



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

NATIONAL VETERANS AFFAIRS COUNCIL

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

7S/00378428

NATIONAL GRIEVANCE

NG-4/24/18

Date: April 24, 2018

To: Kevin Nelson
Labor & Employee Relations Specialist
Office of the Chief Human Capital Officer
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
kevin.nelson2@va.gov
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 in the matter of the Department of Veterans Affairs
Philadelphia Regional Office for its failure to provide separate office space to an
NVAC District Representative.**

STATEMENT OF THE CHARGE

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 you and all other associated officials and/or individuals acting as agents on behalf of the Department of Veterans Affairs, VBA Philadelphia Regional Office (“Agency”), for failure to comply with its contractual obligations when it denied separate office space to the NVAC 3rd District Representative.

Specifically, on a continuing and ongoing basis, and most recently on April 3, 2018, the Agency by and through its representatives or agents, denied Joe Malizia separate office space at the VBA Philadelphia Regional Office to conduct his duties as 3rd District Representative for NVAC.

In doing so, the Agency has violated Article 51, Section 1 of the MCBA which states, in relevant part:

B. [Union office space] shall be equipped with adequate telecommunication lines for most advanced telecommunications technology used by the Department, fax, and computer capabilities equal to those used in the top-level administrative offices in the facility.



C. The Department shall provide to National Union Officers, **District Representatives**, National Representatives, National Safety and Health Representatives, and other Union representatives, **separate space, equipment, etc.**, as provided in this article. (Emphasis added.)

The Agency also violated 5 USC § 7116(a)(1), Article 2 of the MCBA, and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

Background

Joe Malizia currently serves as the 3rd District Representative for the NVAC. At the time of his election as District Representative, Mr. Malizia also served as President of AFGE Local 940. Shortly after his election as District Representative, Mr. Malizia contacted Philadelphia Regional Office Director, Diana Rubens, to request a separate office space and equipment¹ pursuant to the parties' Master Agreement. Ms. Rubens' office denied this request and determined that Mr. Malizia had "more than sufficient space" to conduct both local union services and perform his national duties as District Representative in the offices provided to Local 940. Mr. Malizia's two subsequent requests—most recently on April 3, 2018—were also denied.

Violation

The Agency has committed an unfair labor practice by interfering with the rights conferred upon Mr. Malizia by Chapter 71 of Title 5 of the U.S. Code. Additionally, Article 2 of the MCBA requires that the Agency comply with applicable federal statutes and regulations in the administration of matters covered by the MCBA. Therefore, in violating 5 USC § 7116(a)(1), as set forth above, the Agency also failed to comply with Article 2. Further, Article 51, Section 1 sets forth clear and unambiguous language regarding the Agency's obligation to provide **separate** office space and equipment to certain national level union officials, including District Representatives.

Remedy Requested

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

- To provide Mr. Malizia with separate office space and equipment to carry out his duties as NVAC 3rd District Representative, in a reasonable and agreed upon location;
- To fully comply with its contractual obligations under Articles 2 and 51 of the MCBA; and its statutory obligations under Title 5 of the U.S. Code; and

¹ A non-exhaustive list of equipment to be provided by the Agency to Union offices is enumerated in Article 51, Section 4, and includes a fax machine, color printer, computer and copier.

- 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,



Shalonda Miller
Staff Counsel, National VA Council
AFGE, AFL-CIO
80 F Street, NW
Washington, DC 20001
Tel: 202-639-6424
Fax: 202-379-2928
shalonda.miller@afge.org

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