



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

# NATIONAL VETERANS AFFAIRS COUNCIL

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

## NATIONAL GRIEVANCE

NG-1/3/19

**Date:** January 3, 2019

**To:** Tracy Schulberg  
Office of Labor-Management Relations  
Department of Veterans Affairs  
810 Vermont Ave., NW  
Washington, D.C. 20420  
[Tracy.Schulberg@va.gov](mailto:Tracy.Schulberg@va.gov)  
*Sent via electronic mail only*

**From:** Michael A. Gillman, 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 failing to satisfy notice and bargaining obligations concerning the “integration” of the Montana VA Health Care System and the Sheridan VA Medical Center

## 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”), the American Federation of Government Employees/National Veterans Affairs Council (“the Union”) is filing this National Grievance against you and all other associated officials and/or individuals acting as agents on behalf of the Agency for failing to satisfy bargaining obligations with the Union concerning the “integration” of the Montana VA Health Care System and the Sheridan VA Medical Center in VISN 19. To date, the VA has failed to remedy this violation, and as such, continues to violate the MCBA and federal law.

Specifically, the Agency has violated Articles 2, 3, 47, and 49 of the MCBA, 5 U.S.C. §7116(a) and any and all relevant articles, laws, regulations, and past practices not herein specified.

## STATEMENT OF THE CASE

### **Background**

Historically, the Sheridan (Wyoming) VA Medical Center and the Montana VA Health Care System operated as independent medical centers within Veterans Integrated Service Network 19 (“VISN 19”). The Union has learned that the Agency has officially decided to “integrate” these



facilities into a single facility. The Union learned of this official decision on December 4, 2018 via a notice slipped under the office door of the President of AFGE Local 3570. A copy of this notice has been attached to this grievance as Exhibit 1.

Despite the official announcement of the decision to individual bargaining unit employees, the Agency has failed to notify, consult, and negotiate in good faith with the Union prior to the implementation of the integration at issue. The Agency's actions have violated the Master Agreement's requirement that the Agency provide reasonable advance notice to the appropriate Union officials prior to changing conditions of employment of bargaining unit employees. *See* MCBA, Article 49, Section 4. Pursuant to Article 47 of the Master Agreement, this notice must be made to the President of the NVAC or her designee (in this case Oscar Williams, Jr., Chair of the Union's mid-term bargaining committee). At the election of the Union, negotiations must proceed in accordance with procedures set forth in Article 47.

Further, Article 3 encourages the parties to maintain a cooperative labor-management relationship that is based on mutual respect, open communication, consideration of each other's views, and minimizing collective bargaining disputes. By failing to notify, consult, and negotiate with the Union prior to implementing the integration, the Agency renounced its commitments under Article 3 of the MCBA and necessitated further collective bargaining disputes.

In addition to these contractual violations, the Agency's unilateral implementation of this integration constitute bad faith bargaining in violation of 5 U.S.C. §7114(a)(4). The Agency's failure to notify and bargain with the Union in these circumstances is an unfair labor practice under 5 U.S.C. §7116(a)(1) and (5).

## **Violation**

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

- Article 2 of the MCBA, requiring the Agency to comply with federal law and regulations;
- Article 3 of the MCBA, requiring the Agency to maintain an effective, cooperative labor-management relationship with the Union;
- Articles 47 and 49 of the MCBA, requiring the Agency to comply with agreed-upon procedures for mid-term bargaining;
- 5 U.S.C. §7116(a)(1) and (5), requiring the Agency to negotiate in good faith with the Union;
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

## **Remedy Requested**

To remedy the above described violations, the Union asks that the Agency agree to the following:

- Cease and desist the further implementation of the Montana/Sheridan WY integration;
- Return to the *status quo ante* until bargaining obligations are met;
- Fully comply with its contractual obligations under Articles 2, 3, 47, and 49 of the MCBA and its statutory obligations under 5 U.S.C. §7116(a);
- Make-whole any bargaining unit employee adversely affected by the integration;
- Distribute an electronic notice to all bargaining unit employees within the scope of the integration identifying the Agency's violations and reaffirming its obligations under the MCBA and federal law; and
- Agree to any and all other remedies appropriate in this matter.

### **Time Frame and Contact**

This is a National Grievance. The time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions, please contact the undersigned at the AFGE Office of the General Counsel. The undersigned representative is designated to represent the Union in all matters related to the subject of this National Grievance.



Michael A. Gillman  
Staff Counsel, National VA Council  
American Federation of Government Employees, AFL-CIO  
80 F St. NW  
Washington, D.C. 20001  
Tel: 202-639-6424  
Fax: 202-379-2928  
[Michael.gillman@afge.org](mailto:Michael.gillman@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