

**SETTLEMENT AGREEMENT**  
**Between**  
**DEPARTMENT OF VETERANS AFFAIRS**  
**And**  
**NATIONAL VETERANS AFFAIRS COUNCIL,**  
**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO**

**National Grievance – 4/25/13**  
**Arbitration Fees & Procedures**

**I. Introduction**

The National Veterans Affairs Council, American Federation of Government Employees, AFL-CIO (“Union”) and the Department of Veterans Affairs (“VA” or “Agency”) (collectively referred to as “the Parties”) hereby agree to settle all disputes arising out of the Union’s National Grievance, dated April 25, 2013, regarding the payment of arbitrator fees and compliance with arbitration procedures set forth in Article 44 of the 2011 Master Agreement.

**II. Terms of the Settlement**

- A. By execution of this Settlement Agreement (hereinafter referred to as “the Agreement”), the Union voluntarily withdraws its National Grievance, dated April 25, 2013, and waives any and all actions, claims, complaints, grievances, appeals, or proceedings of whatever nature, arising from the allegations contained in the National Grievance, with the exception of any grievances that may arise by reason of breach of any term of this Agreement.
- B. The Agency agrees to fully comply with Article 44, Section 2(D) of the Agreement and remit payment to arbitrators in a timely manner.
- C. As of the date of this Agreement, the Agency requires, as a matter of policy, that arbitrators complete VA Form 10091 (VA-FSC Vendor File Request Form) and be entered into the System for Award Management (SAM) prior to receiving payment for arbitration services rendered. If the Federal Mediation and Conciliation Service (“FMCS”) appoints an arbitrator selected by the parties in accordance with Article 44 of the Agreement, and that arbitrator later refuses to complete VA Form 10091 or otherwise comply with the Agency’s internal requirements, the following procedures will apply:
  - a. Within fourteen calendar days of receiving the arbitrator’s written refusal to comply with the Agency’s internal requirement(s), the Agency will request a new panel of arbitrators from FMCS. The Agency will bear the cost of this request.
  - b. The procedures set forth in Article 44, Section 2 of the Agreement will apply to the selection of a replacement arbitrator and the scheduling of the hearing.

c. If an arbitrator refuses to comply with the Agency's internal requirements and charges a fee or penalty related to the cancellation of a hearing, the Union will not be responsible for any portion of that cost.

D. The procedures set forth in this Agreement will apply to grievances filed at both the local and national level.

**III. Stipulations**

A. The Parties have entered into this Agreement freely and voluntarily.

B. This Agreement does not constitute an admission of guilt, faulty, or wrongdoing by either party.

C. The obligations of the Parties specific above constitute consideration sufficient to render this Agreement enforceable by either party.


D. This Agreement shall not serve as precedent for resolving any other complaints, grievances, appeals, or actions that may be filed.

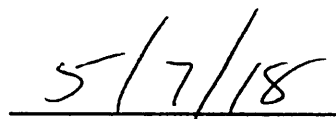
E. This Agreement constitutes the entire understanding between the Parties regarding the resolution and settlement of the National Grievance, dated April 25, 2013, and there are no other terms or commitments, verbal or written, regarding the settlement of the National Grievance.

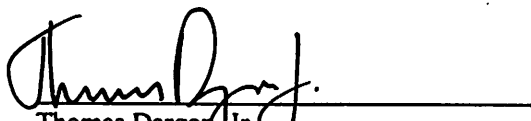
F. Either party may bring a claim in the form of a grievance arising from the breach of any term of this Agreement.

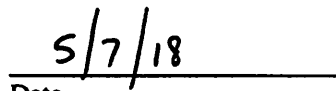
G. This Agreement may not be modified, except by a written agreement signed by the Parties.

**For the Union,**

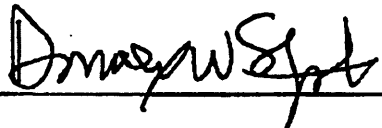
  
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Mary-Jean Burke  
Chair, Grievance & Arbitration Committee  
National VA Council, AFGE

  
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Date

  
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Thomas Dargatzis, Jr.  
Staff Counsel, NVAC  
AFGE, AFL-CIO

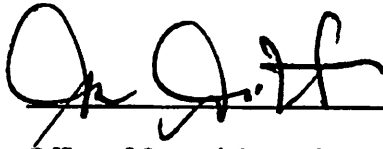
  
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Date

**For the Agency,**

  
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Office of Labor-Management Relations  
Department of Veterans Affairs

5/2/2018  
Date

  
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Office of General Counsel  
Department of Veterans Affairs

5/3/2018  
Date