

Memorandum of Understanding

Between

National Association of Government Employees (the Union)

And

Department of Veterans Affairs (the Department)

Regarding

VA Directive 0700 and Handbook 0700 on Administrative Investigation Boards and Fact-Findings (the Policy)

1. The parties agree to follow both the policy and the parties' collective bargaining agreement (CBA). However, if there is conflict between the language in the policy and the language in the CBA, the parties will follow the provisions of the CBA.
2. The parties will utilize the terms Administrative Investigation Board (AIB) and fact-finding (FF). The addition of other descriptors such as formal, informal, management inquiry etc. are discouraged, but if used, it shall not alter the requirements and characteristics of an AIB or a fact-finding as provided for in the CBA or the policy.
3. The parties agree to jointly develop and deliver training on how to follow the parties' CBA while conducting an investigation under the policy. The target audience for this joint training are management officials involved in conducting investigations of BUEs and NAGE representatives who represent BUEs in these investigations.
4. The parties agree to meet to develop the training within 90 days of the execution of this MOU. After the joint training has been developed at the national level, timeframes and methods of delivery may be determined jointly by the Union and Department at the local level.
5. This joint training is intended to be in addition to any other training that may be used by the Department and it is not a substitute to the training that may be provided by the VA Office of General Counsel, or any other training offered or required by the Department.
6. Investigations are a neutral and impartial process to develop facts and must be conducted consistent with all applicable Federal laws, rules, and government-wide regulations.
7. Factfinders and investigators should not have a conflict of interest or personal stake in the matter, consistent with Policy.
8. During the course of the investigation, both the policy and the CBA contain provisions for the proper gathering, preservation, and integrity of the evidence. Notably, access to evidence

should be limited to those with an official need-to-know, which may include human resources staff or union representatives.

9. The Department will ensure that employee rights to notice and representation (when applicable, a.k.a. Weingarten) are adhered to throughout the entire investigative process.
10. The parties agree that investigations should be initiated and conducted in a timely manner, consistent with the timelines provided by the policy. The policy states that fact-findings are typically expected to be completed in a relatively short period (normally less than three weeks) whereas AIBs are expected to be completed within 45 days of initiation, unless extensions are granted.
11. When a BUE is the subject to and/or a witness of an AIB, the union should be notified immediately if an extension is requested and granted.
12. When a BUE is the subject of a fact-finding under the authorization of an Initiating Authority in which the BUE has invoked their right to union representation, the Union shall be notified immediately if an extension to the investigation is requested and granted.
13. When an action has been proposed against a BUE, the BUE or their representative may request a copy of the COMPLETE AIB investigation file. More specifically, this includes but it is not limited to copies of written statements, tapes, testimony/transcripts, exhibits, recommendations, and or findings, and photographs in the AIB investigation files. The Department will provide a written explanation of any denial of information requested, normally within 30 days of the receipt of the request.

3/5/2024

3/6/2024

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Sylma Vargas  
Labor Relations Specialist, VACO LMR  
Signed by: Department of Veterans Affairs

X Dr. Ginger L. Andrews for

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Mark D. Bailey, Sr.  
NAGE, Deputy Director  
Signed by: GINGER ANDREWS

3/4/2024

3/1/2024

X Brandon T. Hickok

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Brandon Hickok  
Labor Consultant, VHA  
Signed by: BRANDON HICKOK

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Labor Relations Specialist, VACO LMR  
Signed by: Department of Veterans Affairs