

NATIONAL GRIEVANCE
NG-07/5/2012

Date: July 5, 2012

To: Leslie Wiggins
Deputy Assistant Secretary,
Labor – Management Relations
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

From: Ibidun Roberts, Attorney, National Veterans Affairs Council (#53) (NVAC), American Federation of Government Employees (AFGE), AFL-CIO

Subject: National Grievance in the matter of the Department of Veterans Affairs (VA) failure to comply with Article 35, Section 17, concerning the granting of donor leave for employees who participate in sponsored or endorsed blood donation.

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 (Union) is filing this national grievance against you and all other associated Department of Veterans Affairs (“VA”) officials and/or individuals acting as agents on behalf of the VA for violations as it relates to its failure to comply with Article 35, Section 17, concerning the granting of donor leave for employees who participate in sponsored or endorsed blood donation.

Specifically, on or about April 30, 2012 and continuously thereafter, the VA, by and through its representatives and/or agents, has issued a HRML which has been interpreted to limit the amount of donor leave that can be approved by Supervisors for employees participating as blood donors.

In doing so, the VA has violated the following provisions:

- (1) Section 17 of Article 35; and
- (2) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

STATEMENT OF THE CASE:

I. Background

During a Minneapolis VHA staff meeting, Supervisors instructed staff that they must return to work for the remainder of their shift immediately after completing the donor process. Because

Minneapolis Locals 3669 and 1969 have a past practice of allowing 4 hours of donor leave for blood donors, a Union Officer inquired of Kevin W. Upham, Minneapolis VHA Human Resources Director. On May 31, 2012, Mr. Upham sent a copy of a HRML he had received from the VA Central Office with an example illustrating fixed times for travel, donation, and rest and recuperation. (See Attachment A) These Supervisors have interpreted this language to mean that they no longer have discretion to approve donor leave beyond a standard donation time for all participating employees in violation of the language found in Article 35, Section 17.

II. Violation

The April 30, 2012 HRML has been improperly interpreted to remove the Supervisors contractual discretion in determining the appropriate amount of donor leave on a case-by-case basis. The HRML also fails to account for relevant local past practices.

III. Remedy Requested

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

- (1) To provide guidance describing proper considerations for Supervisors in determining appropriate leave, including, but not limited to, travel, wait times, and individual rest and recuperation times;
- (2) To review all donor employees' individual circumstances for potential leave adjustments, and credit any employees' leave allocations based on the review;
- (3) To agree to recognize all Local past practices until appropriate bargaining has occurred; and
- (4) To agree to any and all other remedies appropriate in this matter.

IV. 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 me at (202) 480-0064.

Ibidun Roberts
Attorney
AFGE/NVAC

Cc: Alma L. Lee, President, AFGE/NVAC
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC

Attachment A

Department of Veterans Affairs
Washington, DC

Worklife and Benefits Service (058)

FLYER

Leave 12-04
April 30, 2012

TO: Chief, HRMS

SUBJ: Granting of Authorized Absence for Blood Donor Programs

This Flyer provides Human Resources (HR) offices with guidance regarding the use of authorized absence for blood donor programs.

VA Handbook 5011, Part III, Chapter 2, paragraph 12e, and Part III, Chapter 3, paragraph 9e, provides the authority to grant authorized absence for any period of the day needed for rest and recuperation when participating in uncompensated blood donor programs, such as the American Red Cross. Additionally, it is also appropriate to grant authorized absence for reasonable time spent traveling to and from the blood donation site, processing in, and time needed to draw blood. However, it is **not** appropriate to grant additional authorized absence as a "thank you" or as an official or unofficial time off award for donating blood as donating blood is a voluntary action on the part of the employee. Granting of authorized absence that exceeds policy could be construed that the Department of Veterans Affairs is paying our employees to donate blood.

Example. On April 9, 2012, an employee donates blood during a local blood drive. Time required for this donation is:

- 5 minutes to walk to the donation site;
- 10 minutes to complete the necessary paperwork;
- 10 minutes to draw blood;
- 30 minutes for rest and recuperation; and
- 5 minutes to walk back to work.

Since the total time needed for this blood donation is one hour, granting of one hour of authorized absence is appropriate.

Inappropriate uses of authorized absence. Inappropriate uses of authorized absence include, but are not limited to:

- Using the example above, granting an additional 3 hours of authorized absence in order for the employee to receive a total of four hours authorized absence for donating blood based on the mistaken belief that employees are entitled to 4 hours of authorized absence for giving blood regardless of the time needed for the donation;
- Granting additional authorized absence, to be used at a later date, to thank the employee for donating blood; or

- Granting an official or unofficial 4-hour time off award to thank the employee for donating blood. **NOTE:** Granting of time off awards must be consistent with VA Handbook 5017, Employee Recognition and Awards. Official time off awards may **not** be granted to employees for donating blood.

We appreciate HR office cooperation in ensuring that granting of authorized absence for blood donor programs is consistent with VA Handbook 5011 and this guidance.

**Office of Human Resources and Administration
Office of Human Resources Management**