

AFGE



Eugene Hudson, Jr.
National Secretary-Treasurer

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National President

Augusta Y. Thomas
NVP for Women & Fair Practices

NATIONAL GRIEVANCE
NG-9/6/16

Date: September 6, 2016

To: Larry Bennett
Staff Director
Department of Veterans Affairs
Office of Labor-Management Relations
810 Vermont Avenue, NW
Washington, DC 20420

From: Thomas Dargon, Jr., Staff Counsel, National Veterans Affairs Council (#53) (NVAC), American Federation of Government Employees, AFL-CIO (AFGE)

RE: **National Grievance in the matter of the Department of Veterans Affairs for its failure to notify NVAC of proposed changes in working conditions affecting two or more local unions and the continuation of VHA Access Stand Down.**

STATEMENT OF CHARGES

Pursuant to the provisions of Article 45, Section 3 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 (“the Union”) is filing this National Grievance against you and all other associated officials and/or individuals acting as agents on behalf of the Agency for violations regarding to the Agency’s refusal to notify NVAC of proposed changes in working conditions affecting two or more local unions and the continuation of VHA Access Stand Down.

On or about June 24, 2016, the VA, by and through its representatives and/or agents, sent a memorandum to two AFGE local unions announcing the implementation of mandatory overtime, thus violating the MCBA and the Memorandum of Understanding between the Agency and the Union regarding VHA Access Stand Down, dated February 23, 2016 (VHA Access Stand Down MOU). To date, the VA has failed to remedy this violation, and as such, the VA continues to violate the MCBA and the VHA Access Stand Down MOU.

Specifically, the VA violated the Article 47 of the MCBA, Section 4 of the VHA Access Stand Down MOU, and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

Background

On or about June 24, 2016, Sharon White, Chief of Medical Administration Service for the Central Texas Veterans Health Care System (CTVHCS), sent a Memorandum entitled “Mandatory Overtime” to Deborah Leach, Trustee of AFGE Local 2109, and Fredna White, President of AFGE Local 1809 [sic]¹ (June 24, 2016 Memorandum).² In the June 24, 2016 Memorandum, Ms. White announced that the CTVHCS would be “mandating overtime to work all scheduling backlogs, to include orders, consults, and recall reminders” and that Medical Administration Service would “work eligibility and enrollment backlogs, to include processing 10-10EZs (all types), the New Enrollee Appointment Request (MEAR), and other miscellaneous reports/actions.” Ms. White also announced, “[t]his is a continuation of the National Stand-Down initiatives to reduce backlogs and increase access.”

Ms. White further stated that the mandatory overtime requirement would be implemented on July 11, 2016, that it applied to “all CTVHCS personnel who schedule appointments or process applications for enrollment,” and that employees would be required to work twelve hours of overtime per month for approximately four months. The June 24, 2016 Memorandum indicated that the Agency would provide training to employees if their work assignments were realigned during the continuation of Access Stand Down.

Article 47 of the MCBA sets forth the contractual obligations of the parties for mid-term bargaining at the local, intermediate, and national levels. Specifically, Section 4(B) requires that the Agency notify the NVAC President, or her designee, with a copy to the affected local unions, of any proposed changes in working conditions affecting the interests of two or more local unions. Additionally, Section 4 of the VHA Access Stand Down MOU requires that “AFGE NVAC will be notified and given the opportunity to bargain, if the Access Stand Down continues at VHA facilities during this fiscal year.” Fiscal Year 2016 covers the time period from October 1, 2015 to September 30, 2016.

In transmitting the June 24, 2016 Memorandum, the Agency violated Article 47 of the MCBA and Section 4 of the VHA Access Stand Down MOU when it attempted to notify two AFGE Locals of proposed changes in working conditions concerning mandatory overtime and the continuation of the Agency’s Access Stand Down initiative. The Agency was required to notify NVAC of this proposed change in working conditions and fulfill its bargaining obligations with the Union at the national level. Instead, the Agency improperly notified local AFGE leadership of its proposals.

Violation

By failing to fulfill its obligations, the VA violated, and continues to violate, the following:

- Article 47, Section 4 of the MCBA: requiring the Agency to notify the NVAC President of proposed changes in working conditions affecting the interests of two or more local unions;

¹ To be clear, Fredna White is the President of AFGE Local 1822. AFGE Local 1809 does not exist.

² A copy of the June 24, 2016 Memorandum is attached as Exhibit A

- Section 4 of the VHA Access Stand Down MOU: requiring the Agency to notify NVAC and afford an opportunity to bargain concerning the continuation of Access Stand Down during Fiscal Year 2016;
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

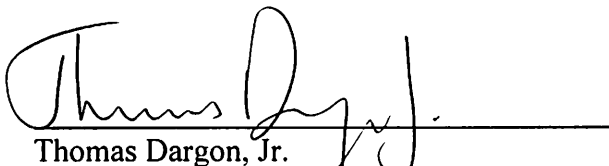
Remedy Requested

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

- To return to the status quo ante until the Agency has properly notified NVAC and provided NVAC an opportunity to bargain the implementation of any proposed changes in working conditions;
- To fully comply with its contractual obligations under Articles 47 of the MCBA;
- To fully comply with its contractual obligations under Section 4 of the VHA Access Stand Down MOU;
- To agree to any and all other remedies appropriate in this matter.

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 the undersigned at AFGE Office of the General Counsel.



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cc: Alma L. Lee, President, AFGE/NVAC
Mary-Jean Burke, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC
Cathie McQuiston, Deputy General Counsel, AFGE

Department of Veterans Affairs

Memorandum

Date:

From: Chief, Medical Administration Service (136)

Subj: Mandatory Overtime

To: ~~Deborah Leach, Trustee AFGE Local 2109~~
~~Fredna White, President AFGE Local 1809~~

Thru: Labor Relations, Human Resources Management Service (05L)

1. To better serve the needs of our Veterans, Central Texas Veterans Health Care System (CTVHCS) will be mandating overtime to work all scheduling backlogs, to include orders, consults, and recall reminders. Additionally, Medical Administration Service (MAS) will work eligibility and enrollment backlogs, to include processing 10-10EZs (all types), the New Enrollee Appointment Request (NEAR), and other miscellaneous reports/actions. This is a continuation of the National Stand-Down initiatives to reduce backlogs and increase access. Once the backlogs have effectively been worked, the mandatory overtime will end. We estimate this could take as long as four months. The implementation date will be July 11, 2016.

2. The mandatory overtime requirement is to complete twelve (12) hours of overtime per month. This requirement applies to all CTVHCS personnel who schedule appointments or process applications for enrollment. This also applies to their supervisors and the management team.

3. To properly address the backlogs, we may realign work assignments to ensure the work gets completed in a timely manner. Personnel will be trained if they are assigned work they do not typically complete. Example: if a Primary Care Advanced Medical Support Assistant is assigned to assist with Specialty Care orders, that person will receive in-depth training and confirmation of understanding prior to being released to complete these duties.

4. To ensure mandatory overtime is not the expected method to complete regular workload, management will be analyzing workload and staff ratios to ensure there is an appropriate balance. Additionally, outstanding orders, consults, recall reminders, 10-10EZs, and the NEAR will be monitored at all levels of management and appropriate actions will be taken to prevent future backlogs.

5. Please let me know when you are available to discuss this proposal. Thank you in advance.

for Sharon D. White
Sharon D. White

