



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL VETERANS AFFAIRS COUNCIL #53
Affiliated with the AFL - CIO
Mid-Term Bargaining Committee**

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April 4, 2018

Gregg A. Becker, Director
Department of Veterans Affairs
Mid-South Consolidated Patient Account Center
1412 Hazelwood Drive
Smyrna, TN 37167

Subject: Mid-South CPAC Local Telework Agreement

Dear Mr. Becker:

National VA Council #53 has received your notice concerning the cited subject above. Please note that we in Article 20 – Telework, how bargaining unit employees, in eligible positions, can voluntary request to work telework. In accordance with the Duration of Agreement, Section 3 – Reopener, the American Federation of Government employees, (AFL-CIO), National Veterans Affairs Council #53 does not consent to add to, amend, or modify Article 20 – Telework in the VA/AFGE Master Agreement, signed by the national parties on March 15, 2011, outside of term negotiations. As the Department knows, when the parties are beginning a term agreement and there is a valid collective bargaining agreement in place, the Agency’s intent to negotiate a midterm proposal is a permissive subject. *Servs. Soc. Sec. Admin.*, 47 FLRA 1004 (1993). Accordingly, the Union may elect to bargain or not bargain over the Agency’s permissive proposals.

It is a matter of settled law that it is bad faith bargaining to insist on negotiating over a change in working conditions outside the bargaining for a new term agreement. *Internal Revenue Serv.*, 64 FLRA 934, 939 (2010) (“[T] the Agency breached its duty to bargain in good faith by insisting that the local AWS [midterm piecemeal] agreements be negotiated outside of term bargaining over the successor agreement.”). Simply put, it is up to us to agree to negotiate any matter in mid-term once term agreement is reopened. We decline to do so.

National VA Council #53 will be happy to discuss your proposals once the term negotiations are over.

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Additionally, the level of recognition is national, so AFGE Locals do not have the authority to engage Mid-South CPAC management officials in bargaining this matter. Any such negotiations of the Mid-South CPAC Local Telework Agreement can only be done once the parties have agreed to a New Master Agreement.

Any voluntary request to work Telework for those eligible CPAC positions, must comply with Article 20 – Telework in the VA/AFGE Master Agreement dated March 15, 2011.

This is not a waiver of bargaining, it is our belief and understanding that this can and should be negotiated once the term agreement is over. If the Department has any authority to the contrary, please respond as soon as possible so, both parties can meet all bargaining obligations.

If you have any questions, please call me at (217) 554-4866. Thanks for your assistance in this matter.

Sincerely,



Oscar L. Williams, Jr.
Chairperson, Mid-Term Bargaining Committee
2nd Executive Vice President
National VA Council #53

cc: Alma L. Lee, President, National VA Council #53
Executive Committee, NVAC
Mid-Term Bargaining Committee, NVAC