

AFGE



Eugene Hudson, Jr.
National Secretary-Treasurer

J. David Cox, Sr.
National President

Augusta Y. Thomas
NVP for Women & Fair Practices

7S/00363667

NATIONAL GRIEVANCE
NG-11/2/16

Date: November 2, 2016

To: Kimberly McLeod
Acting Executive Director, Labor-Management Relations
Department of Veterans Affairs
Office of Labor-Management Relations
810 Vermont Avenue, NW
Washington, DC 20420
Kimberly.mcleod@va.gov
Sent via electronic mail

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 for its failure to provide the Union reasonable advance notice of and opportunity to bargain over changes in conditions of employment concerning its unilateral implementation of the QUEST training program**

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 Agency for violations regarding the Agency’s failure to provide the Union reasonable advance notice of and opportunity to bargain over changes in conditions of employment when it unilaterally implemented the QUEST training program for bargaining unit employees (“BUEs”).

On or about October 4, 2016, the Union was notified that the Agency began implementing a VHA Consolidated Patient Account Centers (“CPAC”) Quality Evaluation System Training (“QUEST”), despite a September 2 demand to bargain submitted by the Union. Bargaining on this issue has not been completed.



In doing so, the Agency violated 5 USC § 7116(a)(1) and (5) of the Federal Service Labor-Management Relations Statute (the “Statute”), Articles 27, 37 and 47 of the MCBA, and any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

STATEMENT OF THE CASE

Background

On or about October 4, 2016, the Union was notified that the Agency began implementation of the National CPAC Quality Review QUEST Training for Employees despite a September 2 demand to bargain submitted by the Union. Training began September 28; yet, bargaining has not completed. QUEST is a web-based performance program that tracks the accuracy of claims processing by CPAC employees. At this time, the Union is aware that BUEs in the Mid-Atlantic CPAC were ordered to complete the training, but reserves the right to supplement the list of affected employees until the grievance is resolved.

Article 27 of the MCBA establishes the framework by which the Union and the Agency seek to improve workplace performance. It requires the involvement of the local union whenever the Agency attempts to change or establish new performance standards. It further requires the Agency provide bargain at the national level before attempting to change, add to, or establish new elements and nationwide performance standards.

Article 37 of the MCBA establishes a local joint training committee so Union and Agency officials can collaborate over the development of training and career development programs. Not only has the Agency elected to forego the development of this committee to address QUEST; it continues to ignore the bargaining demand submitted by NVAC’s Mid-Term Bargaining Committee.

Article 47 of the MCBA sets forth the parties’ contractual obligations for mid-term bargaining at the local, intermediate, and national levels. Specifically, Section 4(B) requires that the Agency provide notice to the NVAC President, or her designee, with a copy to the affected local unions, of any proposed changes in working conditions affecting the interests of two or more local unions. Here, it is clear the Agency’s attempts to implement a national program for quality reviews would trigger its obligations under this Article.

Violation

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

- Article 27, Section 5 of the MCBA: requiring the Agency provide notice and opportunity to bargain over any planned changes to the performance appraisal process;

- Article 37, Sections 2 and 9 of the MCBA: requiring the Agency to collaborate with the Union when developing training and career development opportunities;
- Article 47, Sections 2 and 4 of the MCBA: requiring the Agency to meet its bargaining obligations at national and local levels of the Union;
- Sections 7116(a)(1) and (5) of the Statute: recognizing the Union as the exclusive representative of BUEs, thereby entitling it to advance notice and opportunity to bargain over changes in conditions of employment; and
- Any and all other relevant articles, laws, regulations, customs, and past practices not herein specified.

Remedy Requested

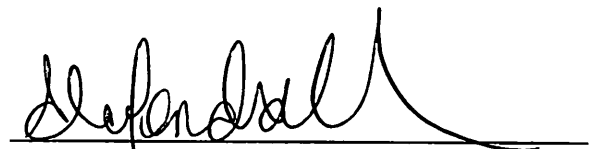
The Union asks that, to remedy the above situation, the VA agree to the following:

- To immediately schedule, meet and confer with the Union concerning its bargaining obligations and work with the Union until its bargaining obligations are met;
- To immediately cease and desist implementation of the QUEST program;
- To fully comply with its contractual obligations under the MCBA;
- 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 feel free to contact the undersigned at the number below.

Submitted by,



Shalonda Miller
Staff Counsel, National VA Council
American Federation of Government
Employees, 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
Cathie McQuiston, Deputy General Counsel, AFGE/NVAC