



Out of Many/One Union  
AFGE NVAC/AFL-CIO

# NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees, Affiliated with the AFL-CIO

7S/00374133

## NATIONAL GRIEVANCE

NG-11/6/2017

**Date:** November 6, 2017

**To:** Kimberly McLeod  
Acting Executive Director  
Department of Veterans Affairs  
Office of Labor-Management Relations  
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Washington, DC 20420  
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*Sent via electronic mail only*

**From:** Shalonda Miller, Staff Counsel, National Veterans Affairs Council (#53) (“NVAC”),  
American Federation of Government Employees, AFL-CIO (“AFGE”)

**RE:** National Grievance against the Department of Veterans Affairs for its unilateral implementation of changes to the use of VATAS in violation of Agency policy and the parties’ MOU.

## STATEMENT OF CHARGES

Pursuant to the provisions of Article 43, Section 11 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 (“NVAC” or “the Union”) is filing this National Grievance against the Department of Veterans Affairs (“Agency”) for its failure to notify and bargain with the Union over its requirement that Union officials track official time in the VA Time & Attendance System (“VATAS”). This requirement is also contrary to VA policy and the parties’ prior MOU on VATAS.

The Agency, by and through its representatives and/or agents, has been instructing Union officials and stewards to track usage of official time in VATAS without providing the Union notice and opportunity to bargain. To date, the Agency has failed to remedy this violation, and as such, continues to violate the MCBA, VA Policy, and federal law.

Specifically, the Agency violated 5 U.S.C. 7116(a)(1) and (5), Article 47 of the MCBA, VA Handbook 5023, the 2014 VATAS Memorandum of Understanding (“MOU”), and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.



## STATEMENT OF THE CASE

### **Background**

On a continuing and ongoing basis, and most recently on or about October 16, 2017, local management instructed Union officials in AFGE Local 17 (Fairfax, Virginia), AFGE Local 3314 (Buffalo, New York), and AFGE Local 1862 (Altoona, Pennsylvania) that officers and stewards must record their official time in VATAS. This instruction is contrary to a June 19, 2017 email from VA Labor Management Relations Director of Interventions & Training, Donald Stephen, that reads as follows: “Managers keep track of official time in VATAS by telling the time keeper to enter it in to the system. [U]nion officials are not required to enter their official time into VATAS...” In line with Mr. Stephen’s email, during the Union’s most recent LMR meeting in September, the VA’s presentation of VATAS reiterated that its use was for management, not union representatives. The Agency’s new requirement that union representatives track their official time in VATAS constitutes a change in conditions of employment.

Article 47 of the MCBA sets forth the requirement that the Agency provide notice to the NVAC of any proposed changes to working conditions that affect the interests of two or more local unions. Moreover, it establishes that the Agency must meet its bargaining obligations at the national level before individual facilities may negotiate VATAS recording of official time at the local level. Here, multiple Local facilities were notified of the change and there was no notice to the National mid-term bargaining team, as required by the MCBA.

Local management also violated VA Handbook 5023 which states: “VA does not require facilities to maintain records of the amount of official time granted employees for representational functions.” *See* VA Handbook 5023, Appendix A. Thus, any attempts by the Agency to thereafter maintain such records is ostensibly for its own benefit, not the Union. To date, the only matter that has been negotiated at the national level concerning VATAS is a 2014 MOU wherein the parties bargained over the introduction of VATAS as the Agency’s web-based time system used to centralize and standardize time and attendance data, and established the terms of its deployment schedule at Agency facilities nationwide. Under the terms of the MOU, NVAC expressly reserved the right to address future issues related to VATAS as they arose.

### **Violation**

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

- 5 U.S.C. 7116(a)(1) and (5);
- Article 47 of the MCBA: requiring the Agency to bargain changes in workplace policy that affect two or more locals at the national level;
- VA Handbook 5023: which does not require facilities to maintain records of the amount of official time granted to Union representatives;

- 2014 VATAS MOU: requiring the Agency to negotiate with NVAC over matters concerning VATAS;
- And 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 Agency agree to the following:

- To immediately cease instructing Union officials and stewards to record official time in VATAS;
- To return to the *status quo ante*;
- To fully comply with its contractual obligations under Article 47 of the MCBA, VA Handbook 5023, and the 2014 VATAS MOU; and
- 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 contact the undersigned. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.

Submitted by,



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cc: Alma L. Lee, President, AFGE/NVAC  
Mary-Jean Burke, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC  
Ibidun Roberts, Supervisory Attorney, AFGE/NVAC