



(October 19, 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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**In This Briefing: Fedsmill Articles**  
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FEDSMILL - *"Respect for Employee Rights, Ideas, Insights, Participation and Unions Generates the Power to Improve Government"*

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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.

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THE \$796.00 PER HOUR FEDERAL JOB

Did you know that the feds routinely pay up to \$796.00 per hour for some work? It is not for the President's work. Obama only gets \$200 an hour calculated against a work year of 2087 hours. It is not the person at the GS-15, Step 10 level. S/he only gets about \$79.00 an hour. It is not even the CEO's of the most sophisticated private technology companies in the world who assist the feds through outsourcing to place rockets on Mars, create unimaginably complex security software, or cure Ebola. Under law they can only bill their time at about \$370 an hour. Stumped? [Continue reading →](#)

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WHO IS RESPONSIBLE FOR THIS BEHAVIOR?

A newly hired employee of the Border Patrol asked for a reasonable accommodation because he had a learning disability. An agency psychiatrist diagnosed him as having a learning disability involving his reading, slow rate of work, and short term memory. Here is how EEOC described how the employee's managers reacted. "The SL Supervisor asked for additional documentation to support Complainant's assertion. On that date, Complainant indicated that the alleged harassment began. He said that the SL Supervisor began making predictions about Complainant's purported inability to memorize facts both directly to Complainant and to the FTOs. On the same day, FTO SS made disparaging and embarrassing comments about Complainant to the whole class. FTO SS continued to ridicule Complainant by stating that his daughter at five could remember the station's phone number. The next day, FTO RS told the entire intern class that Complainant could have worked all day and still would not be able to complete the work. On February 13, 2009, FTO VA made sounds of shock and laughed while reviewing Complainant's test on February 13, 2009. On February 18, 2009, FTO SS remarked, while Complainant was reading a Field Observation Report, 'I could read Moby Dick in less time.' In sum, the AJ found that the record supported Complainant's claim that he was openly ridiculed by the FTOs, including FTO RS, FTO SS, FTO VA, and FTO JZ, on various occasions starting in February 2009." Yes, the EEOC found the managers and Field Training Officers violated the law by harassing the employee for filing for a reasonable accommodation, and yes the employee got over \$50,000 in back pay

to soften the blow of ultimately having been terminated. But we want to talk about who is responsible for the managers' behavior. As far as we are concerned, it is... [Continue reading](#) →

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