**NATIONAL FEDERATION OF FEDERAL EMPLOYEES**

**VA COUNCIL OF CONSOLIDATED LOCALS**

Leslie B. Wiggins

Deputy Assistant Secretary for LMR

Washington DC, 20420

RE: National Grievance

Dear Ms. Wiggins:

NFFE received a proposal regarding the use of Unlicensed Assistive Personnel on October 2, 2012. Shortly after receiving this proposal, we requested to bargain per our new Master Agreement, Article 8, § 2 (D). Briefings commenced and on November 10, 2012 NFFE had our final briefing with Mr. Edson Morales, Karen Ott (RN), other Agency officials and our bargaining team. Mr. Morales (LMR) requested all NFFE counter proposals, being frustrated at the slow pace of scheduling the briefings. We were asked to have our counterproposals in by Wednesday, November 14, 2012.

On November 14, 2012 the NFFE Chief, Link Miles mother passed and he notified VA that he was unable to send VA our Counter Proposals the 14th. He sent these the 16th.

On November 16, 2012 Mr. Morales (LMR) notified Mr. Miles that despite his mother’s passing, the Department of Veterans Affairs was moving forward with its plans to implement the UAP Proposal. Mr. Morales “cherry picked” choice responses where NFFE Team members were unable to make briefing calls; leaving out the times when he or his VA Managers were unable to make calls. Mr. Morales’ assertion was that the NFFE contract provides for a strict 30 day deadline for the Agency to receive Counterproposals.

NFFE asserts that failing to allow us time to properly respond is a violation of our Master Agreement, Article 8, § (F). Briefings have always been considered as a seeking of data (information) and serve as a mechanism for the Union to better understand the Proposal (subject matter) and proffer reasonable counterproposals. Obviously, Section F exists because without fully understanding the content being proposed, it is not reasonable for NFFE to reply with Counterproposals. It is for this very reason, the Parties bargained over and agreed to the provision in Section F.

The Department erred when it failed to properly extend the timeframes for NFFE to respond in accordance with our Master Agreement, Article 8, § F.

Notwithstanding our contention that the e-mail message to Mr. Miles was inappropriate; serving notice of Agency intent to implement, VA is factually wrong when it interprets Section D absent Section F of our Master Agreement.

NFFE received the Proposal October 2, 2012. We requested to bargain within 15 work days in accordance with Article 8, § D. We sought Data (briefings) in accordance with Article 8 § F. We concluded briefings, receiving all relevant data on November 10, 2012. Therefore, NFFE has 30 days from November 10, 2012 to submit counter proposals, or December 10, 2012. The fact we couldn’t meet a unilateral deadline imposed by VA LMR is inconsequential to our request to negotiate and timeframes for submitting proposals.

**REMEDY SOUGHT**

The NFFE VA Council of Consolidated Locals seeks a remedy whereby VA returns to the bargaining table, considers our well-developed counterproposals as timely submitted, and participates in the creation of a Memorandum of Understanding to which e are entitled under Chapter 71, 5 USC and our CBA.

As always, I look forward to a swift and fair resolution to this matter.

R. E. Redding, President

NFFE VA Council

AFL-CIO

cc: NFFE Midterm Team, Mils, Perry, Bond

 Stefan Sutich, NFFE GC