

MOU

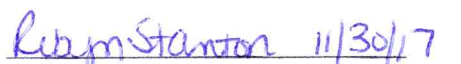
National Veterans Affairs Council, AFGE and U.S. Department of Veterans Affairs

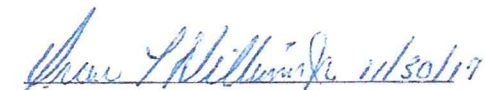
The following constitutes an agreement between the Department of Veterans Affairs, Veterans Health Administration (VHA) and the American Federation of Government Employees (AFL-CIO) National Veterans Affairs Council #53 (Union) concerning ULP Charge WA-CA-17-0518 and Negotiability Petition 0-NG-3385. Union includes its constituent locals. When VHA and Union are discussed together, they will be referred to as "Party(ies)." This Memorandum of Understanding constitutes an agreement concerning how the procedures below regarding the Seasonal Influenza Prevention Program for VHA Healthcare Personnel ("policy") will be implemented with respect to employees represented by the Union.

The following procedures shall apply to bargaining unit employees.

1. The Department will notify all bargaining unit employees about the Seasonal Influenza Prevention Program.
 - a. Each facility will provide notification to bargaining unit employees on the influenza vaccination program prior to October 1 of each year.
 - b. Bargaining unit employees who begin work after November 30 will receive notification of the Influenza Prevention Program in their internal appointment/orientation documents.
 - c. Bargaining unit employees may decline to be vaccinated against influenza for any reason. The employees will check the applicable box from Appendix B of VHA Directive 1192 indicating whether or not they received an influenza vaccination. If an employee prefers not disclose his or her reason for declining the seasonal flu vaccination, he or she should check the box marked "I have another reason" and indicate in the space provided that he or she prefers not to disclose their reason.
2. Vaccination
 - a. Bargaining unit employees vaccinated by non-VA providers will fill out Appendix B indicating that they have been vaccinated and provide that form to Occupational Health Staff.
 - b. Bargaining unit employees that received their vaccination prior to facility leadership notifying the employees of their required participation in the 2017 Seasonal Influenza Prevention Program may attest to their seasonal influenza vaccination and need not provide medical documentation.
 - c. Outside of the requirements for filling out Appendix B, the Department will not ask bargaining unit employees whether or not they received an influenza vaccination, or otherwise attempt to discover whether or not an employee has or has not received the influenza vaccination.
3. Declinations. The signing of Appendix B does not waive bargaining unit employee's rights to privacy on the disclosure of being vaccinated or declining an influenza vaccination.

4. Employees in Violation of this Directive. The Department agrees to follow Article 14 Disciplinary Actions of AFGE/ VA Master Agreement and applicable government-wide regulations and/or law.
5. By filling out Appendix B of VHA Directive 1192, the employee is not authorizing the release of their medical information to anyone other than Occupational Health Staff.
6. The Department will distribute copies of the MOU to all local AFGE presidents.
7. Bargaining unit employees are not required to complete the release of information form, VA Form 10-5345. Medical Information which Occupational Health is not permitted to divulge in Appendix B in the Seasonal Influenza Prevention Program will not be used against the employee unless the employee signs the VA Form 10-5345. Occupational Health Staff will not report the information contained in Appendix B, or any information that would allow an employee to be identified by their influenza vaccination status, unless the employee completes VA Form 10-5345.
8. By execution of this MOU, it resolves the ULP Charge WA-CA-17-0518 and Negotiability Petition 0-NG-3385. Neither Party waives its rights to file a grievance over conflicts in the master agreement and the Seasonal Influenza Prevention Program should they arise.


Robyn Stanton, LR Specialist, VACO
LMR


Oscar L. Williams, Jr.
2nd Executive Vice President
National Veterans Affairs Council #53

Negotiable Proposals

The Agency asserts that the below language is negotiable, and that the parties will bargain over the language.

On the first day that the Union represents an employee, they will be treated the same as all other bargaining unit employees under VHA Directive 1192 except they will be provided two (2) weeks to complete Appendix B.

Tracking and Documentation.

- a. Upon written request, the Union will be provided the same information that management receives from Occupational Health with respect to bargaining unit employees. However, if an employee fills out the VA Form 10-5345, management will not release medical information to the Union. The Union does not waive its right to request such information under Section 7114(b) of the Federal Service Labor-Management Relations Statute.
- b. In addition to the provisions of this MOU, Occupational Health Staff will administer this program in compliance with the OPM System of Records Notice GOV-10 (applicable to Title 5 employees) and Employee Medical File System Records 08VA05 (Title 38) regarding the administration of Occupational Health Records System.

Robyn Stanton 11/30/17
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