

To: Leslie Wiggins, Assistant Secretary for LMR

Date: Friday July 8, 2011

Re: National Grievance

In May of 2010, Obama signed the *Caregivers and Veterans Omnibus Health Service Act of 2010*, now referred to as Public Law 111-163. This act, among other requirements, amended the federal code regarding the employment conditions of our bargaining unit employees, specifically in sections 601 and 602, it amends Title 38, Part V, Chapter 74 in significant ways – none of which have been adopted by the agency. We charge that in failing to adopt and implement policies consistent with this new law, the VA is acting in violation of this law and our contract, specifically, in the following areas (though not limited to):

- 1. Shift Differential and Premium Pay for work performed on evenings/nights and weekends**
 - a. The act amended §7453 to effectively provide for shift differential pay for all work performed between 6pm and 6am during the week, and premium pay for all work performed on the weekends, clarifying any prior ambiguity regarding eligibility and expanding such rights to part-time employees.
- 2. Probationary Period for part-time employees**
 - a. The act effectively defined all work performed as a part-time employee as time served towards the completion of a probationary period.
- 3. Mandatory Overtime under non-emergency circumstances**
 - a. The act created a new subsection under article §7459. Nursing staff: special rules for overtime duty. This section effectively prohibits the agency from mandating overtime except in emergency situations. It also specifically prohibits the discharge, discipline or any other adverse action taken against an employee for refusal to work hours prohibited by this section.
- 4. Exemption for Certified Registered Nurse Anesthetists from limitations on authorized competitive pay**
 - a. Section 7451(c)(2) was amended to remove the maximum rate of pay, specifically by adding: “The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.”

Requested Remedy

We request that the VA immediately adopt and implement policies consistent with this Act, and make all affected nurses whole in all ways.