



DEPARTMENT OF VETERANS AFFAIRS  
OFFICE LABOR-MANAGEMENT RELATIONS  
WASHINGTON DC 20420

June 2, 2009

Jacqueline M. Sims  
Assistant General Counsel, AFGE-NVAC  
American Federation of Government Employees (AFGE)  
80 F Street, NW  
Washington, DC 20001

Dear Ms. Sims:

This is in response to your grievance dated April 24, 2009 regarding official time for the 2009 AFGE Human Rights Training Conference held during the week of March 23-26, 2009 in Las Vegas, NV. In your grievance you allege violations of Articles 4, Sections 1A and B, and 45, section 1B of the VA/AFGE Master Agreement, past practice and all other related laws and regulations. We deny any violation of the statute or the Master Agreement.

Every two years we receive the agenda for the AFGE Human Rights Training Conference. When we receive the agenda, we review it and determine whether we think the different tracks and sessions are appropriate for official time. Our decisions and subsequent recommendations to the field facilities are based on our interpretation of the relevant provisions of Article 4 of the VA/AFGE Master Agreement. We specifically request descriptions of each track and sessions to determine whether the training is of "mutual benefit."

Each year, the agenda has minor changes. The 2009 agenda had three new tracks. Those were: "Dealing with the Adult Learner"; "Recruit, Organize and Retain Volunteers"; and, "Tackling Diversity". Denise Biaggi-Ayer, Labor Management Relations, met with William Wetmore, AFGE/NVAC, and requested additional information on the new tracks. Mr. Wetmore informed us that the class descriptions provided in 2007 were still applicable to the 2009 agenda and he provided additional descriptions for the sessions called "Dealing with the Adult Learner" and "Tackling Diversity". Mr. Wetmore conceded that the track called "Recruit, Organize and Retain Volunteers" was internal union business. Based on the class descriptions received, each Administration sent a message out to the field stating that the following tracks did not appear appropriate for official time:

"Coordinator Boot Camp; Financial Officers Training (the portion that deals with fiduciary responsibilities, conducting audits and budget preparation), New Leaders Training. Recruit, Organize and Retain Volunteers and Conflict Resolution if AFGE does not participate in mediation at your facility unless you determine that your local needs this type of training"

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This message was consistent with the message sent out in 2007.

In your letter you claim that the National Grievance is being filed because “AFGE VA was informed that many AFGE union representatives were notified that official time would be denied or had been arbitrarily denied...” As stated above, the recommendation from the Administrations was to authorize official time for most of the tracks offered during the 2009 AFGE Human Rights Training Conference. We do not have information on what facilities or which employees were required to use annual leave to attend the conference. Please provide this information to enable us to determine whether the denials from the local facilities were “arbitrary and without merit”, as you allege.

You state you believe the EEO; Conflict Resolution; Financial Officers Training; Coordinator Boot Camp; and, New Leaders Training tracks should be considered of mutual benefit, and official time should be granted. As stated in your grievance, our recommendation did not include a denial of official time for any EEO track. We stand by our recommendations on the above mentioned tracks. As stated in our message, each facility should make a determination on whether “Conflict Resolution” is a track that will be of “mutual benefit”. For the Financial Officers Training, the sessions that are appropriate are those related to the reporting requirements of the Department of Labor and The Internal Revenue Service. The Coordinator Boot Camp track is described as “designed to sharpen the understanding of Labor organizational structure and the role of a Coordinator as an elected or appointed Local Leader.” We do not believe that definition is consistent with what Article 4, section 1A, defines as a class for “mutual benefit.” The “New Leaders Training” track has been defined, in part as: “This class is designed for those who have recently been appointed or elected to a union leader position. The class will focus on developing personal skills and critical thinking needed to function effectively in the many different roles of a union leader, specifically forum selection, issue organizing and mobilization, maintaining fiscal responsibility, and learning to access and utilize labor resources (sic) increase member representation.” We do not believe that definition is consistent with what Article 4, section 1A, defines as a class for “mutual benefit.”

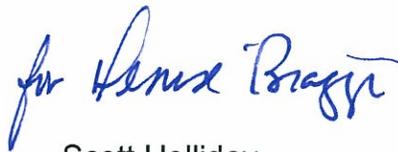
Finally, you claim that “it has been a longstanding past practice for the Agency to grant official time for travel for this training conference as well as for numerous other AFGE sponsored and joint trainings for AFGE union representatives.” We disagree with your statement. Our past practice has been to inform local facilities that local past practice should be followed when determining whether to approve official time for travel. We also tell local facilities that there is no contractual obligation to approve official time for travel if it has not been approved in the past. That has been our consistent past practice when making recommendations on official time for travel during training conferences. As authorizing official time for travel to the conference is a local matter, a grievance over such denial in

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violation of a local past practice, should be filed as a local grievance and not as part of this National grievance.

For the above stated reasons, we deny the grievance.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "for Scott Holliday". The signature is written in a cursive, flowing style.

Scott Holliday  
Acting Deputy Assistant Secretary  
for Labor-Management Relations