



DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS  
WASHINGTON DC 20420

JUN 23 2006

William H. Wetmore  
National Representative  
AFGE National VA Council  
Board of Veterans Appeals  
VA Central Office  
811 Vermont Avenue, N.W.  
Washington, DC 20420

**Re: National Grievance Regarding Compensation Panels for Doctors and Dentists**

Dear Mr. Wetmore:

We acknowledge receipt of your National Grievance, dated May 16, 2006, regarding Compensation Panels for Physicians and Dentists. In the referenced grievance, the union alleges that Article 53, Professional Standards Board (PSB), of the Collective Bargaining Agreement (CBA) was violated when "[t]he union's recommendations for panel members [were] not given serious consideration at many facilities...." In addition, the union alleges that Public Law 108-445 was violated when "management excluded eligible clinicians on the basis that it was 'not practicable', but failed to provide any basis for the finding that the inclusion of certain physicians was impracticable."

As a remedy to the alleged violations, the union requests that the Department of Veterans Affairs (DVA) create new compensation panels and to "...cease implementing any pay changes until the newly devised panels have completed the review process." In addition, the union requests that the new composition of the panels be as follows:

- a. "One-third of each panel's membership should be comprised of non-management clinicians, after allowing the Local to recommend members.
- b. A list of panel members and meeting dates should be provided to the local in advance of meeting dates.
- c. Management shall provide a written explanation to the Local for each Local recommendation that was rejected.
- d. Any and all other action that should be taken to ensure that physicians and dentists are made whole."

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We do not believe Article 53 of the CBA has been violated. The recommendations for market pay for dentists and physicians are not made by PSBs but by a different entity called a compensation panel. Compensation panels are not synonymous with PSBs and are therefore not covered by the provisions of Article 53 of the CBA.

In addition, we believe the compensation panels responsible for formulating pay ranges for VA physicians and dentists establish, determine, and/or adjust compensation and, as such, the remedies requested by the union are outside the scope of collective bargaining pursuant to 38 U.S.C. § 7422.

To that effect, we will be asking the Under Secretary for Health (USH) to make a determination on whether the remedies requested by the union involve the establishment, determination, or adjustment of Title 38 employee compensation. However, before we submit such a request, we invite you to join us in a discussion of the issues you have raised and of possible alternative means of resolving them. Please contact us prior to June 29<sup>th</sup> to determine a mutually convenient time for that discussion.

Prior to our discussion, we request that you provide us with more specific details regarding the broad, general allegations contained in paragraphs 6 and 7 of your grievance. Paragraph 6 refers to compensation panels that were formed and conducted without adequate notice to the union or clinicians, but you do not identify the facilities where this occurred. Likewise, in paragraph 7 you allege that management excluded eligible clinicians at many facilities that are not identified. Providing the requested additional details will facilitate our discussion and allow us to be more responsive to your concerns.

If we are not successful in resolving the issues referred to in the grievance, we will send a request to the USH and will send you a copy of our submitted document. You will have ten (10) days from receipt of our request to send your opposing document to the USH's attention. Such document should be submitted through the Office of Labor-Management Relations.

Sincerely yours,

  
Ronald E. Cowles  
Deputy Assistant Secretary  
for Labor-Management Relations