



*(April 22, 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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**In This Briefing:** [FEDSMILL Article: FSIP TUNNEL VISION, OLD CASES, & ADA FOR SHUT-INS](#)

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

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## WHY DOESN'T FSIP GET IT ABOUT DECISION FALLOUT?

*One of our continuing beefs with the Panel is that it regularly fails to consider the long-term fallout of its decisions. For example, it recently rejected a union proposal that assignments to long-term travel TDY be given to the least senior employee when "... there are two or more employees equally qualified for the assignment and there are no volunteers." The Panel employee chose instead this agency proposal, "the decision to assign an employee to long-term TDY will not be based on criteria unrelated to mission." The Panel chose the agency's offer because the union failed to demonstrate a need for its rule and because it thought that management should have the discretion to select an employee with specialized skills and experience. Let's put aside the fact that the union's proposal allowed management to consider specialized skills and experience when determining qualifications, and focus on what can happen next when management tries to implement this clause. [Continue reading →](#)*

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## OMG!!!! REALLY? AFTER 40 YEARS OF CASE LAW.

*Not long ago at all we ran across a case that left us confused about whether to be angrier with the agency or the union. We are not going to identify the parties or the case so that we can say what we really think. (Besides one of the two parties is really, really sensitive about any publicizing of its less-than-admirable representational moments.) The grievance was filed in Austin, Texas in 2009 and the arbitration decision was issued in late 2015. You are probably thinking that it must have been horribly complex or the employee went into a coma for six years or it took years of litigation to get the necessary documents into the record. Nope! It was a simple disagreement over an appraisal score. The employee wanted to be rated one level higher, which would have increased the amount of her annual performance award by \$50.00. So, why did it take six years? [Continue reading →](#)*

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## OUR COMPLIMENTS TO FLRA ON NEW WEB SITE

*We will always remember Carol Pope as the person who not only kept Dale Cabiness from pulling the plug on FLRA, but who also nursed it off life support once Dale resigned. Today, we saw yet another sign of how healthy the Authority has become when we clicked on [FLRA.gov](http://FLRA.gov) and saw a brand new web site. Although the old site was not hostile to readers as some union sites are with their tiny print, word-clogged front pages and inscrutable placement of key data, this one has to rank at the top of the user-friendly sites in government. ([AFGE.gov](http://AFGE.gov) is an example of a top-notch union site.) The routes to different data are clearly presented, the key information resources are just one-click from the home page, and thing is attractive—a key feature of an organization looking to invite people in rather than scare them away. While we are not yet ready to say that FLRA is in tip-top shape, with this bit of modernization out of the way the members can turn their attention to toning up its still sagging parts, such as the glacial speed of the ALJs, and the nearly indecipherable case law around particularized need, formal meetings, past practice, and a few other practitioner-hostile areas.*

Posted in [FLRA](#) | Tagged [Carol Pope](#) | [Leave a comment](#)

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## **ACCOMMODATING EMPLOYEES WHO CANNOT REPORT TO WORK**

*The law firm of [ShawValenza](#) just posted a very interesting article under the title above. We recommend it for those working in the reasonable accommodation area, if only as a useful thought-provoking piece about how creative accommodation can and sometimes need to be.*

Posted in [ADA/ADAAA](#) | Tagged [Telework](#) | [Leave a comment](#)

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## **GRIEVING ULP CHARGES**

*While the traditional place to file a ULP allegation is with the FLRA, there are considerable advantages to grieving it—especially if you make some small changes in your contract grievance procedure. [Continue reading →](#)*

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