



NATIONAL VETERANS AFFAIRS COUNCIL

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

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

NATIONAL GRIEVANCE NG-7/28/2022

7S/401718

Date: July 28, 2022

To: Denise Biaggi-Ayer
Executive Director
Office of Labor Management Relations
U.S. Department of Veterans Affairs
Denise.Biaggi-Ayer@va.gov
valmrlitigation@va.gov
Sent via electronic mail only

From: Shalonda Miller, Staff Counsel, National Veterans Affairs Council (#53) (“NVAC”),
American Federation of Government Employees, AFL-CIO (“AFGE”)

RE: **National Grievance against the Department of Veterans Affairs for failing to provide training and continuing education access to pharmacists and pharmacy technicians when it denied access to the *Pharmacist’s Letter* and *Pharmacy Technician’s Letter* web services**

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 (“NVAC” or “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 (“Department”) for failing to provide necessary resources and continuing education opportunities to pharmacists and pharmacy technicians by failing to provide, on a nationwide basis, bargaining unit employees (“BUEs”) access to the *Pharmacist’s Letter* and *Pharmacy Technician’s Letter* online subscription services.

Specifically, the Department violated Articles 17 and 23 of the MCBA, VHA Directive 1108.07, and any and all other relevant articles, laws regulations, and past practices not herein specified. The Union specifically reserves the right to supplement this grievance based upon the discovery of new evidence or information of which it is not presently aware, or otherwise, as necessary.

STATEMENT OF THE CASE

Background

The NVAC has been notified that VISN 15 leadership has denied BUEs access to the online subscription service, the *Pharmacist's Letter*. Pursuant to the website,¹ the service: “provides community pharmacists with evidence-based resources to keep current on medication therapy changes and guidelines, educate patients, make recommendations, and complete ongoing training and continuing education requirements.” Advertisements for the service state that the *Pharmacist's Letter* is “the leading information source for 85% of all practicing pharmacists.” The service provides a similar benefit to pharmacy technicians, called the *Pharmacist Technician's Letter*. Upon information and belief, a subscription service for medical facilities, such as the Department of Veterans Affairs, starts at \$150 per month for pharmacists, and at \$79 per month for pharmacy technicians. Notably, the *Pharmacist's Letter* and the *Pharmacist's Technician's Letter* are both listed as available resources on the VA intranet in the VA Library Resources Network. However, VISN 15 BUEs are not being provided login information for these services.

In denying access to the *Pharmacist's Letter* and the *Pharmacist's Technician's Letter*, the Department has violated its obligations to treat the bargaining unit equally, while making it difficult for VISN 15 pharmacists and pharmacy technicians to stay up-to-date with clinical resources which are critical to providing comprehensive care to veteran patients. Moreover, most states require pharmacists and pharmacy technicians to complete continuing education credits to maintain their licenses. The national Parties have a long-standing past practice of providing free access to these publications; however, the Department is now in violation of that past practice and did not notify or provide NVAC with an opportunity to bargain prior to changing that past practice.

The NVAC is not aware of other VISNs refusing to provide these resources to bargaining unit employees, but specially reserves the right to amend this Grievance upon the discovery of such evidence.

Violations

By failing to fulfill its obligations, the Department violated and continues to violate, the following:

- Article 17, Section 1H of the MCBA: requiring the Department to encourage BUEs in their career development;
- Article 23, Section 2 of the MCBA: requiring the Department to create opportunities for career development for BUEs;

¹ <https://trchealthcare.com/about-us/products/pharmacists-letter/>.

- VHA Directive 1108.07, Appendix A: requiring the Department to ensure that clinical pharmacists and pharmacy technicians are functioning to the fullest extent permissible by their licensure, scope of practice, certifications and training; and
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

Time Frame and Contact

This is a National Grievance, and the time frame for resolution of this matter is not waved until the matter is resolved or settled. If you have any questions, please contact the undersigned at AFGE Office of the General Counsel. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.



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cc: Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC
Thomas Dargon, Jr., Supervisory Attorney, AFGE/NVAC