



(October 27, 2015)

In order to further improve the lines of communication and to respond to the concerns between the National VA Council and you our members, I have established a National VA Council Briefing. This NVAC Briefing will bring you the latest news and developments within DVA and provide you with the current status of issues this Council is currently addressing. I believe that this NVAC Briefing will greatly enhance the way in which we communicate and the way in which we share new information, keeping you better informed.

Alma L. Lee
National VA Council, President

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BEWARE AN ARBITRATOR’S BACK PAY “COMPROMISE”

In late August a case came rolling out of FLRA that has the potential to confuse lots of practitioners. The arbitrator found that the agency had not properly compensated an employee for 12 years of stand-by/call-in work he had performed. However, the arbitrator then wrote that he had “no way of placing a monetary value” on the work performed. Consequently, he threw out a figure of \$24,000 in back pay as a compromise between the parties. See ([AFGE, 68 FLRA 852 \(2015\)](#)) If practitioners on either side of the table are thinking of asking an arbitrator to do the same in some future case, we recommend that you not. Although FLRA upheld this award, it appears that this back pay compromise is a fluke. [Continue reading →](#)

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THE CASE OF THE [SIAMESE TWINS](#)

What else would you call a situation where a union files two grievances covering the same employees for the same time period alleging violations of the same general areas of the contract, law and regulation—with the only difference being the remedies? Those cases are conjoined in every way but one, and if those remedies conflict with one another, even partially, then there is little choice but to separate them. Tragically, that often results in losing one of the cases. For example, [Continue reading →](#)

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BORDER PATROL COUNCIL OVERCOMES CBP DWI ARREST

*FLRA just published a decision describing how the AFGE Border Patrol Council very skillfully overturned a Customs and Border Protection employee's five-day suspension for failing a field sobriety test while off duty and getting arrested. **AFGE, 69 FLRA 1.** It is worth reading if for no other reason than to remind ourselves that an arrest does not equal a conviction. The words below are taken verbatim from FLRA's decision describing the background of the case. [Continue reading →](#)*