



(March 21, 2016)

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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[FEDSMILL](#) - *"Respect for Employee Rights, Ideas, Insights, Participation and Unions Generates the Power to Improve Government"*

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DO UNION ATTORNEY FEES VIOLATE NONMEMBERS' CONSTITUTIONAL RIGHTS?

Labor unions are breathing a sigh of relief now that Justice Scalia chose an ultra-rightwing meeting of animal killers to steal the spotlight by following the groups' prey to another place. He looked like a sure vote to uphold a claim by the Christian Educators Association that it violates California public school teachers' Constitutional rights to force them to pay any union dues, even reduced dues. They claimed that one way or another their dues enable a union to spend more money on lobbying causes and election campaigns that the teachers might oppose as individuals. It occurs to us

that there just might be the same problem with attorney fees collected by federal sector unions. Here is how we reach that conclusion. [Continue reading →](#)

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EEOC UPHOLDS LANGUAGE DISCRIMINATION VIOLATION

*When a private contractor being audited by the Defense Contract Audit Agency (DCAA) complained that he could not understand the federal employee auditing him, the management ordered the employee to communicate all messages through a supervisor. Apparently, the contractor had problems dealing not only with the employee's accent, but also her written communications. EEOC had no problem, however, in ruling the agency had discriminated against the employee based on national origin. It ordered the agency to examine the damage done the employee, including emotional damage, and to pay her compensatory damages. They can be as high as \$300,000 and attorney fee awards can be in the same financial range. The agency lost the case because it did not investigate the contractor's complaint to see if the employee's communications were unintelligible, nor did it offer any evidence that anyone else in the agency or that the employee dealt with complained. (See **Gennie L. v. Ashton Carter, DOD**, EEOC Appeal No. Appeal No. 0120122795 (2016)) EEOC's position in language problem cases is that employer's must have legitimate business reasons to base an employment decision on linguistic characteristics and those reasons must justify any burden placed on the employee.*

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A FEDERAL EMPLOYEE MAKES \$6.4 MILLION

And this guy wants to lower federal employee pensions. [Read for yourself from the N. Y. Times.](#)

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ANOTHER EEOC GUIDE

Just a few days ago we pointed you in the direction of the [AFGE Guide to Fighting Discrimination](#) as a great source for employees and their union reps embarking on an EEO charge. But we don't want you to think there are no other great sources for the

inexperienced layperson entering the EEOC maze. Here is another one we really like called EEO21.com.

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