

## **FAX COVER SHEET**

<b>TO</b>	LMR Leslie Wiggins, DAS
<b>COMPANY</b>	Department of Veterans Affairs
<b>FAX NUMBER</b>	12024614075
<b>FROM</b>	Ibidun Roberts
<b>DATE</b>	2013-05-02 14:22:08 GMT
<b>RE</b>	Safety and Health Training NG

### **COVER MESSAGE**

Please find attached a national grievance concerning VA's failure to provide funding for safety and health training and conferences.

Ibidun

NATIONAL GRIEVANCE  
NG-5/2/13

**Date:** May 2, 2013

**To:** Leslie Wiggins  
Deputy Assistant Secretary,  
Labor – Management Relations  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

**From:** Ibidun Roberts, Attorney, National Veterans Affairs Council (#53) (NVAC), American Federation of Government Employees (AFGE), AFL-CIO

**Subject:** National Grievance in the matter of the Department of Veterans Affairs (VA) failure to comply with Article 29, Section 8 of the MCBA and 29 CFR Part 1960 concerning training for National and Local Safety and Health Representatives.

STATEMENT OF CHARGES

Pursuant to the provisions of Article 43, Section 11 of the Master Agreement Between the Department of Veterans Affairs and the American Federation of Government Employees (2011) (MCBA), American Federation of Government Employees/National Veterans Affairs Council (Union) is filing this national grievance against you and all other associated Department of Veterans Affairs (“VA”) officials and/or individuals acting as agents on behalf of the VA for violations as it relates to its failure to comply with Article 29 of the MCBA and 29 CFR Part 1960 concerning training for National and Local Safety and Health Representatives.

Specifically, on an ongoing and continuous basis, the VA, by and through its representatives and/or agents, has:

- (1) Failed to provide funding for an annual conference for each of the National Safety and Health Representatives.
- (2) Failed to provide training to designated Local Safety and Health Representatives.

In doing so, the VA has violated the following provisions:

- (1) Sections 3(D) and 8 of Article 29 of the MCBA;
- (2) 29 CFR Part 1960 and its subparts; and
- (3) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

## **STATEMENT OF THE CASE:**

### **I. Background**

Pursuant to Section 3(A) of the MCBA, there are five (5) National Safety and Health Representatives (NSHIRs) and pursuant to 3(G), each local union may also designate a Local Safety and Health Representative. Section 3(D) requires that the Department pay all expenses for each NSHR to attend at least one conference each year. Section 8 requires that the Department provide training for Union Safety and Health Representatives commensurate with the scope of responsibilities, in accordance with applicable law and regulations.

29 CFR Part 1960.59(b), explicitly referenced and incorporated in Article 29, requires that the Agency provide union representatives with both introductory and specialized occupational safety and health training. The training must equip union representatives with the tools to "function appropriately in ensuring safe and healthful working conditions and practices in the workplace" and "effectively assist in conducting workplace safety and health inspections."

Each of the NSHRs has been denied funding to attend a conference, since the cancellation of the VA Safety Conference. Local Safety and Health Representatives have been denied travel for basic and intermediate training in the following identified stations: Columbia VARO, Columbia, SC and VA Caribbean HCS, San Juan, PR.

### **II. Violation**

The VA has improperly failed to provide conference funding for NSHRs. The VA has also improperly failed to provide training for Local Safety and Health Representatives.

### **III. Remedy Requested**

The Union asks that to remedy the above situation, the VA agrees to the following:

- (1) To agree to authorize funding for a conference for each of the National Safety and Health Representatives within 30 days of settlement or arbitration decision;
- (2) To agree to arrange for National and Local Safety and Health Representatives to attend the next available safety and health training attended by Management officials; and
- (3) To agree to any and all other remedies appropriate in this matter.

**IV. Time Frame and Contact**

This is a National Grievance and the time frame for resolution of this matter is not waived until the matter is resolved or settled. If you have any questions regarding this National Grievance, please feel free to contact me at (202) 480-0064.



Ibidun Roberts  
Attorney  
AFGE/NVAC

Cc: Alma L. Lee, President, AFGE/NVAC  
William Wetmore, Chairperson, Grievance and Arbitration Committee, AFGE/NVAC