



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

NATIONAL VETERANS AFFAIRS COUNCIL

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

7S/00364742

NATIONAL GRIEVANCE

NG-12/13/16

Date: December 13, 2016

To: Kimberly McLeod
Acting Executive Director
Department of Veterans Affairs
Office of Labor-Management Relations
810 Vermont Avenue, NW
Washington, DC 20420
kimberly.mcleod@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 for its failure to comply with Article 29 of the Master Agreement and 29 CFR Part 1960 concerning training for Local Safety and Health Representatives

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), 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 Department of Veterans Affairs (“Agency”) for failure to comply with Article 29 of the Master Agreement and 29 CFR Part 1960 concerning training for Local Safety and Health Representatives.

On or about October 22, 2016, NVAC was notified that the Agency denied training to the safety and health representative at AFGE Local 1557. The Agency’s refusal to provide training to local health and safety representatives is an ongoing and pervasive problem, and was once the subject of a National Grievance filed in May 2013. At this time, NVAC is aware of the following local unions affected by the Agency’s failure to provide local safety and health training: Local 1557 (Denver, Colorado), Local 1915 (Columbia, South Carolina), Local 2779 (Gainesville, Florida) and Local 2408 (San Juan, Puerto Rico), but reserves the right to supplement this list until the grievance is resolved. To date, the Agency has failed to remedy this violation, and as such, the Agency continues to violate the MCBA and federal law.



Specifically, the Agency violated the Articles 2 and 29 of the MCBA, 29 C.F.R. 1960, 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 22, 2016, NVAC was notified that the Agency denied training to the safety and health representative (“S&H Rep”) at AFGE Local 1557 in the Denver Regional Office. Specifically, on October 26, 2016, VA Central Office was offering training entitled “*Local Union Safety Representative Teleconference: Global Harmonization of Hazard Communication.*” The S&H Rep was told by facility management the training offered did not qualify as joint training and was further told that the materials being covered were more appropriate for a health facility, rather than a Regional Office. The Agency’s refusal to provide training to local health and safety representatives is an ongoing and pervasive problem, and was once the subject of a National Grievance filed in May 2013, which remains unresolved.

Article 29 of the MCBA sets forth contractual obligations for Agency to establish and maintain an “effective and comprehensive Occupational Safety and Health Program” to create “conditions of employment which are free of recognized hazards and unhealthful working conditions.” Section 8 of that Article specifically provides that the Agency will provide basic and specialized safety and health training for Union S&H Reps.

The language of the aforementioned Article is consistent with the training requirement set forth in 29 C.F.R. 1960 and its subparts, which further provide that such training must equip union representatives with the tools to “function appropriately in ensuring safe and healthful working conditions and practices in the workplace” and “effectively assist in conducting workplace safety and health inspections.”

Violation

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

- Article 2, Section 1: requiring the Agency to comply with federal law;
- Article 29, Section 8 of the MCBA: requiring the Agency to provide training to local S&H Reps;
- 29 C.F.R. Part 1960 and its subparts: requiring the Agency to provide appropriate levels of training for union representatives; 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 Agency agree to the following:

- To agree to arrange for Local S&H Reps to attend the next available safety and health training;
- To require all Agency managers be trained on safety and health rights as set forth by the MCBA;
- To meet its statutory obligations to the Union;
- To fully comply with its contractual obligations under Articles 2 and 29 of the MCBA; and
- 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 AFGE Office of the General Counsel.

Submitted by,



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cc: Alma L. Lee, President, AFGE/NVAC
Mary-Jean Burke, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC
Cathie McQuiston, Deputy General Counsel, AFGE/NVAC