



# NATIONAL VETERANS AFFAIRS COUNCIL

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

## NATIONAL GRIEVANCE

NG-11/21/17

**Date:** November 21, 2017

**To:** Kimberly McLeod  
Acting Executive Director  
Department of Veterans Affairs  
Office of Labor-Management Relations  
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*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 failing to satisfy national bargaining obligations regarding the development of national performance standards for IT Specialist occupations

## 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 satisfy national bargaining obligations regarding the development of national performance standards for IT Specialist occupations.

The VA, by and through its representatives and/or agents, initiated the development of revised national performance standards for several Information Technology occupations, including: IT Specialist, GS-2210-9/11; IT Specialist, GS-2210-11/12 (IT Analyst), and IT Specialist, GS-2210-12/13 (Senior IT Analyst) (collectively referred to as the “IT Specialist Occupations”). The Agency failed to notify the national Union of its intention to revise the national performance standards for the IT Specialist Occupations and failed to follow requirements in the 2011 Master Agreement concerning the development of national standards. To date, the VA has failed to remedy this violation, and as such, continues to violate the MCBA and federal law.

Specifically, VA violated Articles 2, 3, and 27 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 or about October 23, 2017, Kaylene Zimmer, Division Manager COTS Interface Division for Office of Information and Technology IT Operations and Services, emailed union representatives at AFGE Local 1633 in Houston, Texas, to notify them that the Agency was revising national performance standards for IT Specialist Occupations. Ms. Zimmer's email solicited "comments/questions" on a series of proposed national performance standards for the IT Specialist Occupations. The national Union was not notified that the Agency intended to revise the national performance standards for IT Specialist Occupations. The Agency did not provide draft standards and solicit feedback from the national Union; instead, it communicated directly with local union officials.

Article 27, Section 5(I) of the MCBA requires that "[w]hen the Department mandates national performance standards, all bargaining obligations with the Union shall be met at the national level." Here, the Agency failed to notify the Union of its decision to revise the national performance standards for IT Specialist Occupations and failed to solicit feedback from the Union on the substance of each proposed standard. In failing to meet its bargaining obligation at the national level, the Agency has violated Article 27 of the MCBA. Further, in refusing to notify, consult, and negotiate in good faith with the Union regarding proposed revisions to the national performance standards for IT Specialist Occupations, the Agency committed an unfair labor practice under 5 U.S.C. §7116(a)(1) and (a)(5).

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), the Agency 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 failing to notify and properly engage the Union in revising national performance standards for IT Specialist Occupations, the Agency has renounced its commitments under Article 3 of the MCBA and necessitated further collective bargaining disputes.

### **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 27 of the MCBA: requiring the Agency to satisfy bargaining obligations at the national level when mandating national performance standards;
- 5 U.S.C. 7116(a): requiring the Agency to consult 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 return to the status quo ante until the Agency has properly notified NVAC and met the national bargaining obligation concerning revisions to national performance standards for IT Specialist Occupations;
- To cease and desist the further development or implementation of the revised national performance standards for IT Specialist Occupations;
- To fully comply with its contractual obligations under Articles 2, 3, and 27 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. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.



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