

MEMORANDUM OF UNDERSTANDING

The following constitutes an agreement between the Department of Veterans Affairs, Veterans Health Administration (VHA) and the American Federation of Government Employees, AFL-CIO, National Veterans Affairs Council #53 (NVAC) concerning the implementation of 11:30 pm to 8:00 am shift to facilitate Patient Hand-Off in Communication.

1. The national parties agree that any implementation of an 8 ½ hour shift to cover the midnight tour of duty will not restrict movement of the bargaining unit employee during their 30 minutes of non-duty time, unless required because of patient care needs. Where bargaining unit employees are not provided relief during their 30 minutes of non-duty time, they shall be compensated by authorized overtime or at the employee's written request for compensatory time. Any prior local agreement must be amended to include this language.
2. Upon request, and to the extent appropriate under applicable law, local management will bargain on the availability of and space for vending machines.
3. The national parties agree there is more than one option to provide the face-to-face hand-off in communication between nursing staff. VHA facilities that have adequately implemented patient hand-off in communication coverage pursuant to local agreement, prior to the signing of this MOU may continue with their local agreement.
4. At VHA facilities where no shift overlap in patient hand-off in communication has been implemented, local bargaining is appropriate to the extent it is consistent with 38 USC 7422, other applicable laws, this MOU and the Master Agreement.
5. NVAC and local union are encouraged to raise concerns with implementation of the 11:30 pm to 8:00 am shift and management will address these concerns.
6. This MOU shall be sent to all facilities. The appropriate management official will provide a copy of this MOU to the local union president, upon receiving it.


For the Department (VHA)


For the National VA Council #53

11-3-07
Date

11-01-07
Date



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL VETERANS AFFAIRS COUNCIL #53
Affiliated with the AFL - CIO
Mid-Term Bargaining Committee**

Oscar L. Williams Jr., Chairperson 2 nd Exec. V-President, NVAC 29 Lake Street Danville, IL 61832-8101	Bill Wetmore, Member 3 rd Exec. V-President 2319 Alava Court Waldorf, MD 20603	Patrick Russell, Member 8 th Dist. Rep., NVAC VA Blacks Hills, HCS Hot Springs, SD 57747	Sandra Eggleston, Member 13 th Dist. Rep., NVAC VAMC Tucson Tucson, AZ 85723
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November 19, 2007

Denise Biaggi-Ayer, Labor Relations Specialist
for Labor-Management Relations (05LMR)
Department of Veterans Affairs
1575 I Street N.W., Suite 250
Washington, D.C. 20420

Subject: VA Handbook 50011, Part II Chapter 4 Alternative Work Arrangements

Dear Ms. Biaggi-Ayer:

The National VA Council #53 is providing this communication in regards to your letter dated November 9, 2007 and received on November 17, 2007, 2007. The NVAC is again stating the negotiation of this matter cannot begin until after the renegotiation of the VA/AFGE Master Agreement which contains Article 19 – Flexiplace. NVAC will provide dates for these negotiations once the Master Agreement has been completed.

I would like to address your letter in which you alleged NVAC received the January 27, 2005 letter from Mr. Cowles. November 17, 2007 is the first time I had seen Mr. Cowles letter. If NVAC had received it, charges would have been filed with the FLRA.

If, you have any questions please call me at (217) 554-4866.

Sincerely,

Oscar L. Williams, Jr.
Chairperson, Mid-Term Bargaining Committee
2nd Executive Vice President
National VA Council #53

cc: Alma L. Lee, President National VA Council #53
Executive Committee, NVAC

**AFGE: The Future Is Ours
Creating A Shared Vision For The 21st Century**



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS
WASHINGTON DC 20420

November 9, 2007

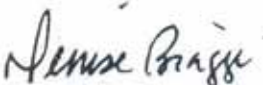
Oscar L. Williams Jr.
American Federation of Government Employees
29 S. Lake Street
Danville, IL 61832-6101

Dear Mr. Williams:

We acknowledge receipt of your October 3, 2007 letter regarding negotiations of VA Handbook 5011, Part II, Chapter 4, "Alternative Workplace Arrangements (Telework)". In your letter, you request a copy of the Memorandum of Understanding (MOU) reached between the parties during the 2004 negotiations of the Telework policy. As you know, the parties did not sign a MOU during those negotiations. Instead, as we informed you in the enclosed letter from Ron Cowles, dated January 27, 2005, we adopted all the language you proposed directly into the policy, with the exception of the language that specifically mentioned the VA/AFGE Master Agreement. Whenever your proposal had specific language about the VA/AFGE Master Agreement, we incorporated the words "collective bargaining agreement" into the policy. The Department then implemented the 2004 changes to the Telework policy and AFGE-NVAC did not challenge that implementation.

The minimal revisions that the Department proposes to make to the Telework policy now do not change the provisions of Article 19, Flexiplace, in the VA-AFGE Master Agreement. It is therefore appropriate to negotiate over these changes on a mid-term basis, as we did with the 2004 revisions, rather than folding the issue in to the Master Agreement re-negotiation process. For that reason, we again request that you provide dates when your mid-term bargaining committee is available to discuss the current revisions to the policy.

Sincerely,


Denise Biaggi-Ayer

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NOV 17 2007

Nat'l VA Council
Mid-Term Bargaining Committee



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS
WASHINGTON DC 20420

JAN 27 2005

Oscar L. Williams, Jr.
2nd Executive Vice President
Chairperson, Mid-Term Bargaining Committee
29 S. Lake Street
Danville, IL 61832-6101

Dear Mr. Williams:

This is in response to your December 6, 2004 letter on Telework. We have adopted all the language proposed by NVAC in the enclosed final version of the policy, with the exception of the specific reference within the policy to the VA/AFGE Master Agreement.

During negotiations of the policy, and as part of the MOU attached to the December 6th response, AFGE has insisted that the Agency add language to the policy referencing the VA/AFGE Master Agreement (MA) in different parts of the policy. We informed you that we would be willing to add this specific language pointing out differences between the policy and the VA/AFGE MA in a separate MOU on Telework. You would not agree to address the differences between the policy and the VA/AFGE MA in a separate MOU, insisting instead that the specific language be included within the policy. During negotiations, we explained that we could not single out one union in a National policy such as the Telework Handbook. Instead, we have added references to "collective bargaining agreements" wherever appropriate within the Telework Handbook to recognize our responsibility to implement this policy consistent with all of our collective bargaining agreements.

We believe that your demand to specifically and solely reference AFGE in the policy does not involve conditions of employment and is therefore non-negotiable.

Again, we remain willing to sign an MOU with AFGE clarifying the impact of the VA/AFGE Master Agreement on the Telework policy. We believe such an MOU, along with the general references to "collective bargaining agreements" within the policy itself, would be adequate to memorialize the terms of the parties' agreement on this issue.

We will send you a copy of the new Telework policy once it is signed.

If you have any questions, please contact Denise Biaggi-Ayer. She can be reached at (202) 273-9873.

Sincerely yours,

Ronald E. Cowles
Associate Deputy Assistant Secretary
for Labor-Management Relations

RECEIVED

NOV 17 2007

Nat'l VA Council
Mid-Term Bargaining Committee
Enclosures