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Veterans Affairs Department Continues Bad Faith Negotiations Over Union Contract Despite Biden Administration Signaling New Approach

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VA's contract proposal tries to strip critical pandemic protections from workers as COVID-19 cases continue to rise

NATIONWIDE - The American Federation of Government Employees' National VA Council (AFGE NVAC), the union representing over 265,000 VA workers, is crying foul over continuing bad faith negotiations on behalf of VA management -- including a recent attempt to strip pandemic protections for workers from the union contract during an ongoing global pandemic.

NVAC negotiators are currently undergoing concentrated mediation with the Department of Veterans Affairs (VA) over what is one of the largest union contracts in the country. After AFGE NVAC members [voted overwhelmingly against ratifying](#) a partial tentative collective bargaining agreement last month, the union and VA have resumed talks and VA negotiators have continued to bargain in bad faith, despite President Joe Biden's nominee for VA Secretary, Denis McDonough, signaling his intention to be a ["partner"](#) with VA workers once confirmed by the Senate.

On Friday, after AFGE NVAC presented the VA with proposals to strengthen health and safety provisions in the contract, the VA presented a counterproposal that would wipe out critical safety protections for workers. After spending more than 25 hours in private caucuses since the start of mediation, the VA's counterproposal reduced the occupational health and safety provisions to one-half page.

The VA's negotiators, led by Chief Negotiator Thomas Nagy, who was appointed to the position in the final weeks of former President Donald Trump's administration, seek to eliminate entire major sections of Article 30 (Occupational Health), including sections governing Service Requirements (Section 3), Occupational Health Services (Section 4), Immunizations (Section 5), Treatment (Section 6), Pandemics (Section 7) and Local Bargaining (Section 8). With the concentrated mediation scheduled to end on February 3, despite the Union's request to extend mediation because of the VA's delay in appointing Nagy to the position, the VA's proposed language falls far short of Article 30's previous form and even the current language in the 2011 contract. It is a continuation of the bargaining strategy that led to an overwhelming rejection from VA workers represented by AFGE.

"The bad faith the Department has shown during these negotiations has been disrespectful and downright dangerous," **said AFGE NVAC President Alma Lee.** "We are still in the midst of a worldwide pandemic that has sickened thousands and killed hundreds of VA employees and the veterans they loyally serve, yet VA negotiators appointed by the Trump administration continue to undermine critical protections for the health, safety and legal rights of workers and veterans

alike. AFGE NVAC will continue to fight for our members and hope that the Biden administration will make good on its promises to restore the collective bargaining rights of federal workers.”

Chief Negotiator Nagy has a track-record of working to undermine the VA’s union. He was hand-picked by the Trump administration to implement a set of [controversial executive orders](#) in 2019 that gutted the collective bargaining rights of federal workers. Last month, an arbitrator granted the Union’s national grievance and found that the VA’s actions violated the parties’ 2011 contract and the federal law governing labor relations between VA and AFGE NVAC. In his first week in office, Biden [issued two executive orders](#) that started rolling back the anti-union policies, orders that restored federal workers’ collective bargaining power and asked federal agencies to pay a \$15/hour minimum wage, signaling the administration’s intent to pivot in a new direction. With McDonough not yet confirmed as VA Secretary, Nagy has used the transition period to continue to push the Trump administration’s anti-union agenda.

Under former VA Secretary Robert Wilkie’s leadership, the VA developed a [track record](#) of ignoring worker concerns and putting veterans’ lives at risk. Members of AFGE NVAC have been [fighting for a fair contract for years](#), demanding safe working conditions and adequate staffing levels, the space and equipment VA workers need to ensure veterans receive the best care possible, and mechanisms to protect workers from the whims of management.

A recent [survey](#) conducted by the union found 60 percent of respondents reported that their facility did not alert them when fellow staff members contracted COVID-19 and nearly 50 percent of respondents stated that they were not notified prior to working with COVID-19 positive patients. Over 88 percent of survey respondents said they knew of an employee at their facility that has contracted COVID-19. These results underscore why workers want strong health and safety protections in their contract to which management can be held accountable.

The VA’s years-long campaign to ignore the needs of front-line workers and impose an anti-worker contract on hundreds of thousands of its employees could be [reversed by the Biden administration](#). Biden has the power to ensure the negotiation of a fair VA contract bargained in good faith.

The importance of a fair contract is a matter of life and death during the COVID-19 pandemic, which has claimed the lives of [121 VA employees](#) and over [9,030 veterans](#). Currently, more than [16,800 VA employees](#) and [165,000 veterans](#) have tested positive.

AFGE NVAC’s legal team and leadership are available for media interviews to discuss the dire consequences of this continued bad faith bargaining and how it has impacted employees’ health and ability to care for our nation’s veterans.

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