

**Department of
Veterans Affairs**

Memorandum

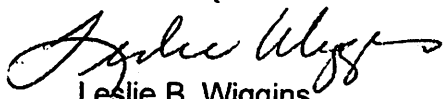
Date: **MAR 20 2012**

From: Deputy Assistant Secretary for Labor-Management Relations (LMR)

Subj: Article 67, Skills Certification

To: Under Secretary for Benefits (20)

1. Attached is the Department of Veterans Affairs and the American Federation of Government Employees (AFGE) Article 67, Skills Certification. It became effective on February 9, 2012, after completion of the agency head review.
2. This article will be incorporated in future printings of the AFGE Master Agreement.


Leslie B. Wiggins

Attachment

Addressees:

Diana Rubens, Deputy Under Secretary for Field Operations (20F)
Walt Hall, Assistant General Counsel for Office of General Counsel (023)
William Carson, Program Manager, Human Resource Management (540)
Alma L. Lee, President, AFGE National VA Council

Article 67 Skills Certification

Preamble

In accordance with PL 110-389, skills certification is a requirement for appropriate employees of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits.

Labor and Management agree that an effective Skills Certification program commits both parties to a standard of excellence in the timeliness, quality, and quantity of training, to improve service to our nation's Veterans.

Section 1 - Purpose, Scope and Applicability

- a. This Article applies to appropriate bargaining unit employees of the Veterans Benefits Administration for whom the Skills Certification program is applicable and are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary of Veterans Affairs. Skills Certification is not intended for employees who are in a trainee status (non-journey level).
- b. The purposes of Skills Certification are to comply with 38 USC § 7732A; to provide a mechanism for measuring employees attainment of the skills, knowledge and abilities needed to be successful in their position; and to identify training needs. Skill Certification test results will not negatively impact an employee's performance appraisal.
- c. Employees as identified in Section 1.a. of this Article will be required to take the skills certification test within one year and to retake the test each time offered until certification is achieved. To the extent practicable, skills certification testing will be offered twice per year for each position covered by the VBA Skills Certification program. Employees will be required to sit for periodic recertification as long as they remain in the position.
- d. Employees who have occupied the VSR GS-10 within the full-performance GS-11 career ladder for more than one year will be required to sit for Skills Certification within the first year after this agreement is implemented. For the VSRs on the career ladder track, the effective date of promotion will be the first date of the pay period

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following notification of results, provided they meet the promotion criteria in Article 23 (Merit Promotion). Current employees in a VSR career ladder position that included the full-performance GS-11 level when they entered the career ladder prior to implementation of this Article will have the opportunity to achieve GS-11 upon passing the VSR certification test. VSRs who are unable to pass certification after three consecutive attempts, counted from the effective date of this Article, will be placed in a VSR position where the full performance level is a GS-10.

- e. Whenever the Department develops an annual schedule for skills certification, the Union will be provided a copy. The Union will be permitted to observe the Skills Certification testing. The local union will be provided notification at least 7 work days before the actual date of each test. In the event the 7 work day notice is not provided to the Union, the Department will explain in writing why the 7 work day notice was not provided. In the event the 7 work day notice is not provided, the results of the test will not be invalidated. The schedule for Skills Certification testing, and any changes to the schedule, will be posted on the VBA Intranet.

Section 2 – Program and Test Administration

- a. The instrument (test) used to determine an employee's proficiency under the Skills Certification Program shall be valid and reliable, using generally accepted statistical and testing measures and methodologies, and be consistent with *EEOC Uniform Guidelines*. When developing certification examinations, the Department will consult with appropriate individuals or entities, including examination development experts, interested stakeholders, and employee representatives; and consider the data gathered and produced under 38 USC 7731(c)(3).
- b. The parties agree that the purpose and intent of the provisions contained herein are to ensure that the Skills Certification program will be administered fairly, equitably, and consistently across the Veterans Benefits Administration.
- c. All employees required to sit for the skills certification test will be notified sufficiently in advance of their right to request reasonable accommodations; for example, additional time, alternate test site and

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lighting, etc. Reasonable accommodation will be provided to eligible employees sitting for the skills certification test.

Section 3 – Notification of Test Results

The Department agrees to promptly notify employees and the NVAC President, or designee, when employee test results are received by the Department.

Section 4 – Test Environment

The Department will take in account factors affecting the testing environment beyond the employee's control and take appropriate remedial action such as adding additional time, rescheduling the test, etc. The employee will not be disadvantaged by such factors. Examples of such factors include: computer system problems, excessive heat or noise, building emergencies, or interruptions. Employees who have been using two monitors for their work will have two monitors for the testing, when they are available in the testing environment nationwide.

Section 5 – Test Preparation and Information Feedback

- a. The Department will provide training sufficient for employees to participate in the certification program.
- b. The Department will continue to make available practice tests and sample Skills Certification questions and answers to all eligible employees, as identified in the Skills Certification Readiness Guide. As outlined in the Skills Certification Readiness Guide, test preparation will continue to be available. The Department will continue to require Core Technical training for all claims processors. Prior to their first time taking the test after the implementation of this Article, claims processors will be provided with an instructor-led test preparation class in the test environment. In addition to this class, claims processors will be afforded self-study excluded time not to exceed 3 hours.
- c. 1. Along with the results of the test, employees will receive written (hard copy or electronic) feedback concerning their test performance, and also have the opportunity to discuss areas for improvement with their supervisor or with another knowledgeable employee, such as an authorizer or senior employee.

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2. The feedback will identify knowledge areas in which improvement is needed and will direct the employee to applicable references for self-study. Feedback will be grounded in applicable statutes, regulations, and procedures. The feedback on test results will be as extensive as possible without compromising test integrity.
3. Based on the results of the test and the feedback, the employee and supervisor will develop an individualized training plan, which may include repeating any classes as necessary.
- d. Training time associated with Skills Certification will be considered part of the employee's annual training requirement.

Section 6 - Joint Skills Certification Committee

- a. The Parties will meet virtually at least twice annually, through a Joint Labor and Management Skills Certification Committee to discuss the program, and make recommendations for improvement. This does not preclude in person meetings by mutual agreement when funding is available. The Committee will have equal membership from the Department and the Union, up to 3 members each.
- b. The Union Committee members will be designated by the NVAC President. The Committee will be functioning within sixty days after the effective date of this Article. Management will continue to invite an AFGE representative to participate on each of the Design Teams and additional workgroups for each type of certification exam. Participation on the Committee will be on official time; this official time will not be counted against any allocated official time as described in the Master Agreement.

Section 7 - GS-12 Promotion for GS-11 RVSRs

GS-11 RVSRs will be promoted to GS-12 on the first day of the pay period following implementation of this Article, provided they meet the promotion criteria in Article 23 (Merit Promotion).

Section 8 - Changes to Skills Certification

If the Department makes any change that triggers a duty to bargain, the Department will meet its contractual and statutory obligations.

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Section 9 – Certificates

Upon successful completion of Skills Certification testing, the Department will update the employee's eOPF indicating the employee has successfully met the requirement, and provide a copy to the employee.

Section 10- Local Negotiations

The parties agree to comply with the Master Agreement, with respect to local bargaining.

Section 11 - Previous Agreements

Prior National MOUs on Skills Certification are superseded by this Article. Consistent with Article 46, local contracts/supplements in existence prior to the effective date of this Article, will continue in effect insofar as they do not conflict with the Master Agreement.

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