



**NATIONAL VETERANS  
AFFAIRS COUNCIL**  
American Federation of Government Employees  
AFFILIATED WITH THE AFL-CIO

November 5, 2012

**Delivered Via E-Mail and USPS**

Donald S. Wasserman  
Arbitrator  
1612 K Street, NW, Ste 1102  
Washington, DC 20016

**RE: Joint Request for Assistance in Federal Mediation and Conciliation Services Case No:  
04-53970-A**

Dear Arbitrator Wasserman,

This joint letter serves as notification to you that the parties have reached agreement on October 23, 2012 concerning a methodology to reach resolution in the above captioned matter. The parties have agreed to the following terms:

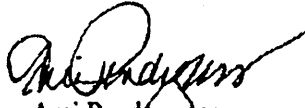
1. The parties agree to the use of a mediator to reach resolution of the issue of defining the disputed terms "direct patient care and services incident to direct patient care" and, based upon agreement of such terms, the inclusion/exclusion of particular positions for purposes of eligibility for Saturday Premium Pay.
2. The parties agree that the use of mediation for purposes of reaching resolution will be completed by no later than sixty days from the first scheduled mediation session (in resolution of Case No. WA-CA-12-0716.) (Attachment A). The parties, by mutual agreement in writing, may extend the time frame for completion of mediation.
3. The parties agree that if resolution cannot be reached through mediation within sixty days of the first scheduled mediation session, all matters still in dispute will be presented to Arbitrator Don Wasserman for final resolution of the matter.


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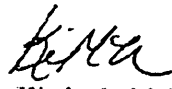
Ami Pendergrass Esq. Phone: (202) 306-3664, Fax (614) 340-4656,  
E-mail: pendergrassnvac@gmail.com, 80 F Street, N.W., Washington, DC 20001

Thank you for your continued assistance in this matter. If you are unable to assist us with possible resolution, please notify the parties immediately so that we may discuss.

Sincerely,

  
Ami Pendergrass  
Staff Attorney  
AFGE NVAC

  
Andres Grajales  
Deputy General Counsel  
AFGE

  
Kimberly McLeod  
Attorney Advisor  
Office of General Counsel  
Department of Veterans Affairs

Cc: Alma Lee, William Wetmore, David Borer.

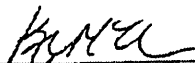
Enclosures

**ATTACHMENT A**

MEMORANDUM OF UNDERSTANDING

The following constitutes an agreement between the Department of Veterans Affairs (VA) and the American Federation of Government Employees, AFL-CIO, National Veterans Affairs Council (NVAC) concerning the unfair labor practice, Department of Veterans Affairs and American Federation of Government Employees, AFL-CIO, Case No. WA-CA-12-0716.

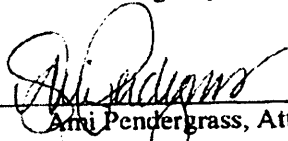
1. The parties agree to the use of a mediator to reach resolution of the issue of defining the disputed terms "direct patient care and services incident to direct patient care" and, based upon agreement of such terms, the inclusion/exclusion of particular positions for purposes of eligibility for Saturday Premium Pay.
2. The parties agree that the use of mediation for purposes of reaching resolution will be completed by no later than sixty (60) days from the first scheduled mediation session. The parties, by mutual agreement in writing, may extend the time frame.
3. The parties agree that if resolution cannot be reached through mediation within sixty (60) days of the first scheduled mediation session, all matters still in dispute will be presented to Arbitrator Don Wasserman for final resolution of the matter.
4. In exchange for the Agency's agreement to this MOU, the Union agrees to withdraw the unfair labor practice charge in Case No. WA-CA-12-0716



Kim McLeod, Office of General Counsel  
For the Agency

11/5/12

Date



Ami Pendergrass, Attorney, NVAC  
For the Union

11/5/2012

Date