE local in Altoona, Pennsylvania on July 9, 2013. Accordingly, VA has, at a minimum, violated Article 12, Section 2.

STATEMENT OF THE CASE

I. Background:

Stacey German, was and is employed at the VA Medical center (VAMC) in Altoona, Pennsylvania. On or about July 2011, she was a GS-6 employee. She was detailed at about that time to VACO to perform the duties and functions of a GS-13 employee. She performed this detail until approximately January, 2013.

To date, she has not had an entry reflecting this detail placed in her electronic Official Personnel Folder (eOPF). She has not been paid for the higher graded duties performed.

She has position descriptions of the Program Analyst position to which she was assigned. She has multiple performance Evaluations reflecting her performance in this higher graded position. SF-52s were prepared reflecting that she was in a different series and title. She has electric mail (email) which reflect that she was performing higher graded, GS-13, work.

She has identified one other employee by name and station and they collectively know of several additional employees who were assigned the same work. All did this work on a virtual basis.

II. Violation

VA has illegally failed to provide proper payment and proper recognition to Ms. German and all others similarly situated.

III. Remedy Requested

The NVAC asks that VA agrees to the following remedies:

- (1) To agree to cease and desist and current and future violations involving details that last beyond the period set forth in the MCBA;
- (2) To make each and every employee assigned in the circumstances Ms. German was assigned (employees assigned virtually to VACO to perform higher graded work) whole in every respect, including but not limited to back pay and appropriate entries in their eOPF, as well as interest and attorney fees;
- (3) To provide a copy of the notice to the responsible management official or officials as to the applicable provisions of the MCBA reflecting the violations which occurred as represented by the above facts; and
- (4) Any and all other remedies as may become appropriate in this matter.

IV. Time Frame and Contact

This is a National Grievance and the time frame for resolution of this matter is not waived until the matter is resolved by a third party or settled. If you have any questions

regarding this National Grievance, please feel free to contact me at 202-632-9687 or Ami Pendergrass at 202-306-3664.

William Wetmore

Chair, Grievance and Arbitration Committee,
NVAC, AFGE

Cc. Alma L. Lee, President, AFGE/NVAC

Ami Pendergrass, Attorney, AFGE/NVAC