



Charge Against an Agency

eFiling No. eOGC005678

Revision: REV-11-18-2018

Filing Party

Filing Representative Email Address

hasans@afge.org

First Name

Sarah

Last Name

Hasan

Street Address

80 F Street, NW

Street Address 2

Empty

City

Washington

State

DC

ZIP Code

20001

Title

Sarah

Organization

NVAC, AFGE

Phone

(202) 639-6424

Agency Against Which Charge is Brought

Search or write-in Charged Party information?

Write-in

Name of Charged Agency

Department of Veterans Affairs

Activity Name of Charged Agency

Empty

City of Charged Agency

Washington, DC

State of Charged Agency

DC

Agency Representative Information

Email Address

michael.picerno@va.gov

First Name

Michael

Last Name

Picerno

TitleActing Executive Director, Office of Labor
Management Relations**Street Address**

810 Vermont Avenue, NW

Street Address 2

Empty

City

Washington

State

DC

ZIP Code

20420

Phone

6317275410 x1131

Fax

Empty

Charging Party Information

Search or write-in Charging Party information?

Write-in

Name of Charging Party Organization or Individual

National Veterans Affairs Council (NVAC)

**Party Type of Charging Party Organization
or Individual**

Union

**Local Name of Charging Party Organization
or Individual**

AFGE

**City of Charging Party Organization or
Individual**

Washington

**State of Charging Party Organization or
Individual**

DC

Charging Party Representative Information

Email Address

hasans@afge.org

First Name

Sarah

Last Name

Hasan

Title

Staff Counsel, NVAC, AFGE

Street Address

80 F Street NW

Street Address 2

Empty

City

Washington

State

DC

ZIP Code

20001

Phone

202-639-6424

Fax

Empty

Basis of the Charge

OGC Regional Office

OGC-WA - Washington Regional Office

Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts:

Over the last six months, the Department of Veterans Affairs (hereinafter “Agency,” “VA,” or “Department”) has repeatedly denied official time for AFGE Union Representatives to attend briefings related to matters being bargained. As a result, the Department has violated 5 U.S.C. 7116(a)(1) and (8), as it has failed to comply with requirements imposed by 5 U.S.C. 7131(a) to provide official time to AFGE union officials to participate in meetings and briefings over matters being bargained. See Veterans Admin. Cent. Office, Wash. D.C., 23 FLRA 512, 515-16 (1986). The Union maintains that activities leading and directly-related to bargaining would qualify as requiring official time under 5 U.S.C. 7131(a). See Dep’t of the Treasury, Bureau of the Pub. Debt, 17 FLRA 1045 (1985) (holding that unilateral act of one party in anticipation of bilateral negotiations would not qualify for official time under the Statute, but bilateral discussions and participation of the parties is part of the good faith negotiating process which involves the parties making certain preliminary arrangements necessary to meet “at reasonable times and convenient places” as required by section 7114 of the Statute). Due to the denial of official time, individuals have had to use their own leave and in some cases, union officials have been unable to attend briefings related to their demands to bargain. This has resulted in the VA implementing policy changes without first meeting their bargaining obligations with the Union in violation of 5 U.S.C. 7116 (a)(1) and (a)(5). This practice of denying official time for briefings has taken place in numerous locations, affecting employees at the following local unions and facilities: AFGE Local 906 at the Eastern Kansas VA Medical Center, AFGE Local 2028 at the Pittsburgh VA, AFGE Local 2031 at the Cincinnati VA, and members of the National VA Council (“NVAC”) Mid-Term Bargaining Team have also been denied official time to attend national-level briefings. The Union asks that the FLRA intervene immediately to ask the Agency to cease and desist from the violative conduct, require the Agency to post a notice detailing the violations that occurred, and order the Agency to provide official time to union representatives for activities directly-related to bargaining, including but not limited to, attendance at bargaining-related briefings/meetings. The Union further asks that the FLRA order the Agency to reimburse individuals who have had to use their own leave or time to attend bargaining-related briefings. Finally, the Union asks that FLRA order the Agency to return to status quo ante prior to the implementation of any policies or directives that were not fully bargained by the parties due to the Agency’s denial of official time for briefings.

Attachments

Please attach any available supporting documents.

Identify which one or more of the following subsections of 5 U.S.C. § 7116(a) has or have allegedly been violated. Please note that a violation of (2) through (8) is an automatic violation of (1). For the purpose of this chapter, it shall be an unfair labor practice for an agency:

(1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter;

(5) to refuse to consult or negotiate in good faith with a labor organization as required by this chapter;

(8) to otherwise fail or refuse to comply with any provision of this chapter.

Have you or anyone else raised this matter in any other procedure?

No

Declaration

I declare that I have read this charge and that the statements in it are true to the best of my knowledge and belief. I understand that making willfully false statements can be punished by fine and imprisonment, 18 U.S.C. 1001.

Your Name (this will act as your signature)

Date

Sarah Hasan

12/04/2020

You are required to serve your charge on the Charged Party in accordance with 5 C.F.R. § 2423.6(d). **The filing of a document using the FLRA's eFiling System does *not* constitute service of the document on any party. The filing party must independently accomplish service by one of the following methods.**

This charge was served on the Charged Party Representative identified above by the following method(s):

Serving Method(s)

Email (but only when the receiving party has agreed to service by email under 5 C.F.R. § 2429.27(b) (6))

