

NATIONAL GRIEVANCE
NG-08/19/2011

Date: August 19, 2011

To: Leslie Wiggins
Deputy Assistant Secretary,
Labor – Management Relations
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

From: Ami Pendergrass, Attorney, National Veterans Affairs Council (#53) (“NVAC”),
American Federation of Government Employees (“AFGE”), AFL-CIO

Subject: National Grievance in the matter of the Department of Veterans Affairs (VA) failure to comply with National Memorandum of Understanding entitled “Implementation of USA Staffing”.

STATEMENT OF CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2011) (“MCBA”), American Federation of Government Employees/National Veterans Affairs Council (“Union”) is filing this national grievance against you and all other associated Department of Veterans Affairs (“VA”) officials and/or individuals acting as agents on behalf of the VA for violations as it relates to its failure to comply the National Memorandum of Understanding entitled “Implementation of USA Staffing” (“USA Staffing MOU”).

Specifically, on a continuous and on-going basis, the VA, by and through its representatives and/or agents, has:

- (1) Failed to comply with multiple provisions in the USA Staffing MOU

In doing so, the VA has violated the following provisions:

- (1) USA Staffing MOU; and
- (2) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

STATEMENT OF THE CASE:

I. Background

On March 30, 2010, the parties signed the USA Staffing MOU, which provided for procedures for the phased implementation of USA Staffing by the VA. Included in the MOU were the following key provisions:

1. Employees would be allowed to continue manual applications in lieu of using USA Staffing;
2. The final product would include capability that would not allow an applicant to move to the next screen without the screen being complete; provide for reminder notification that an application was not complete; and would notify the applicant in a timely manner that the application submitted was complete or not complete;
3. The use of USA staffing would be in concert with the provisions of Article 22, Merit promotions;
4. Applicants using the manual application process would not be disadvantaged;
5. An evaluation of the process would occur quarterly; and
6. Training of the bargaining unit would occur to facilitate use of the product.

The NVAC has received reports from multiple facilities that these key provisions are not being implemented at the local level. These facilities include but are not limited to: Montgomery, AL; Grand Island, NE; Gainesville, FL; Tampa, FL; Tomah, WI; and Chillicothe, OH. These facilities have reported that local VA representatives are not accepting manual applications (Chillicothe); that the use of USA staffing was not in compliance with Article 22 (Tomah); and that internal applicants are not being told that their applications are incomplete until after the closing of the post (Montgomery, Grand Island, Gainesville, and Tampa). In addition, to date, the NVAC has received no quarterly information concerning the process evaluation and training of the bargaining unit has not occurred.

II. Violation

The VA is not in compliance with provisions of the USA Staffing MOU.

III. Remedy Requested

The Union asks that to remedy the above situation, the VA agrees to the following:

- (1) Cease and Desist all actions in violation of the USA Staffing MOU and to immediately implement changes to comply with the provisions of the MOU; and
- (2) To agree to any and all other remedies 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 or settled. If you have any questions regarding this National Grievance, please feel free to contact me at (202) 306-3664.

Ami Pendergrass
Attorney
AFGE/NVAC

Cc: Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC