

NATIONAL GRIEVANCE

NG-10/23/14

Date: October 23, 2014

To: Larry Bennett
For the Deputy Assistant Secretary
Labor – Management Relations
Department of Veterans Affairs (VA)
810 Vermont Avenue, NW
Washington, DC 20420

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

Subject: National Grievance in the matter of the Department of Veterans Affairs, VA Regional Office Milwaukee, for its erroneous denial of accumulated official time for an NVAC National Representative (“NR”) and its misapplication of law, rule, or regulation affecting conditions of employment.

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 (“the Union”) 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 erroneous denial of accumulated official time for an NVAC NR and its misapplication of law, rule, or regulation affecting conditions of employment.

Specifically, on or about October 15, 2014, the VA, by and through its representatives and/or agents:

- (1) Erroneously denied Mr. David Bump, NVAC NR, 80 hours of official time, which he accumulated during Labor-Management Relations (“LMR”) meetings outside of his allocated official time.
- (2) Erroneously denied Mr. Bump 64 hours of official time, which he accumulated during Master Agreement Training outside of his allocated official time.
- (3) Erroneously denied Mr. Bump 86 hours of official time, which he accumulated during joint labor-management committees (forums).

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

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- (1) Article 3, Section 7;
- (2) Article 48, Section 2;
- (3) Article 48, Section 3;
- (4) Article 48, Section 4;
- (5) Article 48, Section 6;
- (6) 5 U.S.C. § 7131(d);
- (7) Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

I. Background

Mr. David Bump currently serves as an NR for the NVAC. The MCBA allocates Twelve Appointed NRs 50% official time. Prior to September 29, 2014, Mr. Bump also held a position on the Mid-Term Bargaining Committee. These positions provided Mr. Bump 100% official time.

Prior to September 29, 2014, Mr. Bump accumulated 230 hours of official time performing functions that the MCBA enumerated as official time eligible, however exempted from counting against the representative's contractually allocated official time. In other words, these activities were eligible for additionally official time, outside of an NR's 50%, or a Mid-Term Bargaining Committee Member's 50%.

Specifically, Mr. Bump participated in three types of meetings that were exempt from his regularly allocated official time. First, he attended two LMR meetings for eighty hours total, which took place on March 17-21, 2014, and September 22-26, 2014. Second, Mr. Bump conducted two Master Agreement Trainings for sixty-four hours total, which took place on March 10-14, 2014, and August 18-21, 2014. Lastly, Mr. Bump participated in multiple Joint Labor-Management Forum Meetings, including: three Veterans Benefits Administration National Labor-Management Forum Meetings, which took place on March 4-7 for 32 hours, June 18-19 for sixteen hours, and September 8-11 for thirty two hours, and six Monthly Labor-Management Forum phone calls for one hour each, which took place on February 3, March 5, June 24, July 15, August 4, and October 1.

Mr. Bump submitted a request to roll over the accumulated 230 hours of official time to his Coach, Sarah Savorias, on October 7, 2014. Ms. Savorias denied Mr. Bump's request, in whole, for all accumulated hours on October 15, 2014. The VA has made no allegation that official time was not appropriate for these meetings. Rather, the VA has alleged that Mr. Bump

is not eligible, and has no right to, accumulated official time prior to September 29, 2014, when he was removed from the Mid-Term Bargaining Committee and placed on 50% official time.

II. Violation

The VA has violated sections of Articles 3 and 48, and Title 5 of the U.S. Code, in its erroneous denial of accumulated leave to an NVAC NR. The VA allowed management to deny Mr. Bump, NVAC NR, 230 hours of leave accrued through LMR meetings, Master Agreement Trainings, and Joint Labor-Management Committee Forums. Therefore, the VA has violated the official time provisions of the MCBA and the U.S. Code in its erroneous denial of Mr. Bump's accrued official time.

III. Remedy Requested

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

- (1) Provide Mr. Bump, NVAC NR, 230 hours of accumulated official time for all previously discussed activities.
- (2) Agree to approve accrued official time outside of NRs' allocated time for all activities enumerated in the MCBA.
- (3) Provide all managers training on the MCBA and, specifically, the official time provision.
- (4) To agree to any and all other remedies appropriate in this manner.

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) 997-9262.



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