



# NATIONAL VETERANS AFFAIRS COUNCIL

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

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

7S/00385047

## NATIONAL GRIEVANCE

NG-1/11/19

**Date:** January 11, 2019

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

**From:** Shalonda Miller, 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 violations regarding Article 4 – Labor-Management Training.

### STATEMENT OF THE CHARGE

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 Department of Veterans Affairs (“VA”) for violations regarding Article 4 – Labor-Management Training.

Specifically, the VA failed to adhere to the Charter in Article 4 which requires that: 1) the National Joint Training and Education Committee (“NTEC”) meet on a quarterly basis; 2) the VA and the Union (collectively, the “parties”) jointly provide labor-management training; and 3) the parties jointly develop a train-the-trainer program.

By doing so, the VA has violated, and continues to violate, Articles 1, 2, 3, and 4 of the MBCA; 5 USC § 7116(a)(1), (5) and (8); and any and all other relevant articles, laws, regulations, and past practices not herein specified.



## STATEMENT OF THE CASE

### **Background**

On a continuing and on-going basis, the VA violates Article 4 of the MCBA which calls for the creation of the NTEC and provides a charter that governs its operations. The NTEC is comprised of an equal number of members from the Union and the VA. One of the objectives of the NTEC is to identify labor relations training and other educational needs of common interest to the Union and the VA. The NTEC is also tasked with the development and implementation of training programs, including, but not limited to, courses regarding contract administration, Master Agreement training, grievance handling, and training instructors to facilitate the courses. The NTEC is required to meet on a quarterly basis. It also coordinates the availability of subject matter experts to oversee the training.

As of December 31, 2018, the VA failed to schedule final quarterly meeting of the NTEC. The meeting had previously been scheduled for July 30 – August 2, 2018, but the VA cancelled without providing make-up dates. On January 8, 2019, at the first quarter NTEC meeting of 2019, Acting LMR Staff Director, Roy Ferguson, stated that the 2018 meeting could not be made up. This constitutes a blatant violation of Article 4, Section 5E.

The VA also failed to provide “subject matter experts for developing [training] curricula and serving as faculty as needed.” Art. 4, Sec. 5(B)(12). On several occasions, Don Stephen, the Director of Interventions & Training at the VA’s Office of Labor-Management Relations, informed the Union that trainers from the VA were not available. Currently, the Union has 31 facilities/local unions awaiting joint labor management training.

Moreover, when the NTEC provided joint recommendations for the development of a virtual train-the-trainer program, in an effort to increase the availability of VA trainers, VA leadership failed to act upon those recommendations.

### **Violations**

Violations of Article 4 have continued to date. The VA thereby commits a continuing violation of its contractual and statutory obligations. Additionally, the VA is in violation of Articles 1, 2 and 3 of the MCBA, which recognizes the Union as the exclusive representative of BUE; requires the VA to comply with federal statutes and the Master Agreement; and touts the benefits of a constructive and cooperative relationship between the parties.

The VA is also violating the Federal Service Labor-Management Relations Statute by repudiating the labor-management provisions of the MCBA and committing unfair labor practices under 5 USC § 7116(a)(1), (5) and (8), as well as 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 follow all of the provisions of the NTEC Charter;
- To agree to electronically distribute a notice posting to all BUE regarding its failure to comply with the Statute;
- To fully comply with all of its contractual obligations under the MCBA and all applicable federal laws, rules and regulations; and
- 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. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance. If you have any questions regarding this National Grievance, please feel free to contact the undersigned by phone or electronic mail.

Submitted by,



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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