

NATIONAL GRIEVANCE

NG-1/13/15

Date: January 28, 2015

To: Larry Bennett

JAN 28 2015

← J.W.

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 failure to provide office space 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 failure to provide office space for an NVAC NR and misapplication of law, rule, or regulation affecting conditions of employment.

Specifically, on or about October 20, 2014, and continuing thereafter, the VA, by and through its representatives and/or agents:

- (1) Failed to provide Mr. David Bump, NVAC NR, a private office space to conduct his confidential union duties while on official time.

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

(1) Article 51, Section 1;

(2) 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 with 50% official time and has 25% official time as a member of the Mid-Term Bargaining Committee. Prior to September 29, 2014, Mr. Bump held a different position on the Mid-Term Bargaining Committee that granted him 50% official time and was, at the time, on 100% official time.

While Mr. Bump was on 100% official time, the Agency approved Mr. Bump to work solely from his home. In August 2012, the Agency provided Mr. Bump with office equipment including a laptop, desk, chair, filing cabinet, and color fax/printer/copier/scanner to facilitate his work.

On October 20, 2014, two years later, upon Mr. Bump's reduction of official time, the Agency revoked Mr. Bump's right to telework during his official time union hours. To date, the Agency has failed to provide Mr. Bump an office space at his facility to conduct his national, and confidential, union duties. Mr. Bump is forced to work on confidential documents and write union emails in his agency cubicle. The Agency provides Mr. Bump with space in a training room or hearing room when he needs to participate in conference calls or perform meetings. Mr. Bump has regularly requested that the Agency assign him an office as required in the MCBA. While the Agency alleges that it is "looking for an office space," it has not provided space as required by the MCBA. In December, the Agency offered to allow Mr. Bump work from his home, as he has previously always done, to conduct his official time duties. However, Management is only offering this option with improper and excessive constraints and limiting terms in a proposed Memorandum of Understanding. Additionally, the Agency is requiring Mr. Bump to complete a Telework Agreement and Telework training, which is unnecessary under relevant statutes and regulations.

II. Violation

The VA has violated sections of Article 51 of the contract and Title 5 of the U.S. Code in its ongoing failure to provide Mr. Bump with office space to conduct his national union duties.

III. Remedy Requested

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

(1) Provide Mr. Bump, NVAC NR, with adequate office space for him to conduct his confidential NR union duties on official time; OR

(2) Alternatively, allow Mr. Bump to work from his home when he conducts his official time NR union duties, with the same lack of restriction as he did previously for two years.

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.

Sincerely,


April L. Fuller

Staff Attorney

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