

AFGE



Eugene Hudson, Jr.
National Secretary-Treasurer

J. David Cox, Sr.
National President

Augusta Y. Thomas
NVP for Women & Fair Practices

7S/00362991

NATIONAL GRIEVANCE
NG-10/7/16

Date: October 7, 2016

To: Kimberly McLeod
Acting Executive Director, Labor-Management Relations
Department of Veterans Affairs
Office of Labor-Management Relations
810 Vermont Avenue, NW
Washington, DC 20420
kimberly.mcleod@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 1) requiring Consolidated Patient Account Center bargaining unit employees to purchase and maintain personal computers and PIV readers in order to participate in the Telework Program; and 2) failing to provide advance written notice to the President of the National VA Council, or her designee, of proposed changes in personnel policies, practices, or working conditions affecting the interests of two or more local unions.**

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 ("NVAC" or "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 ("Agency") for the following violations of the MCBA: 1) requiring Consolidated Patient Account Center ("CPAC") bargaining unit employees to purchase and maintain personal computers and PIV readers in order to participate in the Telework Program; and 2) failing to provide advance written notice to the President of the National VA Council, or her designee, of proposed changes in personnel policies, practices, or working conditions affecting the interests of two or more local unions.



Specifically, on a continuing and on-going basis, the Agency, by and through its representatives and/or agents, told CPAC bargaining unit employees (“BUEs”) that they would be required to use and maintain their own computer equipment and Personal Identity Verification (“PIV”) card readers in order to telework.

The Agency has failed to remedy these violations, and as such, is in violation of the following:

- Article 2, Section 2 of the MCBA
- Article 20, Section 4 of the MCBA
- Article 47, Section 4 of the MCBA
- Article 49, Sections 2, 3 and 4 of the MCBA
- and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

Background

On or about September 20, 2016, NVAC was notified that BUEs at several CPAC regional centers were told by Agency management that they would be expected to use their own computer equipment and PIV readers if they wanted to participate in the Telework Program. Such changes to conditions of employment affecting the interests of bargaining unit employees in two or more local unions requires advance written notice to the National VA Council. At this time, NVAC is aware of the following Locals affected by the Agency’s violation of the MCBA: Local 559 (Florida/Caribbean CPAC), Local 1224 (West CPAC), Local 446 (Mid-Atlantic CPAC), Local 85 (Central Plains CPAC) and Local 1966 (Northeast CPAC).

Article 20 of the MCBA sets forth the Telework Program, and specifically requires the Agency to provide and maintain computer equipment required for an employee to perform his or her work at an alternative duty station (“ADS”), unless the employee elects to use a personal computer. The policy further provides that the Agency will provide a phone line for use at the ADS.

Violation

By failing to fulfill its obligations and for implementing a contradicting policy, the Agency violated, and continues to violate, the following:

- Article 2, Section 2, which establishes that the MCBA shall govern over any conflicting Agency policy or provision;
- Article 20, Section 4, which requires the Agency to provide employees participating in the Telework Program with the necessary equipment to perform their duties, to include the use of an assigned Agency computer;
- Article 47, Section 4B, which requires the Agency to notify the local union of proposed changes to personnel policies, practices or working conditions. And further requires notification to the National VA Council President, or her designee, where proposed changes to personnel policies, practices or working conditions affect the interests of two or more locals;
- Article 49, Sections 2, 3 and 4, which require the Agency to partner with the Union in all matters relating to personnel policies, practices and other conditions of employment and requires the Agency to provide reasonable advance written notice to Union officials prior to changing conditions of employment of bargaining unit employees; and
- any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

Remedy Requested

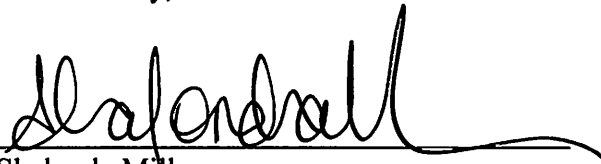
The Union asks that, to remedy the above situation, the Agency agrees to the following:

- To return to the *status quo ante*;
- To cease and desist any changes in conditions of employment concerning the Telework Program;
- To provide advance written notice to the President of the National VA Council, or her designee, prior to changing personnel policies, practices, or conditions of employment which affect the interests of two of more local unions;
- To fully comply with its contractual obligations under the MCBA;
- To fully comply with 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. If you have any questions regarding this National Grievance, please feel free to contact me at 202-639-6424.

Submitted by,

A handwritten signature in black ink, appearing to read 'Shalonda Miller', with a long horizontal flourish extending to the right.

Shalonda Miller
Staff Counsel, National VA Council
American Federation of Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001
Tel: 202-639-6424
Fax: 202-379-2928
shalonda.miller@afge.org

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