

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 Notice 23-0X Separation Procedures for Certain Title 38 Probationary Employees.

1. Employees may request and receive training related to VA Notice 23-0X Separation Procedures for Certain Title 38 Probationary Employees. Any such training will be done on duty time.
2. At any time that management identifies that a bargaining unit employee is not meeting requirements of successful employment, in accordance with the Master Agreement, Article 3, section 16, the supervisor will provide the employee counseling. The Agency will periodically review the employee's performance during the probationary period and shall inform the employee, in writing, of any shortcoming, deficiencies in performance, or instances of misconduct perceived by the supervisor as they occur. Supervisors are encouraged to provide performance feedback on a regular, recurring basis, and make a sincere effort to orient employees and provide training necessary to perform the duties of the position.
3. Upon request, supervisors will meet with employees and their representatives to discuss any questions or concerns employees may have regarding work or performance expectations. In Accordance with Article 2, Section 2(A), the Union will be given the opportunity to be present at a formal discussion between management and (a) member(s) of the bargaining unit. In Accordance with Article 2, Section 2(B), employees will be notified of their rights under Weingarten in advance of an investigatory examination, and the Union shall be present for an investigatory examination if an employee makes such a request for representation under Weingarten.
4. Employees will be given notice when the Agency is investigating their conduct or performance as soon as practicable without compromising the integrity of the investigation.
5. Affected bargaining unit employees will receive advance notice and an opportunity to provide written or oral evidence they believe appropriate to a Summary Review Board. Agreed
6. Prior to referring an employee to a Summary Review Board concerning matters of performance, supervisors will review the employee's proficiency report, if available; supervisors should also review any other relevant evaluations or feedback relating to the employee's performance of their job duties.

7. Employees will be provided an opportunity to review and respond to evidence in advance of it being submitted to a Summary Review Board.
8. Bargaining unit employees may at any time request to meet with their supervisor to review expectations. A bargaining unit employee who experiences a change in supervisor, will be provided an opportunity to meet with the new supervisor.
9. The Agency will meet its labor obligations for any changes of working conditions that is more than de minimis to VA Notice 23-0X Separation Procedures for Certain Title 38 Probationary Employees, or related policies or procedures drafted and implemented at local facilities. Any local agreements reached cannot conflict with the Master Agreement, this MOU, or national policy.
10. This MOU can be reopened in 3 years by either party, expires at the issuance of a successor MOU related to VA Notice 23-0X Separation Procedures for Certain Title 38 Probationary Employees or the termination or replacement of VA Notice 23-0X Separation Procedures for Certain Title 38 Probationary Employees.
11. This MOU does not prevent the Department from making future changes to the VA Notice 23-0X Separation Procedures for Certain Title 38 Probationary Employees. If changes result in a change of working conditions that is more than de minimis, NFFE will be provided notice and an opportunity to bargain.
12. Copies of this MOU will be distributed to management and the NFFE local president/or designee at each NFFE local within (10) ten days of the date this MOU is signed. This MOU will be posted on VA LMR website.

7/13/2023

7/15/2023

X Michael J Clements

Michael J Clements
Labor Relations Specialist, Department of V...
Signed by: Michael J. Clements 106004

X Jeffrey Shapiro

Jeffrey Shapiro
President, NFFE-IAM, VA Council
Signed by: Jeffrey J. Shapiro 535490

7/17/2023

X Brandon T. Hickok

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