



(December 17, 2015)

In order to further improve the lines of communication and to respond to the concerns between the National VA Council and you our members, I have established a National VA Council Briefing. This NVAC Briefing will bring you the latest news and developments within DVA and provide you with the current status of issues this Council is currently addressing. I believe that this NVAC Briefing will greatly enhance the way in which we communicate and the way in which we share new information, keeping you better informed.

Alma L. Lee
National VA Council, President

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**In This Briefing: FMLA, FLSA & G-Reg Bargaining**

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FEDSMILL - *"Respect for Employee Rights, Ideas, Insights, Participation and Unions Generates the Power to Improve Government"*

Posted on [December 16, 2015](#) by [AdminUN](#)

THE FLSA GRIEVANCE REMEDY PERIOD

Not long ago we wrote about the very substantial difference between the time period in which a grievance must be filed once learning of a violation and how far back in the past an arbitrator can order the remedy be provided. (See [LMR Russian Roulette](#)) For example, if a union knew as early as January 1, 2008 that an agency was doing something it did not like, but did not find a statutory, regulatory or contractual obligation it could enforce through a grievance until January 1, 2014, how far back in the past can the arbitrator order the error corrected, with back pay if necessary, if the grievance was filed on January 15, 2014? [Continue reading →](#)

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WHEN SHOULD UNIONS NEGOTIATE OVER GOVERNMENT-WIDE REG CHANGES?

Assume that your contract or some MOU includes a provision that limits the Best Qualified list in a promotion action to the top four rated candidates for a single vacancy. Then imagine that with three years left before the parties can renegotiate that clause OPM implements the following government-wide rule, “Selection procedures will provide for management’s right to select or not select from among a group of best qualified candidates, and the BQ list must contain at least the top six candidates for the first vacancy as determined by their promotion ranking scores.” Obviously, a non-negotiable change in its contract is coming for the union and just as obviously it has the right to negotiate over the impact and implementation of the change. But whether the agency must complete those negotiations before implementing the change depends on when the union invokes bargaining. For example, ... [Continue reading →](#)

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SHOULD EMPLOYERS INVITE EMPLOYEES ON FMLA LEAVE TO HOLIDAY PARTIES?

That seems like a very good question especially around this time of the year. Does it violate the employees’ right to exclude them simply because they are on FMLA leave? So, when the folks running the blog “[FMLA Insights](#)” posed it we thought it would be worthwhile to pass on their perspective on the question. We recommend that you link over to their cite to see what they have to say.