

SETTLEMENT AGREEMENT

Between

DEPARTMENT OF VETERANS AFFAIRS

And

**NATIONAL VETERANS AFFAIRS COUNCIL,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO**

**National Grievance, NG-2/9/22
Implementing ePerformance Appraisal System in violation of Law, Policy, and Contract**

I. Introduction

The American Federation of Government Employees, AFL-CIO, National Veterans Affairs Council (“the Union”) and the Department of Veterans Affairs (“DVA” or “the Agency”) (collectively referred to as “the Parties”) hereby agree to settle all disputes arising out of the Union’s National Grievance, dated February 9, 2022, which alleged that the Agency implemented the ePerformance appraisal system in violation of law, policy, and contract.

II. Terms of the Settlement

- A. By execution of this settlement agreement (the “Agreement”), the Union voluntarily withdraws its February 9, 2022, National Grievance (“NG-2/9/22”), and waives all actions, claims, complaints, grievances, appeals, or proceedings of whatever nature, arising from the allegations contained in NG-2/9/22, except for any grievances that may arise by reason of breach of any term of this Agreement.
- B. The Parties agree that the Agency will send a Center for Enterprise Human Resources Information Services (CEHRIS) Bulletin to all Human Resources (HR) offices with information regarding the process of reviewing all performance plans using the ePerformance system. This will be accomplished no later than 30 calendar days from the date of this settlement agreement.
- C. The Agency agrees to modify Sheet 2 of the VA 0750 Annual or Special Performance Appraisal Process in the ePerformance Electronic Performance Appraisal Process Flowcharts dated July 2020. The modification will include a note that states “Reviewer has visibility of all final performance appraisals, regardless of rating, but must concur/non-concur with all less than fully successful appraisals.” This will be accomplished no later than 30 calendar days from the date of this settlement agreement.
- D. The Parties agree that the Agency has already provided the Union with a full demonstration on the ePerformance system and its functionality.

III. Stipulations

- A. The Parties have entered into this Agreement freely and voluntarily.
- B. The obligations of the Parties specified above constitute consideration sufficient to render this Agreement enforceable by either party.
- C. This Agreement shall not serve as precedent for resolving any other complaints, grievances, appeals, or actions that may be filed.
- D. This Agreement constitutes the entire understanding between the Parties regarding the resolution and settlement of NG-2/9/22, and there are no other terms or commitments, verbal or written, regarding this settlement. No other promises or agreements shall be binding unless placed in writing and signed by the Parties.
- E. Either party may bring a claim in the form of a grievance for the breach of any term of this Agreement.
- F. This Agreement may not be modified, except by a written agreement signed by the Parties.
- G. The Agency or the Union may submit this Agreement as evidence of the withdrawal of NG-2/9/22 and all actions, claims, complainants, grievances, appeals or proceedings of whatever nature arising from the allegations contained therein.
- H. The effective date of this Agreement is the date on which this Agreement was last signed by the Union and the Agency officials noted below.
- I. The terms of this Agreement, the negotiations leading up to this Agreement, the data, documents, or information exchanged between the parties during negotiations of this Agreement, may not be offered, taken, construed, or introduced as evidence of liability or as an admission or statement of wrongdoing by either party in this action or in any subsequent proceeding of any nature.

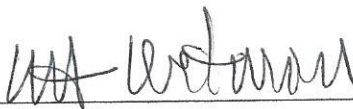
For the Union:



Alec Summerfield
Staff Counsel, National VA Council
AFGE, AFL-CIO

5/24/22

Date



William Wetmore
Chair, Grievance & Arbitration Committee
AFGE/NVAC

5-24-22

Date

For the Agency:



Joseph R. Thele
Executive Director Center for Enterprise Human Resource Information Services
Department of Veterans Affairs

4/29/2022

Date

As to Form Only:

MATTHEW
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Digitally signed by
MATTHEW MOHR
Date: 2022.05.03 09:15:46
-0400'

Matthew Mohr
Attorney
Office of General Counsel
U.S. Department of Veterans Affairs

Date