

SETTLEMENT AGREEMENT

The National VA Council-American Federation of Government Employees ("AFGE" or "the Union") and the Department of Veterans Affairs ("Agency") hereby agree to settle all disputes arising out of AFGE's National Grievance entitled "Portraying a non-union as representing employees," FMCS Case # 050811-58199-A ("the National Grievance"), in accordance with the following terms and conditions.

I. Withdrawal of Grievance

By execution of this settlement agreement (hereafter "Agreement" or "Settlement Agreement"), AFGE voluntarily withdraws the National Grievance and waives any and all actions, claims, complaints, grievances, appeals or proceedings of whatever nature arising from the allegations contained in the National Grievance, with the exception of any grievances that may arise by reason of breach of any term of this Settlement Agreement. AFGE agrees to promptly provide any document or take other action necessary to effectuate the withdrawal or dismissal of the National Grievance.

II. Terms of Settlement

By execution of this Agreement, AFGE and the Agency (collectively the "parties") have agreed to the following:

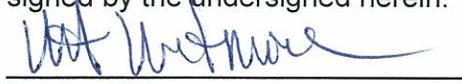
- A. The Agency will disseminate the messages attached hereto as Exhibits "A" and "B", respectively, via the Agency's daily intranet "Hey VA" broadcast in a one-time announcement, made no later than July 1, 2008.
- B. The Agency will send to all VHA field facilities the memorandum attached hereto as Exhibit "C".

III. Stipulations

The parties further stipulate and agree that:

- A. The parties have entered into this Settlement Agreement freely and voluntarily.
- B. This Settlement Agreement does not constitute an admission of guilt, fault or wrongdoing by either party.
- C. The obligations of the parties specified above constitute consideration sufficient to render this Agreement enforceable by either party.
- D. This Settlement Agreement shall not serve as precedent for resolving any other complaints, grievances, appeals or actions that may be filed.
- E. This Settlement Agreement constitutes the entire understanding between the parties regarding the resolution and settlement of the National Grievance, and there are no other terms or commitments, verbal or written, regarding the settlement of the National Grievance.

- F. The Agency or the Union may submit this Agreement as evidence of withdrawal of the National Grievance or as evidence of AFGE's waiver of any and all actions, claims, complaints, grievances, appeals or proceedings of whatever nature arising from the allegations contained in the National Grievance.
- G. Either party may bring a claim in the form of a grievance arising by reason of breach of any term of this Settlement Agreement.
- H. This Settlement Agreement may not be modified except by a written agreement signed by the undersigned herein:



For the Union

Date: 4.17.08



For the Agency

Date: 4/17/08

Exhibit B:

Hey VA! *Commemoration re AFGE-NVAC*

AFGE celebrates 75 years

The American Federation of Government Employees (AFGE) is the largest federal employee union, representing 600,000 federal and D.C. government workers nationwide and overseas. Workers in virtually all functions of government at every federal agency depend upon AFGE for legal representation, legislative advocacy, technical expertise and informational services. Founded in 1932, AFGE supports a meaningful transformation of the federal workplace to improve the way services and benefits are delivered to the American public. The union is headquartered in Washington, D.C., and over half of its members are consolidated into agency-wide bargaining units. One of the largest such units is the National VA Council, which represents approximately 160,000 VA employees at approximately 200 VHA, VBA and NCA facilities. Happy Diamond Anniversary, AFGE!

Exhibit A:
Hey VA! Retraction

A May 13, 2005 *Hey VA!* news item commemorating the 25th anniversary of the Nurses Organization of VA (NOVA) inaccurately stated that NOVA “represents more than 36,000 VA nurses as they [sic] lead the nation in improving ... working conditions and the status of nurses everywhere.” NOVA is a professional organization for VA nurses, not a labor organization, and where a labor organization has been certified as the exclusive representative of VA nurses, the labor organization – not NOVA – represents VA nurses concerning grievances and conditions of employment.

Exhibit C

Department of Veterans Affairs

Memorandum

Date:

From: Chief Nursing Officer (108)

Subj: The Role of NOVA at VHA Facilities Where RNs are Represented by AFGE

To: Chief Nurse Executives at AFGE Facilities (see distribution below)

1. This memorandum is intended to clarify the role of the Nurses Association of VA (NOVA), a professional organization, at facilities where registered nurses (RNs) are represented by the American Federation of Government Employees (AFGE).

2. In accordance with 5 U.S.C. §§ 7111(a) and 7114 and Article 1 of the AFGE Master Agreement, when AFGE has been certified as the exclusive representative of employees in a bargaining unit that includes RNs, AFGE alone has the right to speak for and to bargain on behalf of the employees it represents. This includes the right to be present at any formal discussion between one or more representatives of the agency and one or more employees in the unit (or their representatives) concerning all matters affecting personnel policies, practices, or working conditions. These authorities also prohibit the Department from bypassing the union by entering into any formal discussions or agreements with other employee organizations or bargaining unit employees concerning all matters affecting personnel policies, practices, or working conditions.

3. VA policy regarding employee associations is set forth in VA Handbook 5025, Part X. Paragraph 6 of that document specifies the activities that professional associations like NOVA may conduct on VA premises:

6. PROFESSIONAL ASSOCIATIONS AND SIMILAR GROUPS. Activities appropriate for a professional association or similar group are social, fraternal, or professional activities that may include, but are not limited to, such things as continuing education, training, and professional development. Activities may not include dealings that assume the character of negotiations with management over personnel policies, practices, or matters involving conditions of employment where an exclusive bargaining unit exists.

2.

Facility Nurse Executives at AFGE

4. When VHA facilities host or publicize NOVA programs or events, they must be mindful of the role and rights of AFGE as exclusive representative of RNs in its bargaining unit.

Cathy Rick

Distribution (list of VHA facilities at which AFGE represents RNs)