



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS
WASHINGTON DC 20420

DEC 19 2008

Robert Redding, President
NFFE-IAM VA Council
2101 N. Elm Street, Room B-55
Fargo, ND 58102

Dear Mr. Redding:

This is in response to your November 21, 2008, National Grievance regarding improper dues withholding and processing, which my office received on November 23, 2008. In the grievance you allege that the VA's conversion from the PAID system to DFAS has caused bargaining unit members to be "dropped from the roles and that rebates to the union were in error." The grievance further alleges that the VA "failed to take reasonable steps to safeguard dues withholding and is in violation of Article 5 of our Labor Management Agreement." As remedies, the grievance requests that management to do the following:

1. Audit 1187 forms submitted for accuracy of current dues withholding;
2. Retroactively correct any deficiencies in dues withholding;
3. Accept responsibility for any funds not withheld when they should have been withheld and pay the NFFE retroactively for its loss. This remedy request seeks to prevent the agency from collecting back from employees dues for which they failed to collect;
4. Provide the NFFE VA Council a written report explaining in detail where arrearages are and demonstrating that the dues withholding is fixed.;
5. Meet with NFFE VA Council designee, at agency expense, to review all reports and membership lists to ensure accuracy; and
6. Develop a plan to conform with the 1997 collective bargaining unit.

A. THRESHOLD ISSUE

The grievance is untimely.

In your grievance you indicate that on June 11, 2008, NFFE was notified that the VA would be transferring its employee payroll and dues withholding systems from PAID to DFAS. Furthermore, you stated that, "Immediately after the changeover, Local Lodges within the VA Council began noticing that members were being dropped from the roles and that rebates to the union were in error." The grievance procedure in Part A, Article 6, Section 12.A of the Master Agreement provides that "[a] grievance affecting more than one facility may be brought by the VA Council within 30 calendar days of an incident (or awareness of an incident), which gave rise to the grievance." (The grievance procedure in Part B of the Master Agreement contains the same 30-day time limit.)

2.

Robert Redding, President

By your own admission, NFFE became aware “immediately after the changeover” that its members were no longer on the rolls for dues and there were errors in the amount of dues being rebated to the union. You became aware of the change from PAID to DFAS on June 11, 2008. Your grievance was filed on November 21, 2008, which is five months after you became aware of the problems you allege were caused by the conversion. Therefore, your grievance is untimely.

B. MERITS OF THE GRIEVANCE

1. The grievance has no merit.

DFAS and PAID generate periodic reports for NFFE that contain the dues that were withheld. The DFAS report shows the amount of dues withheld for employees at facilities that have been converted to the DFAS system. The report from the PAID system reflects the amount of dues that were withheld from employees at facilities that have not migrated to DFAS. Migrated facilities should not be listed on the PAID report. We are aware of the existence of a reporting problem because facilities that migrated to DFAS have been appearing on the PAID reports with zero balances. Therefore, when you review the PAID reports that are regularly provided, it falsely appears that dues for certain bargaining unit employees have not been withheld.

While we understand how the reporting problem can lead to confusion about the dues being withheld, management is not aware of any bargaining unit employees being erroneously dropped from dues withholding or otherwise harmed. We are also not aware of local union lodges not being correctly reimbursed. The conversion from PAID to DFAS did not have an impact on the dues withholding process.

Unfortunately, your grievance fails to identify either the facilities where the alleged problems have occurred or the names of employees who have been harmed. We are unable to address any problems that may exist without specific details.

2. The requested remedies are unreasonable and contrary to law.

Several of your requested remedies require management to take corrective actions. These include 1) retroactive correction of any deficiencies in dues withholding; 2) accept responsibility for funds not withheld timely and reimburse NFFE retroactively to prevent the VA from asking employees for dues that management failed to collect; and 3) provide NFFE with a written report explaining where the dues are in arrears and show how this is being fixed. These remedies are unreasonable because management is unaware how NFFE or any employees have been harmed, so there is nothing to correct.

3.

Robert Redding, President

You are also requesting the following remedies: 1) an audit of all 1187 forms submitted by NFFE bargaining unit employees to determine the accuracy of current dues withholding; 2) a meeting between management and a NFFE representative, at VA expense, to review all reports and membership lists; and 3) "a plan to conform with the 1997 Collective Bargaining Unit." I assume the "1997 Collective Bargaining Unit" refers to the Master Agreement.

An audit of all 1187 forms submitted by NFFE employees and a meeting at VA expense are unreasonable and an unnecessary expense since, as stated above, we believe that neither the union nor any of its bargaining unit employees has been harmed. Moreover, there is no reason to develop a plan that conforms to the Master Agreement since we maintain that it has not been violated.

Based on the above, the grievance is denied.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Meghan Flanz", written in a cursive style.

Meghan Flanz
Deputy Assistant Secretary
for Labor-Management Relations