

MEMORANDUM OF UNDERSTANDING

The following agreement is between the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) (Employer) and the National Federation of Federal Employees (NFFE), VA Council of Consolidated Locals (Union) regarding *VA Directive 0700 & VA Handbook 0700*.

1. When a bargaining unit employee (BUE) is selected as subject matter expert (SME), to assist the Investigation Board, the BUE will be provided technical guidance on their role and responsibility as a SME.
2. On an annual basis, the Department will conduct a single virtual training on DIR/HDBK 0700 for union representatives interested in AIBs and Fact-Finding. The Department will coordinate a date with the Union National Office and the Union National Office will provide the Department with the name and facility of each local union representative who will take the training. Each Local union may select one representative from each local to receive the training. The union officials attending the training will be provided training materials i.e. media presentations, handouts, etc. used to support training. Training will be revised, on an annual basis as needed, to reflect the current practices and scenarios. If training modality changes to in-person training at a later date, an invitation will be extended to the Union.
3. At the election of the BUE, the Union shall be given the opportunity to be present at any examination of any unit employee by a management official in any investigation in accordance with 5 USC § 7114, also known as Weingarten Rights.
4. When an employee seeks union representation, the union representative will not be limited to the role of an observer. The union representative may not behave in a manner that obstructs the investigation.
5. Requests for information will be handled in accordance with Chapter 71 and confidentiality laws, including the Freedom of Information Act (5 U.S.C. §552) and VA's implementing regulations.
6. Employees will be informed if they are the subject of an investigation or nature of the allegation(s), as soon as practicable without compromising the integrity of the investigation. The Department will meet contractual obligations, consistent with Article 3 of the contract.
7. Management will strive to follow the suggested timelines for fact-findings investigations as described in VA Handbook 0700.
8. This MOU will expire at the issuance of a successor MOU on VA Directive and/or Handbook 0700 related to AIBs and/or Fact-Findings, changes to policy, a newly implemented Collective Bargaining Agreement, or by a request to reopen by either party.

9. Copies of this MOU will be distributed by appropriate local Management official to the NFFE local president on completion. This MOU will be posted on VA LMR website.

LTosha Condak

Labor Relations Specialist
Department of Veterans Affairs (VA)

May 3, 2022

Date



Labor Consultant
Veterans Health Administration (VHA)

05/08/2022

Date

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Jeffrey Shapiro
President, NFFE-IAM, VA Council