



DEPARTMENT OF VETERANS AFFAIRS
Veterans Health Administration
Washington DC 20420

MAY 19 2008

Roger Johnson
Director
VA Connecticut Healthcare System
950 Campbell Ave.
West Haven, CT 06516

In Reply Refer To:

Karin T. Thompson, APRN, BC
American Federation of Government Employees
Local 2138
950 Campbell Avenue, Bldg. 6, Room 127
West Haven, CT 06516

Dear Mr. Johnson and Ms. Thompson:

I am responding to the issue raised in your memoranda of January 3, 2008, and January 9, 2008, respectively, concerning the grievance filed by AFGE Local 2138 regarding funding for training and associated travel for Advance Practice Registered Nurses (APRN) at the West Haven VA Medical Center.

Pursuant to delegated authority, I have decided on the basis of the enclosed decision paper that the issue presented by this grievance is not a matter or question concerning or arising out of professional conduct or competence and does not raise issues concerning or arising out of the establishment of, determination, or adjustment of employee compensation within the meaning of 38 U.S.C. § 7422(b).

Sincerely yours,

A handwritten signature in black ink that reads "Michael J. Kussman".

Michael J. Kussman, MD, MS, MACP
Under Secretary for Health

Enclosure

Title 38 Decision Paper
VAMC West Haven, CT
VA 08-0_

On April 7, 2006, the American Federation of Government Employees (AFGE), Local 2138 filed a Step 2 Grievance on behalf of Advance Practice Registered Nurses (APRN) at the VA Connecticut Health Care System (VA CT HCS) requesting travel and tuition reimbursement for continuing education hours. (Attachment A) The grievance challenged VA CT HCS' policy of limiting reimbursement to \$200 per nurse per year for continuing education credits required to maintain a nurse's state licensure.¹ The grievance alleged that this policy violated Articles 2, 16 and 34 of the VA AFGE Master Agreement, and most specifically Article 34, Section 3.A., which provides that "[t]he Department will pay all expenses, including tuition and travel, in connection with training required by the Department to perform the duties of an employee's current position or a position to which an employee has been assigned." The grievance further alleged that APRNs were subject to a \$200 limitation "when other employees without certifications for licensure received full travel reimbursement." (Attachment A, page 1) As remedies, the Union requested that the VAMC: (1) "adhere to policy" and not limit travel funding to \$200; (2) make whole any APRN who was not allowed full travel reimbursement payment of all expenses for training required to maintain certifications for the Year 2003 through the date of settlement of the grievance; and, (3) allow Union membership on committees which set relevant policy and make decisions on employee tuition and travel requests and approvals. (Attachment A, page 2)

In its response to the grievance, Management informed the Union that it did not require or mandate APRNs to travel to obtain continuing education hours, which could be obtained without traveling through the VA CT HCS' in-house educational offerings or through online programs. (Attachment B, ¶¶ 1.c. and 1.d.) Management explained that it limited travel reimbursement to \$200 for discretionary courses but provided full funding for courses that the VA CT HCS specifically required employees to attend.. In addition, Management explained that "all funding is dependent upon the availability of funding and training priorities."

On April 28, 2006, the Union elevated its grievance to Step 3. (Attachment C) The Union argued that travel is often necessary to obtain relevant coursework to

¹ The \$200 cap was not formally stated in VA CT HCS policy, but was based on paragraphs IV.B.1. and IV.C.1 of the facility's Healthcare System Policy 118A-4, which provide, respectively, that "[t]he cost of registration for [continuing education] activities outside VA Connecticut Healthcare System will be fully or partially funded depending on available funds" and "[t]ravel and per diem costs associated with a continuing education program will be partially or fully funded depending on availability of travel funds." (Attachment B)