



Out of Many/One Union  
AFGE NVAC/AFL-CIO

# NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees, Affiliated with the AFL-CIO

## NATIONAL GRIEVANCE

NG-1/25/17

**Date:** January 25, 2017

**To:** Kimberly McLeod  
Acting Executive Director  
Department of Veterans Affairs  
Office of Labor-Management Relations  
810 Vermont Avenue, NW  
Washington, DC 20420  
[kimberly.mcleod@va.gov](mailto:kimberly.mcleod@va.gov)  
*Sent via electronic mail only*

**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 failure to recognize and honor the assignment of official time from NVAC to Valorie Reilly

### 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 failure to recognize and honor the assignment of official time from NVAC to Valorie Reilly. To date, the VA has failed to remedy this violation, and as such, continues to violate the MCBA and federal law.

Specifically, the VA violated the Articles 2, 3, and 48 of the MCBA, 5 U.S.C. §7116(a), 5 U.S.C. §7131, and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

### STATEMENT OF THE CASE

#### **Background**

Valorie Reilly has served as President of AFGE Local 1594 since 1997. Local 1594 is based at the St. Petersburg VA Regional Office (“VARO”) and includes bargaining unit employees working at satellite facilities in the surrounding area. Over the past twenty years, Ms. Reilly has held several nationally-appointed and elected positions within NVAC. Until recently, she has operated on 100% official time in her capacity as President of AFGE Local 1594. On October 31, 2016, Julianna Boor, Director of the St. Petersburg VARO, unlawfully revoked Ms. Reilly’s 100% official time status and ordered her to begin a remedial training program and report to work at the Veterans Service Center.



On December 1, 2016, Alma Lee, NVAC President, sent a Memorandum to Larry Bennett, Staff Director at the VA Office of Labor-Management Relations, entitled "Official Time Assignment." In that Memorandum, Ms. Lee assigned 720 allocated hours of official time to Ms. Reilly, which would allow her to serve on 100% official time through April 5, 2017. This assignment of official time was made in accordance with Article 48, Section 2(G) of the MCBA. Nevertheless, Director Boor has refused to recognize and honor the assignment of official time from NVAC to Ms. Reilly.

5 U.S.C. §7131 provides a statutory basis for labor and management to negotiate over the issue of official time. Specifically, 5 U.S.C. §7131(d) states that "in connection with any other matter covered by this chapter, any employee in an appropriate unit represented by an exclusive representative, shall be granted official time in any amount the agency and the exclusive representative involved agree to be reasonable, necessary, and in the public interest." In accordance with §7131(d), AFGE/NVAC and the Agency negotiated official time in the 2011 MCBA. To the extent that the Agency has refused to recognize and honor the assignment of official time, as negotiated in Article 48 of the MCBA, it has violated 5 U.S.C. §7131(d).

Article 48 of the MCBA sets forth the rights and responsibilities of the parties with regard to official time, including the agreed-upon purpose of official time, and how the amount of allocated official time is calculated at the local and national levels. Article 48, Section 2(G) specifically allows NVAC to assign official time, in increments of no less than one hour, to local union officials. To the extent that the Agency has refused to recognize and honor the assignment of official time from NVAC to Ms. Reilly, it has violated Article 48, Section 2(G) of the MCBA.

5 U.S.C. §7116(a) states that it is an unfair labor practice for a government agency to interfere with or restrain any employee in the exercise of labor-management rights, to discourage membership in labor organizations by discrimination in conditions of employment, or to discipline or discriminate against any employee for exercising rights under Chapter 71. By interfering with Ms. Reilly's rights and responsibilities as President of AFGE Local 1594 in refusing to allow her to operate on 100% official time and by refusing to recognize and honor the assignment of official time from NVAC, the Agency has committed several unfair labor practices under §7116(a).

Article 2 of the MCBA requires that the Agency comply with applicable federal statutes and regulations in the administration of matters covered by the MCBA. Therefore, in violating 5 U.S.C. §7116(a) and §7131(d), as set forth above, the Agency has failed to comply with Article 2 of the MCBA. Additionally, Article 3 encourages the parties to maintain a cooperative labor-management relationship that is based on mutual respect, open communication, consideration of each other's views, and minimizing collective bargaining disputes. By unlawfully refusing to recognize and honor the assignment of official time from NVAC to Ms. Reilly, the Agency has repudiated its commitments under Article 3 and necessitated further collective bargaining disputes.

## **Violation**

By failing to fulfill its obligations, the VA violated, and continues to violate, the following:

- Articles 2 of the MCBA, requiring the Agency to comply with federal law and regulations;

- Article 3 of the MCBA, requiring the Agency to maintain an effective, cooperative labor-management relationship with the Union;
- Article 48 of the MCBA, requiring the Agency to recognize and honor the assignment of official time from NVAC to Ms. Reilly;
- 5 U.S.C. §7116(a), requiring the Agency not to interfere with, restrain, discipline, or discriminate against an employee for exercising rights under Chapter 71;
- 5 U.S.C. §7131(d), requiring the Agency to grant official time as negotiated by the parties in the MCBA;
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

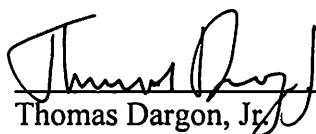
### **Remedy Requested**

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

- To return to the status quo ante;
- To cease and desist engaging in anti-union animus against Ms. Reilly;
- To allow Ms. Reilly to serve as President of AFGE Local 1594 on 100% official time;
- To remove any reference to this matter from Ms. Reilly's official record;
- To fully comply with its contractual obligations under the MCBA and its statutory obligations under 5 U.S.C. §7116(a) and 5 U.S.C. §7131(d);
- 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 contact the undersigned at AFGE Office of the General Counsel.



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cc: Alma L. Lee, President, AFGE/NVAC  
Mary-Jean Burke, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC  
Cathie McQuiston, Deputy General Counsel, AFGE