



NATIONAL VETERANS AFFAIRS COUNCIL

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

NATIONAL GRIEVANCE

NG-2/22/24

Date: February 22, 2024

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

From: Thomas Dargon, Jr., Deputy General 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 properly notify NVAC of proposed changes in conditions of employment impacting the VA Northern Indiana Health Care System

STATEMENT OF CHARGES

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 (“the Union”) is filing this National Grievance against you and all other associated officials and/or individuals acting as agents on behalf of the U.S. Department of Veterans Affairs (“Agency” or “VA”) for failing to properly notify NVAC of proposed changes in conditions of employment impacting bargaining unit employees of the VA Northern Indiana Health Care System. To date, the Agency has failed to remedy this violation, and as such, continues to violate the MCBA and federal law.

Specifically, the VA violated Articles 2, 3, 47, and 49 of the MCBA, 5 U.S.C. §7116(a), and any other relevant articles, laws, regulations, and past practices not herein specified.

STATEMENT OF THE CASE

Background

The negotiated procedures governing mid-term bargaining between VA and NVAC are largely set forth in Article 47 (Mid-Term Bargaining) and Article 49 (Rights and Responsibilities) of the Master Agreement.

Proposed changes in personnel policies, practices, or working conditions affecting the interests of one local union shall require notice to the President of that local. **Proposed changes in personnel policies, practices, or working conditions affecting the interests of two or more local unions within a facility shall require notice to a party designated by the NVAC President with a copy to the affected local unions.**

See Article 47, Section 4(B) (emphasis added).

For decades, Oscar L. Williams, Jr., Chair of the NVAC Mid-Term Bargaining Committee, has served as the designee to receive such notice on behalf of NVAC. AFGÉ Locals 1020 and 1384 represent employees of the VA Northern Indiana Health Care System (“VANIHCs”). Therefore, for proposed changes in condition of employment affecting VANICS, the Agency is required to provide notice to Mr. Williams as the NVAC designee, as well as a copy to the Presidents of Locals 1020 and 1384. *See* Article 47, Section 4(B).

However, on a continuing an ongoing basis, Agency officials from VISN 10, VANIHCs, and elsewhere have failed to properly notify the NVAC designee of proposed changes in conditions of employment affecting bargaining unit employees of the VANIHCs.¹ Instead, in violation of the Master Agreement, the Agency continues to engage directly with AFGÉ Locals 1020 and 1384. To no avail, Mr. Williams and other NVAC officials have made repeated efforts to reeducate Agency officials of their obligations under the Master Agreement.

By failing to comply with mid-term bargaining obligations, the Agency violated Article 47 and Article 49. Further, in refusing to properly notify and negotiate in good faith with the Union concerning changes in conditions of employment, the Agency committed an unfair labor practice under 5 U.S.C. §7116(a)(1) and (a)(5). Article 2 of the MCBA requires that the Agency comply with applicable federal statutes and regulations in the administration of matters covered by the MCBA. Therefore, in violating 5 U.S.C. §7116(a), as identified above, the Agency failed to comply with Article 2. Additionally, Article 3 encourages the Parties to maintain a cooperative labor-management relationship that is based on mutual respect, open communication, consideration of each other’s views, and minimizing collective bargaining disputes. By failing to properly notify and negotiate with the Union, the Agency renounced its commitments under Article 3 of the MCBA and necessitated further collective bargaining disputes.

Violation

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

- Article 2 of the MCBA: requiring the Agency to comply with federal law;
- Article 3 of the MCBA: requiring the Agency to maintain an effective, cooperative labor-management relationship with the Union;
- Articles 47 and 49 of the MCBA: requiring the Agency to comply with agreed-upon procedures for mid-term bargaining at the national level;

¹ Representative examples of the Agency’s failure to properly notify the NVAC designee during the months of January 2024 and February 2024 are attached as Exhibit 1.

- 5 U.S.C. §7116(a)(1) and (a)(5): requiring the Agency to negotiate in good faith with the Union;
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

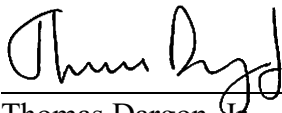
Remedy Requested

The Union asks that, to remedy the above situation, the VA agree to the following:

- Fully comply with its contractual obligations under Articles 2, 3, 47, and 49 of the MCBA and its statutory obligations under 5 U.S.C. §7116(a);
- Distribute an electronic notice posting to all bargaining unit employees of the VANIHCS concerning the Agency's failure to satisfy bargaining obligations with NVAC;
- Order remedial training on mid-term bargaining for responsible Agency officials;
- Agree to any and all other remedies appropriate in this matter.

Time Frame and Contact

This is a National Grievance, and the time frame for resolution of this matter is not waived 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.



Thomas Dargon, Jr.
Deputy General Counsel, NVAC
AFGE, AFL-CIO
80 F Street, NW
Washington, DC 20001
Tel: 202-639-6424
Fax: 202-379-2928
thomas.dargon@afge.org

cc: Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC

Exhibit 1

From: [Cole, Tinita](#)
To: [Thomas Dargon](#)
Subject: FW: Heat on Demand Meal Service Memo
Date: Tuesday, February 20, 2024 4:54:30 PM

This Message Is From an External Sender

This message came from outside your organization.

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Tinita Cole,LPN,BS
President 6th District VA Council #262
AFGE 6th District National Women's Advisory Coordinator
937-268-6511X 3237
Mobile: 937-304-6192
Tinita.cole@va.gov

"I've learned that people will forget what you've said, people will forget what you did, but they will never forget the way you made them feel." Maya Angelou

From: Cole, Tinita <Tinita.Cole@va.gov>
Sent: Monday, February 5, 2024 3:09 PM
To: Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>; Pennington, Tony R. <tony.pennington@va.gov>; Adams, Gwendolyn <Gwendolyn.Adams2@va.gov>; owilliams@afgenvac.org
Cc: Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>; Masters, Amanda <Amanda.Masters1@va.gov>; Tiney, Nina M. <Nina.Tiney@va.gov>
Subject: Re: Heat on Demand Meal Service Memo

Please send notice to Mr Williams so he can file my DTB thanks and please add to next weeks call

Get [Outlook for iOS](#)

From: Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>
Sent: Monday, February 5, 2024 10:24:35 AM
To: Pennington, Tony R. <tony.pennington@va.gov>; Cole, Tinita <Tinita.Cole@va.gov>; Adams, Gwendolyn <Gwendolyn.Adams2@va.gov>
Cc: Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>; Masters, Amanda <Amanda.Masters1@va.gov>; Tiney, Nina M. <Nina.Tiney@va.gov>
Subject: FW: Heat on Demand Meal Service Memo

Good morning, Leadership

Please see the attached memo from Nutrition and Food Services.

Respectfully.,

From: Chaplin, Charlene H. <Charlene.Chaplin@va.gov>
Sent: Monday, February 5, 2024 10:09 AM
To: Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>
Cc: Bartrom, Lindsay J. (she/her/hers) <Lindsay.Bartrom@va.gov>
Subject: Heat on Demand Meal Service Memo

Dray,

Can you make sure this goes to National AFGE?

Thank you!



Charlene H. Chaplin, B.S.

Administrative Officer

Nutrition & Food Service

VANIHCS

1700 E 38th St

Marion, IN 46953

(765) 674-3321 x74600

VA Cell - (765)251-0716

From: [Cole, Tinita](#)
To: [Thomas Dargon](#)
Subject: FW: Notice to Union
Date: Tuesday, February 20, 2024 4:49:53 PM

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Tinita Cole,LPN,BS
President 6th District VA Council #262
AFGE 6th District National Women's Advisory Coordinator
937-268-6511X 3237
Mobile: 937-304-6192
Tinita.cole@va.gov

"I've learned that people will forget what you've said, people will forget what you did, but they will never forget the way you made them feel." Maya Angelou

From: Cole, Tinita
Sent: Monday, January 22, 2024 1:26 PM
To: Tiney, Nina M. <Nina.Tiney@va.gov>
Cc: Adams, Gwendolyn <Gwendolyn.Adams2@va.gov>; Pennington, Tony R. <tony.pennington@va.gov>; Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>; Masters, Amanda <Amanda.Masters1@va.gov>; Hill, Kenneth W. <Kenneth.Hill@va.gov>
Subject: RE: Notice to Union

Was this sent to Mr. Williams?

Tinita Cole,LPN,BS
President 6th District VA Council #262
AFGE 6th District National Women's Advisory Coordinator
937-268-6511X 3237
Mobile: 937-304-6192
Tinita.cole@va.gov

"I've learned that people will forget what you've said, people will forget what you did, but they will never forget the way you made them feel." Maya Angelou

From: Tiney, Nina M. <Nina.Tiney@va.gov>
Sent: Monday, January 22, 2024 1:17 PM

To: Cole, Tinita <Tinita.Cole@va.gov>

Cc: Adams, Gwendolyn <Gwendolyn.Adams2@va.gov>; Pennington, Tony R. <tony.pennington@va.gov>; Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>; Masters, Amanda <Amanda.Masters1@va.gov>; Hill, Kenneth W. <Kenneth.Hill@va.gov>

Subject: FW: Notice to Union

Good afternoon,
Please review the attached document.

Respectfully,

For all questions and concerns please contact the Work Life Benefits Team
VISN10HRWLB610@va.gov

Nina Tiney
HR Assistant, Employee/Labor Relations
Hours of Duty Mon-Friday 7 a.m to 3:30 p.m.
VISN 10 – Serving Indiana, Michigan, and Ohio
U.S. Department of Veterans Affairs
Veterans Health Administration
Phone: 260-426-5432 Ext # 62208
Cell: 260-249-5025
Fax (260) 421-1826
Nina.Tiney@va.gov

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From: [Cole, Tinita](#)
To: [Thomas Dargon](#)
Subject: FW: Notice to Union
Date: Tuesday, February 20, 2024 4:49:32 PM

This Message Is From an External Sender

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Tinita Cole,LPN,BS
President 6th District VA Council #262
AFGE 6th District National Women's Advisory Coordinator
937-268-6511X 3237
Mobile: 937-304-6192
Tinita.cole@va.gov

"I've learned that people will forget what you've said, people will forget what you did, but they will never forget the way you made them feel." Maya Angelou

From: Cole, Tinita
Sent: Wednesday, January 10, 2024 1:27 PM
To: Tiney, Nina M. <Nina.Tiney@va.gov>; Pennington, Tony R. <tony.pennington@va.gov>; Adams, Gwendolyn <Gwendolyn.Adams2@va.gov>
Cc: Christopher, Irene D. <Irene.Christopher@va.gov>; Masters, Amanda <Amanda.Masters1@va.gov>; Horton, Angela D. <Angela.Horton5@va.gov>; Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>
Subject: RE: Notice to Union

This is notification needs to be sent to Oscar Williams Jr.

Tinita Cole,LPN,BS
President 6th District VA Council #262
AFGE 6th District National Women's Advisory Coordinator
937-268-6511X 3237
Mobile: 937-304-6192
Tinita.cole@va.gov

"I've learned that people will forget what you've said, people will forget what you did, but they will never forget the way you made them feel." Maya Angelou

From: Tiney, Nina M. <Nina.Tiney@va.gov>

Sent: Wednesday, January 10, 2024 10:53 AM

To: Pennington, Tony R. <tony.pennington@va.gov>; Adams, Gwendolyn <Gwendolyn.Adams2@va.gov>; Cole, Tinita <Tinita.Cole@va.gov>

Cc: Christopher, Irene D. <Irene.Christopher@va.gov>; Masters, Amanda <Amanda.Masters1@va.gov>; Horton, Angela D. <Angela.Horton5@va.gov>; Montgomery, Delbert A. (VHACLE) <Delbert.Montgomery@va.gov>

Subject: FW: Notice to Union

Good morning,

Please review the attachment for the PACT provider grids

Respectfully,

For all questions and concerns please contact the Work Life Benefits Team
VISN10HRWLB610@va.gov

Nina Tiney

HR Assistant, Employee/Labor Relations

Hours of Duty Mon-Friday 7 a.m to 3:30 p.m.

VISN 10 – Serving Indiana, Michigan, and Ohio

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