



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

NFFE-IAM VA Council of Consolidated Locals

2101 N. Elm Street / Room B-54/B-54 / Fargo ND 58102
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October 1, 2011

Honorable Alison Hickey
Undersecretary for Benefits
Department of Veterans Affairs
1722 I Street N.W.
Washington D.C., DC 20421

RE: National Grievance/CH 31 Performance Standards

Dear Ms. Hickey:

Attached please find a National Grievance filed on behalf of NFFE bargaining Unit Employees who we represent. NFFE representing approximately 6,700 professional Federal Employees at 22 Locals including seven Regional Offices.

Regrettably, we have been compelled to file this National Grievance after VBA CH 31 representatives and VBA LMR group walked away from negotiations. NFFE contends that for CH 31 bargaining unit professionals, ill conceived Performance Standards contribute to unfair assessment and demoralize employees serving our veterans. We believe further that the action to withdraw from bargaining violates the spirit of President Obama's Executive Order and potentially damages Labor-Management relations.

On behalf of NFFE professional employees who serve our nation's heroes, many who themselves are veterans, we seek your assistance in resolving prior to litigation, this Grievance. And we ask for your personal understanding of how VR&E National Performance Standards work in the "real world", as many supervisors and rank and file remain confused about them.

The VA Council is designating Stefan Sutich, General Counsel for our union as the representative in this matter and I will be copying him on this correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Robert Redding".

Robert Redding, President
NFFE VA Council of Consolidated Locals
AFL-CIO, CLC

Attachment: National Grievance – Standards

Cc:

Stefan Sutich, Esq.
NFFE FD-1, 805 15th St. NW, Suite 500, Washington DC 20005
(202) 216-4457

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In accordance with the 1997 NFFE Labor Management Agreement, Article 6 § 8, the NFFE asserts a violation of our LMA. Pursuant to the Parties' Master Agreement, the union files a grievance seeking a status quo ante remedy until such time as the issues in dispute are resolved, See Remedy section below. Under separate cover, a Data Request shall be forthcoming as necessary to pursue this grievance.

Facts:

On August 8, 2011, the VBA announced that it was implementing a Revised National VRC/CP Performance Plan on October 1, 2011. Prior to such announcement, NFFE and the VA engaged in months of bargaining regarding the revised performance standards. On April 5, 2011, the Agency broke off all bargaining declaring the matter to be covered by Article 15 of the Parties' Agreement.

Among the critical elements is Element 4 concerning customer service. Under this element, an employee's performance is determined in part by feedback from internal/external customers. A fully successful rating requires no more than 4 instances of valid complaints or incidents. A supervisor has full discretion to determine what is a valid complaint.

Element 2 of the Revised Performance Plan concerns claims processing. It sets forth a standard for the timeliness of claims processing. However, the standard has no nexus to the amount of cases that an employee has been assigned. With regard to such evaluations, it is the Union's understanding that supervisors have discretion to mitigate.

Violation:

(1) The Agency violated Article 8 Section 2 and 5 U.S.C. 7116(a)(5) by failing to finish bargaining with the Union over items not in conflict with the Master Agreement.

(2) The Agency's Revised Performance Standards violate Article 15 inasmuch as they institute a backwards performance standard and fail to set forth a standard that is objective. The factors that undermine objectivity the failure of the standard to take into account a supervisor's ability to dictate workload, a standard that does not connect the performance standard to the workload and the ability of supervisor's to determine who passes and who fails under this standard by selectively using their ability to mitigate and/or determine what a valid complaint is.

Remedy:

The Agency shall commence bargaining with the Union and complete bargaining prior to implementation of the Revised Standard. Additionally, the Agency shall rewrite the performance standards to conform to the requirements of Article 15. Finally, the Agency shall make whole any employees harmed by the implementation of such standards.