

NATIONAL GRIEVANCE
NG-6/3/16

Date: June 3, 2016

To: Kimberly Moseley
Deputy Assistant Secretary for
Labor-Management Relations
Department of Veterans Affairs
Office of Labor-Management Relations
810 Vermont Avenue, NW
Washington, DC 20420

From: Thomas Dargon, Jr., Staff Counsel, National Veterans Affairs Council (#53) (NVAC),
American Federation of Government Employees, AFL-CIO (AFGE)

RE: **National Grievance in the matter of the Department of Veterans Affairs for its refusal to transmit bi-weekly listings to AFGE Locals containing the names and anniversary dates of dues withholding for bargaining unit employees.**

STATEMENT OF CHARGES

Pursuant to the provisions of Article 45, Section 3 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 officials and/or individuals acting as agents on behalf of the Agency for violations regarding to the Agency’s refusal to transmit bi-weekly listings to AFGE Locals containing the names and anniversary dates of dues withholding for bargaining unit employees.

On or about February 21, 2016, the VA, by and through its representatives and/or agents, stopped providing these bi-weekly anniversary date reports to AFGE Locals, thus violating the MCBA. To date, the VA has failed to remedy this violation, and as such, the VA continues to violate the MCBA.

Specifically, the VA has violated the following provisions of the MCBA: Article 3, Article 45, and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

Background

Article 45 of the MCBA sets forth the negotiated procedures, as well as the relative responsibilities of labor and management, regarding dues withholding for bargaining unit employees. Specifically, Section 3, entitled “Department Responsibilities for Bargaining Unit Employees,” states, in relevant part:

A. It is the responsibility of the Department to:

3. transmit remittance to the local allottee designated by the Union in accordance with this article, as expeditiously as possible at the end of each pay period, together with two copies of a listing containing the following information:
 - a. The name of the employee and anniversary date of the effective date of the dues withholding; and,
 - b. Identification of active employees for whom allotments have been temporarily stopped and identification of those which are a final deduction because of termination.

On or about February 21, 2016, the VA stopped transmitting bi-weekly anniversary date reports to several AFGE Locals, as required by Article 45, Section 3(A)(3) of the MCBA. At this time, the Union is aware of the following Locals affected by the Agency's violation of the MCBA: Local 2209 (Dayton, OH), Local 2328 (Hampton, VA), Local 2281 (Kerrville, TX), Local 2062 (New Orleans, LA), Local 1822 (Waco, TX), and Local 3922 (El Paso, TX).¹ Since February 2016, representatives from these Locals have communicated with management and payroll officials, in person and via email, to alert them to the continued violation of the MCBA and to inquire as to the status of the anniversary date reports. However, to date, local management officials have been unable to remedy the situation.

As a result of the Agency's failure to furnish the anniversary date reports on a bi-weekly basis, affected Locals are unable to ensure compliance with the MCBA requirements for bargaining unit employees to voluntarily revoke dues withholding. Article 45, Section 6(A) of the MCBA states that bargaining unit employees "may revoke dues withholding only once a year, by submitting a timely SF-1188 to the local union . . ." and that "[i]n order for the SF-1188 to be timely, it must be submitted to the local union during the 10 calendar days ending on the anniversary date of his/her original allotment." Accordingly, since the Agency has not fulfilled its contractual obligation to furnish anniversary date reports in a timely fashion, the affected Locals are unable to ensure compliance with the ten-day requirement in Section 6(A) of Article 45, which, in turn, may result in the involuntary withholding of union dues.

Violation

By failing to fulfill its obligations, the VA has violated, and continues to violate, the following provisions of the MCBA:

- Article 3, Section 4: requiring labor and management to cooperate in an effort to minimize and eliminate collective bargaining disputes;

¹ The Union reserves the right to supplement the list of affected Locals until such time that this National Grievance is resolved or settled.

- Article 45, Section 3: requiring the VA to process and transmit bi-weekly listings to AFGE Locals confirming the names and anniversary dates of dues withholding for bargaining unit employees.


Remedy Requested

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

- To immediately process and transmit anniversary date reports to affected AFGE Locals pertaining to each bi-weekly pay period for which a report was not previously provided, specifically from February 21, 2016 until the date the Agency is in regular compliance with Article 45, Section 3;
- To agree to process any SF-1188 form provided by affected AFGE Locals on behalf of any bargaining unit employee with an anniversary date from February 21, 2016 until the date the Agency is in regular compliance with Article 45, Section 3;
- To fully comply with its contractual obligations under Articles 3 and 45 of the MCBA;
- To agree to any and all other remedies appropriate in this matter.

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 the undersigned at AFGE Office of the General Counsel.



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