



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-7/5/17

Date: July 5, 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
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 against the Department of Veterans Affairs for failing to notify and bargain with the Union regarding VA-FSC Payroll Action Alert entitled “Union Anniversary Date Report”

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 officials and/or individuals acting as agents on behalf of the Agency for failing to notify and bargain with the Union regarding VA Financial Services Center (“VA-FSC”) Payroll Action Alert entitled “Union Anniversary Date Report.” 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 Articles 2, 3, and 47 of the MCBA, 5 U.S.C. §7116(a), and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

Background

On May 12, 2017, the Parties executed a Settlement Agreement in NVAC National Grievance – 6/3/16. Under Section II(F) of that Agreement, the Agency was required to issue written guidance concerning Union Anniversary Date Reports. On or about June 12, 2017, the



VA-FSC issued a Payroll Action Alert entitled “Union Anniversary Date Report.” Section IV states, in relevant part:

Roles and Responsibilities

i. AFGE Local Union Officers are responsible for:

1. Notifying their local payroll office when there is a mailing address and/or point of contact change.
2. Notifying their local payroll office when the AFGE Union Anniversary Date Report is not received via mail.

The Union’s contractual responsibilities regarding dues withholding were negotiated by the Parties and included in Article 45, Section 2 of the MCBA. The language in Section IV of the June 12, 2017 Payroll Action Alert, which unilaterally imposes extracontractual responsibilities on AFGE Locals, was not negotiated by the Parties or agreed to by the Union.

In refusing to notify, consult, and negotiate in good faith with the Union prior to issuing the June 12, 2017 Payroll Action Alert, the Agency committed an unfair labor practice under 5 U.S.C. §7116(a)(1) and (a)(5). Additionally, 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, as set forth above, the Agency also failed to comply with Article 2. Further, 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 failing to notify, consult, and negotiate with the Union prior to issuing the June 12, 2017 Payroll Action Alert, the Agency renounced its commitments under Article 3 of the MCBA and necessitated further collective bargaining disputes. Finally, the Agency violated Article 47, Section 2, which sets forth the Parties’ responsibilities regarding mid-term bargaining at the national level.

Violation

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

- Article 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 47 of the MCBA: requiring the Agency to comply with agreed-upon procedures for mid-term bargaining at the national level;
- 5 U.S.C. §7116(a)(1) and (a)(5): requiring the Agency to consult and negotiate in good faith with the Union;
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

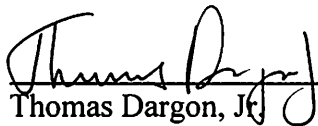
Remedy Requested

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

- To immediately rescind the June 12, 2017 Payroll Action Alert and return to the status quo ante;
- To cease and desist the further implementation of the June 12, 2017 Payroll Action Alert;
- To fully comply with its contractual obligations under Articles 2, 3, and 47 of the MCBA and its statutory obligations under 5 U.S.C. §7116(a);
- 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
Ibidun Roberts, Supervisory Attorney, AFGE/NVAC