



U.S. Department of Veterans Affairs
Office of the Chief Human Capital Officer

VA Central Office
Washington, DC

February 21, 2023

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER (OCHCO) BULLETIN

1. **PURPOSE.** This OCHCO Bulletin provides guidance on three Memoranda of Understanding (MOU) reached between the Department of Veterans Affairs (VA) and the National Federation of Federal Employees (NFFE) on February 2, 2023.
2. **BACKGROUND.** VA and NFFE representatives met the week of January 30, 2023, to negotiate three MOUs related to parental leave, delegation of NFFE Council President's official time, and expedited hiring in the VA. The MOUs alter certain provisions of the [VA-NFFE Collective Bargaining Agreement](#) (CBA) and are effective immediately.
3. **COVERAGE.** The MOUs and this Bulletin only apply to NFFE Bargaining Unit Employees (BUE) and the facilities that employ them. It does not apply to BUEs or positions in any other union.
4. **PROCEDURES.** As a result of the MOUs the following changes must be implemented immediately:

PARENTAL LEAVE MOU - Article 22: *LEAVE* of the VA/NFFE CBA provides language relevant to parental leave and the Family Medical Leave Act (FMLA). As specified in the MOU, the provisions of Article 22 continue to be in effect. The Parental Leave MOU specifically adds the following language as an entitlement to NFFE BUEs above and beyond CBA entitlements: **"The VA shall grant an additional 160 hours of unpaid leave related to the birth of a child, adoption, or foster care. This additional unpaid leave can be used in conjunction with FMLA and FEPLA [Federal Employees Parental Leave Act]."**

DELEGATION of NFFE COUNCIL PRESIDENT OFFICIAL TIME MOU - Article 2: *UNION RIGHTS and REPRESENTATION*, Section 8, grants the VA NFFE Council President (President) 100% official time. The CBA does not include language to provide for instances when the President is no longer employed by the VA (i.e., retired VA employee) or when the President is otherwise unable to

use the official time due to an absence. The MOU establishes a process for the delegation of the President's official time in these instances. This MOU only applies to the official time of the VA NFFE Council President, not Local NFFE Presidents.

When the President will be unavailable to use the official time due to absence of more than two weeks, the official time can be delegated to the NFFE VA Council Secretary/Treasurer to assume the role of the President. The Secretary/Treasurer may redelegate that official time as specified in Paragraph 2B of the MOU to any other member of the VA NFFE National Council (i.e., Council Secretary/Treasurer, 5 Council Vice Presidents, and National Safety Officers).

In accordance with Paragraph 3 of the MOU, when the President is no longer employed by the VA, the 100% official time that would otherwise be granted to the President can be delegated to any NFFE BUE or local officer to perform duties of the NFFE National VA Council, or to increase existing allotments of official time of any NFFE National VA Council Officer. Each delegation may not exceed 30% official time for any one designee. The totality of delegations cannot exceed an aggregate of 100%. See example below.

BUE	Current official time allocation	Delegation of President's official time	Total official time allocation
#1 BUE	None	30%	30%
#2 Local Officer	10%	30%	40%
#2 Local Officer	20%	20%	40%
#3 National Midterm Bargaining Chair	40%	20%	60%

Once the NFFE President notifies the Office of Labor Management Relations (LMR), the parties will work together to expedite the implementation of the allocations by allowing the designated representative to utilize the official time within 14 calendar days of the delegation, unless pressing work requirements such as patient care necessitate a brief delay.

EXPEDITED HIRING MOU - Article 11: *MERIT PROMOTION & VACANCY ANNOUNCEMENTS (TITLE 5)*, and Article 18: *VACANCY ANNOUNCEMENTS (TITLE 38 AND Title 38 Hybrids)* Excludes Physicians, Dentists, Podiatrists and Optometrists, provide for negotiated terms to follow when hiring NFFE BUEs. The purpose of this MOU is to improve processes to promote expedited and more efficient hiring. The MOU supersedes any language in the CBA and local agreements directly in conflict with the MOU.

Article 11, Section 5A and Section 5B:

The MOU specifies the following in Paragraph 3, **“For Title 5 positions, regarding vacancy announcements, postings, and distributions, these are the only requirements: The VA will post vacancy announcements in USAJOBS for a minimum of three (3) workdays or for a lesser period if the vacancy announcement establishes a limit to the number of applications it will accept. There are no exceptions for employees who are on approved absence for the duration of the open period.”** This provision in the MOU impacts language in Article 11, Section 5, Postings. Section 5A required vacancy announcements to be posted on designated facility bulletin boards within the areas of consideration. That is no longer required. Vacancy announcements were required to be posted for 15 calendar days. Announcements for Title 5 positions are now only required to be announced in USAJOBS for a minimum of three (3) workdays, or for a shorter period if the agency establishes a limit to the number of applicants it will accept, and that number is reached before the closing date of the announcement. Section 5B allowed employees on approved absence during the entire announcement period to submit late applications. That practice is no longer allowed by the MOU.

Article 11, Section 4B:

The MOU specifies the following in Paragraph 5: **“The agency may select from any appropriate source without regard to areas of consideration.”** This provision impacts Article 11, Section 4, Areas of Consideration, B. The CBA required a first area of consideration to be facility-wide and the second area of consideration to be VA-wide. It also allowed for local agreements to narrow or expand the first area of consideration. These are no longer required.

Article 11, Section 6:

The MOU specifies the following in Paragraph 6: **“There are no requirements to use rating, ranking, or interview panels.”** This impacts Article 11, Section 6, Evaluation, Ranking and Rating Panel. The requirements of this section are no longer applicable.

Article 11, Section 7B:

The MOU specifies the following in Paragraph 7: **“There is no requirement to interview all candidates from a certificate if one candidate is interviewed.”**

This impacts Article 11, Section 7B. The contract required the selecting official to interview all candidates referred at a particular grade level, if one candidate was interviewed from a certificate for a specific grade level. That is no longer required. The selecting official can interview candidates at will or can decide not to interview.

Article 18, Section 3A, Section 3B, & Section 3C:

The MOU specifies the following in Paragraph 4: **“For Title 38 and Hybrid Title 38 positions there are no requirements to create, post, or distribute vacancy announcements. Should the agency post a vacancy announcement, selections can be made at any time during the open period.”** This impacts Article 18, Section 3A, Section 3B, and Section 3C, Posting and Notices.

The MOU specifies the following in Paragraph 5: **“The agency may select from any appropriate source without regard to areas of consideration.”** This impacts Article 18, Section 3A.

NOTE: For recruitment purposes (e.g., posting vacancy announcements, considering qualified candidates, making selections, etc.) VA HR professionals must comply with Office of Personnel Management regulations, related guidance and VA policy requirements. For questions regarding recruitment considerations, staffing policy and/or related guidance, please email the OCHCO, Recruitment and Placement Policy Service at vatitle5staffingpoli@va.gov.

- 5. QUESTIONS. Please direct any questions to VACO LMR Field Advisory Questions,** vacolmrfaq@va.gov

Issued by: VA/OCHCO/Office of Labor Management Relations (LMR)