



# NATIONAL VETERANS AFFAIRS COUNCIL

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

## NATIONAL GRIEVANCE

NG-2/5/2024

**Date:** February 5, 2024

**To:** Denis Biaggi-Ayer  
Executive Director  
Office of Labor Management Relations  
U.S. Department of Veterans Affairs  
[Denise.Biaggi-Ayer@va.gov](mailto:Denise.Biaggi-Ayer@va.gov)  
[VALMRLitigation@va.gov](mailto:VALMRLitigation@va.gov)  
*Sent via electronic mail only*

**From:** Ibidun Roberts of Roberts Labor Law and Consulting, L.L.C., on behalf of National Veterans Affairs Council (#53) (“NVAC”), American Federation of Government Employees, AFL-CIO (“AFGE”)

**RE:** **National Grievance against the Department of Veterans Affairs for its repudiation and violation of the Master Agreement and National MOUs concerning the use of VATAS for requesting leave.**

## 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 (2023) (“MCBA” or “Master Agreement”), 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 agent on behalf of the U.S. Department of Veterans Affairs (“VA,” “Agency,” or “Department”) for its repudiation and violation of the Master Agreement and National MOUs concerning the use of VATAS for requesting leave in VISN 6.

Specifically, the VA violated Articles 2, 35, 47, and 49 of the MCBA, National MOUs, 5 U.S.C. §7116(a)(1) and (5) and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

## STATEMENT OF THE CASE

### **Background**

Section 1F. of Article 35 of the Master Agreement provides, “Changes to the Department’s automated time and attendance system shall be negotiated in accordance with government-wide law, regulations and this Agreement.” In 2013, the national parties executed an MOU wherein they agreed to the introduction of VATAS as the Department’s web-based

time system used to centralize and standardize time and attendance data. (Attached.) In 2014, the national parties executed another MOU wherein they agreed to the Department's terms of its deployment schedule at facilities nationwide. (Attached.)

Here, the Union has learned that VISN 6 has implemented a new system for requesting leave. On or about January 25, 2024, bargaining unit employees in VISN 6 received a VISN 6 Leave Request User Guide which outlined a process for submitting leave requests through a "[yourHR - Home \(sharepoint.com\)](#) portal." This portal, impacting more than one Local, was not negotiated with the Union as required by Section 1F of Article 35 and Article 47. Further, the Department did not notify the Union of this change in any respect.

The Union specifically reserves the right to supplement this grievance based upon the discovery of new evidence or information, including additional VISNs, of which it is not presently aware.

### **Violations**

As already determined by the Federal Labor Relations Authority in a decision involving these Parties in *U.S. Dep't of Veterans Affairs and AFGE, NVAC*, 72 FLRA 781 (2022), mid-term bargaining over matters covered by a collective bargaining agreement, that amend or change the Parties' agreement, may only take place with mutual consent. By implementing a different system for requesting leave, a matter that is covered by the Parties' agreement, the Department violated, and continues to violate, the following:

- Article 2 of the MCBA: requiring compliance with all federal statutes and governmentwide regulations;
- Article 35, Section 1F.: which requires that a change to the Department's automated time and attendance system be negotiated;
- Article 47: which requires the Department to notify and bargain with the NVAC over proposed changes in personnel policies, practices, or working conditions affecting two or more local unions;
- Article 49 of the MCBA: which requires that the parties have due regard for the obligations imposed by 5 U.S.C. Chapter 71, which includes the requirement that the Department bargain with the Union prior to making changes in conditions of employment;
- 5 U.S.C. §7116(a)(1) and (5): requiring the Agency to consult and negotiate in good faith with the Union and making it an unfair labor practice for an agency to repudiate a negotiated agreement.; and,
- Any other law, rule, regulation, or Master Agreement provision not herein specified.

### **Remedies Requested**

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

- To cease and desist further violations of the MCBA and the FSLMRS;

- To post a notice to all AFGE bargaining unit employees via electronic mail signed by the VISN 6 Director;
- To return to the *status quo ante*;
- To make whole any employee denied leave or charged AWOL for failing to use this new portal;
- To make whole any employee adversely impacted for failing to use this new portal;
- To pay reasonable attorney's fees, if applicable; and,
- To 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. Ibidun Roberts of Roberts Labor Law and Consulting, L.L.C., is the designated representative for this National Grievance. If you have any questions regarding this National Grievance, please contact her at (202) 235-5026 or [iroberts@robertslaborlaw.com](mailto:iroberts@robertslaborlaw.com).

Submitted by,



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cc: Alma L. Lee, President, AFGE/NVAC  
Bill Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC  
Thomas Dargon, Deputy General Counsel, AFGE/NVAC


### Memorandum of Understanding

The following constitutes an agreement between the Department of Veterans affairs (VA) and the American Federation of Government Employees, (AFL-CIO) National Veterans Affairs Council #53, (NVAC) concerning the implementation of VA Time and Attendance System (VATAS) within the Department.

1. AFGE Locals Union Representatives shall be given the training, at their local duty station and /or location on VATAS that being provide by the trainers that attend the national training.
2. VATAS training given to bargaining unit employees shall be on duty time.
3. NVAC reserves its right to address issues related to VATAS as they occur.
4. Upon their receipt the appropriate management official shall provide a copy of this MOU to the Local Union President.

  
Larry Bennett, Staff Director VA LMR  
Department of Veterans Affairs (VA)

8/14/2013  
Date

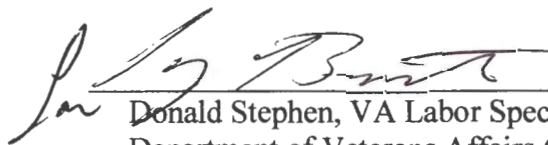
  
Oscar L. Williams Jr., 2<sup>nd</sup> Exec. Vice President  
National VA Council #53 (NVAC)

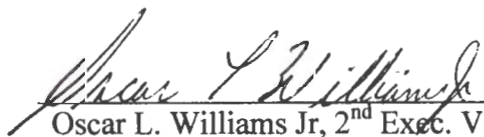
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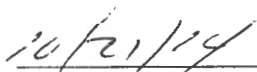
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1. NVAC shall be provided with the deployment schedule for VACO, VBA, VHA, NCA and other Department organizations.
2. AFGE Local Union Representatives shall be given the training, at their local duty station and /or duty location on VATAS that will be provided to employees prior to the deployment at their facility.
3. VATAS training shall be given in different modalities and at various times to bargaining unit employees on duty time.
4. NVAC reserves its rights to address issues related to VATAS as they occur.
5. Upon their receipt the appropriate management official shall provide a copy of this MOU to the Local Union President.

  
Donald Stephen, VA Labor Specialist  
Department of Veterans Affairs (VA)

  
Oscar L. Williams Jr, 2<sup>nd</sup> Exec. Vice President  
AFGE National Veterans Affairs Council #53

  
Date

  
Date