

NATIONAL GRIEVANCE

NG-10/7/2014

Date: October 7, 2014

To: Larry Bennett
For the Deputy Assistant Secretary,
Labor – Management Relations
Department of Veterans Affairs (VA)
810 Vermont Avenue, NW
Washington, DC 20420

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

Subject: National Grievance in the matter of the Department of Veterans Affairs, Maryland Health Care System (“VAMHCS”) for its failure to safeguard employees’ sensitive information and its misapplication of law, rule, or regulation affecting conditions of employment.

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 (“Union”) is filing this National Grievance against you and all other associated VA officials and/or individuals acting as agents on behalf of the VAMHCS for violations as it relates to its failure to safeguard employees’ sensitive information and its misapplication of law, rule, or regulation affecting conditions of employment.

Specifically, on or about August 28, 2014 the VA, by and through its representatives and/or agents:

- (1) Failed to adhere to the VAMHCS Policy Memorandum 512-001/PO-001, Protected Work Area Policy, November 2011;
- (2) Failed to retain employees’ personnel files in a secure location; and
- (3) Failed to afford employees proper regard for, and protection of, their privacy.

In doing so, the VA has violated the following provisions:

- (1) Article 2; Section 1;

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- (2) Article 17, Section 1;
- (3) Article 24, Section 1;
- (4) Article 43, Section 2;
- (5) VAMHCS Policy Memorandum 512-001/PO-001, Protected Work Area Policy, November 2011;
- (6) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

STATEMENT OF THE CASE:

I. Background

On August 28, 2014, a VAMHCS management official's personal vehicle was broken into while parked, unoccupied and unattended outside of federal property. During the breaking and entering, the management official's briefcase was stolen. Included in the contents of the stolen briefcase were Engineering Service employees' service records, which included employee names, social security numbers, dates of birth, health insurance information, and other identifying information. Based on information provided by VAMHCS management, the Union avers that the Baltimore County Police Department investigated the incident and further avers that the briefcase was recovered with its contents, allegedly, intact.

VAMHCS notified employees of the breach via letter on September 9, 2014. In the letter, VAMHCS alleged that, to its knowledge, the disclosed information had not been misused. However, VAMHCS reported the incident to the Privacy Officer and offered twelve months of free credit monitoring through Equifax to affected employees.

VAMHCS Policy Memorandum 512-001/PO-001, Protected Work Area Policy, November 2011 ("the Protected Policy") states that, when transporting sensitive information, the transporting employee must have "written authorization from the employee's supervisor and VAMHCS [Information Security Officer]" ("ISO"). The ISO must provide signed authorization for any documents prior to transport outside of VA protected property. The transporting employee is then required to carry the signed authorization at all times during transport. Lastly, the transporting employee must safeguard information at all times, and *may not leave the information "unattended in a vehicle while away from the home facility"* (emphasis added).

II. Violation

The VA has violated sections of Articles 17, 24, and 43, and the Protected Policy in its failure to safeguard employees' sensitive information. The VA allowed a management official to transport employees' sensitive information without following the Protected Policy's required procedures of obtaining signed authorization from an ISO and maintaining control of said

personnel files. Therefore, the VA failed to retain affected employees' personnel files in a secure location, and failed to afford employees proper regard for, and protection of, their privacy.

III. Remedy Requested

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

- (1) Effective immediately, provide all employees potentially affected by the breach, i.e. all bargaining unit employees – Engineering Services - Local 1923 and Local 331, with three years of free credit monitoring through Equifax.
- (2) Agree to review policies and procedures to ensure that effective safeguards exist to protect employees' sensitive information.
- (3) Provide all managers training on any updated policies and procedures addressing effectively safeguarding employees' information.
- (4) To agree to any and all other remedies appropriate in this manner.

IV. 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 regarding this National Grievance, please feel free to contact me at (202) 997-9262.



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