



**NATIONAL VETERANS  
AFFAIRS COUNCIL**  
American Federation of Government Employees  
AFFILIATED WITH THE AFL-CIO

September 13, 2011

**DELIVERED VIA ELECTRONIC AND U.S. MAIL**

Department of Veterans Affairs  
ATT: Leslie Wiggins  
Deputy Asst. Secretary, Labor- Management Relations  
810 Vermont Ave., NW  
Washington, DC 20420

**RE: National Grievance 9/13/2011**

Dear Ms. Wiggins,

Please find the attached national grievance, NG-9/13/2011, concerning the Department of Veterans Affairs failure to comply with national memorandum of understanding on Patient Centered Medical Home.

Please contact me at your earliest convenience so we may discuss this matter.

Sincerely,

Ami M. Pendergrass  
Staff Attorney  
AFGE/NVAC

Cc: Alma Lee, William Wetmore, Oscar Williams  
Enclosures

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NATIONAL GRIEVANCE  
NG-9/13/2011

**Date:** September 13, 2011

**To:** Leslie Wiggins  
Deputy Assistant Secretary,  
Labor – Management Relations  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

**From:** Ami Pendergrass, Attorney, National Veterans Affairs Council (#53) (NVAC), American Federation of Government Employees (AFGE), AFL-CIO

**Subject:** National Grievance in the matter of the Department of Veterans Affairs (VA) failure to comply with June 9, 2010 national memorandum of understanding concerning Patient Centered Medical Home (“PACT MOU”) .

STATEMENT OF CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2011) (MCBA), American Federation of Government Employees/National Veterans Affairs Council (Union) is filing this national grievance against you and all other associated Department of Veterans Affairs (“VA”) officials and/or individuals acting as agents on behalf of the VA for violations as it relates to its failure to comply with the June 9, 2010 national memorandum of understanding concerning Patient Centered Medical Home (“PACT MOU”).

Specifically, on an ongoing and continuous basis, the VA, by and through its representatives and/or agents, has:

- (1) Failed and continues to fail to follow the definition of “teamlet” as designated in Paragraph 2 of the PACT MOU;
- (2) Failed and continues to fail to provide adequate and funded staff for the teamlets and failed and continues to fail to provide for pre-decisional involvement concerning staffing mix;
- (3) Failed and continue to fail to allow for pre-decisional involvement on work groups and task forces established to plan, review, and modify existing practices of the PACT; and
- (4) Introduced the concept of “hybrid” PACT in violation of the PACT MOU without pre-decisional input or affording a notice and opportunity to bargain.

In doing so, the VA has violated the following provisions:

- (1) The PACT MOU *et al*;
- (2) Articles 49 §4 and Article 47, §2; and
- (3) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

### STATEMENT OF THE CASE:

#### **I. Background**

In June 2010, the Union's mid-term bargaining team and the VA met to negotiate concerning changes in working conditions associated with the introduction of the Patient Centered Medical Home program ("PACT"). The goal of PACT was to provide enhanced care to the veteran by providing a care staff or "teamlet" to provide continuous and consistent care and support. In paragraph 2 of the PACT MOU, the parties defined a teamlet as:

Consist[ing] of a primary care provider, a registered nurse care coordinator, clinical associate (LPN/LVN/CNA/HT/MA) and administrative associate (MC/HT).

(See Attachment A). The parties, in their discussions at the bargain table, understood that each teamlet must consist of one of each of the named positions above and that an employee was to be assigned to only one teamlet. Auxiliary support staff, such as pharmacists, was not limited to assignment to one team only.

In forming the teamlets, the VA agreed to provide "adequate and funded staff to support such a culture change, prior to any implementation with a VISN or facility." (See Attachment A at Para. 3). Concerning the staffing mix needed to support such a change, the parties agreed that the Union, at whatever appropriate level, would have pre-decisional involvement, either through labor management forums or through bargaining. (Id.) As a result of these changes, no employee would be adversely affected by the implementation of these changes. (Id. at Para. 6).

Additionally the parties discussed that each panel of patients, determined by the facility, would be assigned to a PACT teamlet and that the teamlet would see patients by appointment. No discussions were held concerning changes in procedure concerning walk-in patients or patients with emergency needs.

Since implementation of the PACT program, multiple facilities, including Wilmington, West Palm Beach, Nashville, Fayetteville, Portland, Gainesville, and Los Angeles, have experienced multiple issues relating to failure to comply with the PACT MOU. Multiple facilities have reported that defined members of the teamlets are being assigned to, on average, two or more teamlets, and in the case of Nashville, registered nurses are being assigned to 5 to 8 teamlets and

practice partnerships, which are staffed by residents.<sup>1</sup> In Portland and Gainesville, administrative clerks are not being assigned at the teamlet (Portland) and the position of registered nurse and licensed practical nurse are being treated as interchangeable not as separate and distinct positions as outlined in the PACT MOU. Several facilities have reported that because adequate and funded staff has not been provided, there is not adequate floor coverage for teamlet members who are on sick or annual leave, causing other teamlet members to be “de facto” assigned to multiple teams. As a result, multiple facilities, including Wilmington and Portland have been advised that a new “hybrid” PACT would be implemented, in violation of the PACT MOU and without notice or opportunity to bargain such change.

Additionally, all facilities reported that any walk-in or emergency patient was required to be seen that day by his or her teamlet, without regard to the need for an appointment. Facilities who attended the nationwide training in Los Vegas in 2010 where advised normal procedures for such appointments were to be followed and that open appointment slots would be made available to accommodate for patients. However, it has been reported that no appointment slots have been provided and that employees have been told that they “cannot leave” until all patients are seen. These changes were implemented without notice and an opportunity to bargain.

Multiple facilities also reported that the Union has not been provided pre-decisional involvement in either staffing mix needs or work group/task force reviews of the implementation and impact of PACT.

## **II. Violation**

The above cited incidents represent multiple violations of the 2010 PACT MOU.

## **III. Remedy Requested**

The Union asks that to remedy the above situation, the VA agrees to the following:

- (1) To agree to cease and desist the prohibited practices and immediately comply with the agreed terms and conditions of the PACT MOU;
- (2) To agree to provide notice and an opportunity to bargain over the introduction of “hybrid” teams and coverage of walk-in patients and patients with emergency needs; and
- (3) To agree to any and all other remedies appropriate in this matter.

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<sup>1</sup> These teamlets and/or practice partnerships are put together with 3 attending physicians and 12 residents. This results in the registered nurse, LPN, and clerk to have 3 attending physicians and 12 doctors to handle in panel sizes ranging from 1200 to 1500 patients.

#### **IV. Time Frame and Contact**

This is a National Grievance and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions regarding this National Grievance, please feel free to contact me at (202) 306-3664.



Ami Pendergrass  
Attorney  
AFGE/NVAC

Cc: Alma L. Lee, President, AFGE/NVAC  
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC