

SETTLEMENT AGREEMENT
Between
U.S. DEPARTMENT OF VETERANS AFFAIRS
And
NATIONAL VETERANS AFFAIRS COUNCIL,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

National Grievance, NG-01/04/19

Article 7 Violations

I. Introduction

The American Federation of Government Employees, AFL-CIO, National Veterans Affairs Council (“the Union”) and the Department of Veterans Affairs (“VA” or “the Department”) (collectively referred to as “the Parties”) hereby agree to settle all disputes arising out of the Union’s National Grievance, dated January 4, 2019 (“NG-01/04/19”), regarding the Department’s violations of Article 7 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2011) (“MCBA”). Specifically, the Union alleged that the Department violated Article 7 when it unilaterally implemented quality improvement programs without providing the Union reasonable advance notice of, the opportunity to be present at, and participate in, discussions regarding such programs with bargaining unit employees.

II. Terms of the Settlement

- A. By execution of this Settlement Agreement (“Agreement”), the Union voluntarily withdraws NG-01/04/19 and waives any and all actions, claims, complaints, grievances, appeals or proceedings of whatever nature, arising from the allegations contained in NG-01/04/19, with the exception of any grievance that may arise by reason of breach of any term of this Agreement.
- B. The Department affirms its contractual obligations under Article 7 of the MCBA, and further agrees to fully comply with the Quality Programs Council Charter set forth therein. The Department further affirms its obligations under the Federal Service Labor Management Relations Statute (“the Statute”), including the prohibition on bypassing the Union by directly dealing with bargaining unit employees concerning any matter affecting the employees’ conditions of employment, pursuant to 5 U.S.C. § 7116(a)(1) and (5) of the Statute.
- C. The Parties further agree that the National Quality Council (NQC) contemplated by Article 7 of the MCBA reconvened on May 2, 2023.

III. Stipulations

- A. The Parties have entered into this Agreement freely and voluntarily.
- B. The obligations of the Parties specific 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-01/04/19, 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 arising from 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 Department or the Union may submit this Agreement as evidence of the withdrawal of NG-01/04/19 and all actions, claims, complaints, 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 it becomes fully executed.
- I. The terms of this Agreement, the negotiations leading up to this Agreement, the data, documents, or information exchanged between the Parties in the course of 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.
- J. The Parties agree to fulfill their obligation under this Agreement in good faith.

For the Union:

WH Wetmore
WH Wetmore (Nov 9, 2023 17:04 EST)

William Wetmore
Third Executive Vice President
Chair, Grievance & Arbitration Committee
AFGE/NVAC

Date

Shalonda Miller

Shalonda Miller
Staff Counsel, National VA Council
AFGE/NVAC

11/9/23

Date

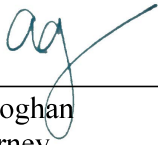
For the Department:

**DENISE
BIAGGI-AYER**

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Date: 2023.11.20 10:49:45
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Denise Biaggi-Ayer
Executive Director, Office of Labor Management Relations
U.S. Department of Veterans Affairs

Date



Amber Groghan
Staff Attorney
Personnel Law Group
U.S. Department of Veterans Affairs
Office of General Counsel

Date