



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS
WASHINGTON DC, 20420
JUL 14 2005

Jacqueline M. Simms
Assistant General Counsel, AFGE-NVAC
80 F Street, N.W.
Washington, DC 20001

Dear Ms. Simms:

We acknowledge receipt of your June 9, 2005 National Grievance on the Nurses Organization of Veterans Affairs (NOVA). In your grievance you allege that the VA violated Article 1, Recognition and Coverage, and Article 48, Use of Official Facilities of the Master Agreement between the VA and AFGE; VA Handbook and Directives 5023, Labor Relations; VA Handbook and Directive 5025/1 and 5025/2, Legal; and, "any other related laws and regulations or Articles of the Master Agreement with respect to its publicly 'holding out' to VA employees that [NOVA] represents its VA nurses and by allowing NOVA (a non-union professional association) access and ability to use the Federal government electronic mail system (e-mail) to deliver e-mail, including but not limited to non-VA related and non-Federal government related communications to VA employees."

After careful review, we have determined that the *Hey VA!* message, posted in celebration of nurses' week, was not in violation of the Master Agreement, VA policy and any related laws and/or regulations. As previously stated in our June 6, 2005 response to Bill Wetmore, the message was posted by the VA Office of Public Affairs, not NOVA, in celebration of nurses' week in the VA. The intent of the message was not to create the appearance that NOVA functions as a union in the VA. Rather it was to recognize NOVA as a Professional Association, in conjunction with their 25th Anniversary, and the role they have played in promoting the importance of the nursing profession to the delivery of high quality health care in the VA.

AFGE further claims that the message "has all the appearance of advising nurses, and other employees, that NOVA functions as a union in VA." This statement misrepresents the message posted on the VA Daily News Broadcast. The *Hey VA!* message characterizes NOVA as a "nationwide professional organization of VA nurses with an educational and legislative mission", not a labor organization. As a professional association, NOVA does not "represent" VA nurses as the term is defined in 5 U.S.C. §§ 7103 and 7114, and VA is precluded from entering into a collective bargaining relationship with them. The *Hey VA!* message does not suggest otherwise.

For the above-stated reasons the grievance is denied.

Sincerely yours,

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