



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

SAN FRANCISCO REGION
901 Market Street, Suite 220
San Francisco, California 94103-1791
(415) 356-5000 Fax: (415) 356-5017

September 22, 2014

Bertha G. Grijalva
Lead Labor and Employee Relations Specialist
VA San Diego Healthcare System
5120 Shoreham Place, Suite 100
San Diego, CA 92122

Re: U.S. Department of Veterans Affairs
VA San Diego Healthcare System
San Diego, California
Case No. SF-CA-14-0471

Dear Ms. Grijalva:

I have approved the Settlement Agreement in this case. A conformed copy is enclosed. The VA San Diego should now take the following steps:

- Post copies of the enclosed Notice to all Employees in conspicuous places as specified in the Agreement, including all official bulletin boards and other places where notices to employees are customarily posted, for a period of at least 60 consecutive days from the date of the posting. The VA is responsible for making a sufficient number of original size copies to fulfill that obligation, and the VA must take steps to ensure that no Notice is altered, defaced, or covered by other material.
- Distribute an electronic copy of the Notice to all bargaining unit employees as specified in the Settlement Agreement.
- Within five days of receipt of this letter, provide written evidence that the VA has begun to comply with the Agreement. Provide a copy of the Notice, signed and dated by the Facility Director and evidence that electronic copies of the Notice were distributed to rbodnar@flra.gov and msteadman@flra.gov.
- After 60 days, the VA must certify that all requirements of the Agreement have been met, including that the Notice remained posted for the required period. Notification should be sent to rbodnar@flra.gov and msteadman@flra.gov.

When you send any evidence of compliance to this office, you must also send a copy to AFGE. If you require any assistance concerning this matter, contact Robert Bodnar at (415) 356-5000 x 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Perata".

Jean M. Perata
Regional Director

cc: Cathie McQuiston

**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY**

**U.S. Department of Veterans Affairs
VA San Diego Healthcare System
San Diego, California
-Charged Party**

-and-

Case No. SF-CA-14-0471

**American Federation of Government Employees, AFL-CIO
-Charging Party**

SETTLEMENT AGREEMENT

Subject to the approval of the Regional Director for the Federal Labor Relations Authority, the Charged Party and the Charging Party agree to settle the above-captioned case as follows:

POSTING OF NOTICE – After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party. The Notices will be signed and dated by the Facility Director, and then immediately posted in conspicuous places, including bulletin boards and all other places where notices to employees are customarily posted, wherever bargaining unit eligible RNs are located. This includes posting at any clinics where any RNs are found. The Charged Party will keep the Notices posted and maintained for 60 consecutive days from the date of posting.

ELECTRONIC DISTRIBUTION OF NOTICE – The Charged Party will email a copy of the signed and dated Notice to all employees. The message of the e-mail transmitted with the Notice will state: "We are distributing the attached Notice to you pursuant to a Settlement Agreement between the Agency and the American Federation of Government Employees (AFGE) approved by the Regional Director of the Federal Labor Relations Authority's San Francisco Regional Office in Case No. SF-CA-14-0471."

COMPLIANCE WITH NOTICE – The Charged Party will comply with all the terms and provisions of the Notice.

SCOPE OF THE AGREEMENT – This Agreement settles only the allegations in the above-captioned case, and does not settle any other pending cases or matters. This Agreement in no way precludes any person's right to file charges, or the General Counsel's right to investigate and issue complaints, based upon matters that precede the approval date of this Agreement.

PARTIES TO THE AGREEMENT – If the Charging Party declines to become a party to this Agreement and the Regional Director determines that it will effectuate the policies of the Statute, the Regional Director may approve this Agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement will be between the Charged Party and the Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement by filing an appeal with the General Counsel. If the General Counsel does not sustain the Regional Director's approval, this Agreement will be null and void. Approval of this Agreement by the Regional Director constitutes withdrawal of any Complaint and Notice of Hearing issued in this case.

PERFORMANCE – Performance by the Charged Party of the terms and provisions of this Agreement will commence immediately after the Agreement is approved by the Regional Director or, in the event the Charging Party does not enter into this Agreement, performance will commence immediately upon receipt by the Charged Party of notice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE – The Charged Party will notify the Regional Director in writing of the steps it has taken to comply with the Agreement. The Charged Party's compliance notification will be made within fourteen (14) days, and again after sixty (60) days, from the date of the approval of this Agreement, or, in the event the Charging Party does not enter into this Agreement, after the receipt of notice that no appeal has been filed or that the General Counsel has sustained the Regional Director. No further action will be taken in the above case provided the Charged Party complies with the terms and provisions of the Agreement and the Notice.

VA San Diego Healthcare System
San Diego, California
Respondent

By: Jeffrey T. Gering

Date: September 21, 2014

s/Jeffrey T. Gering
Signature

AFGE

Charging Party

By: Cathie McQuiston

Date: September 22, 2014

s/Cathie McQuiston
Signature

Approved: 09/22/2014

By: 
San Francisco Regional Director



NOTICE TO ALL EMPLOYEES



**POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A
REGIONAL DIRECTOR OF THE FEDERAL LABOR RELATIONS AUTHORITY**

We recognize that the Federal Service Labor-Management Relations Statute (Statute) guarantees the rights of our employees to form, join, or assist any labor organization, or refrain from such activity, without fear of penalty or reprisal. The Statute specifically states that labor organizations and collective bargaining in the civil service are in the public interest. Statements which appeared in the June 29, 2014 San Diego Union Tribune do not reflect the government's policy on labor-management relations.

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT make statements, in the news media or otherwise, which suggest that labor organizations are undesirable or unnecessary.

WE WILL NOT, in any like or related manner, interfere with, restrain, or coerce bargaining unit employees in the exercise of any rights guaranteed by the Statute.

U.S. Department of Veterans Affairs
VA San Diego Healthcare System
San Diego, California

Dated _____ By _____
(Signature) Facility Director

**THIS IS AN OFFICIAL NOTICE
THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING,
AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL.**

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Regional Director for the Federal Labor Relations Authority whose address is:

Federal Labor Relations Authority
San Francisco Region
901 Market Street, Suite 470
San Francisco, CA 94103
Telephone: (415) 358-5000

Case No. SF-CA-14-0471