

NATIONAL GRIEVANCE
NG-3/13/13

Date: March 13, 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 failure to comply with Labor Management Forum Charters and the MCBA concerning funding for in-person meetings.

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 Labor-Management Forum (“LMF”) Charters and the MCBA concerning funding for in-person meetings.

On an ongoing and continuing basis, the VA, by and through its representatives and/or agents, has failed to approve funding for the convening of LMF in-person meetings as required by their respective Charters.

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

- (1) Article 3, Section 8 of the MCBA;
- (2) Charters for Labor-Management Forums (LMFs) that provide explicitly or implicitly for face to face meetings; and
- (3) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

STATEMENT OF THE CASE:

I. Background

As a specific example of what is grieved, on September 16, 2011, Jeffery Sladek, President of AFGE NVAC District 13, and Susan Bowers, Director of VHA VISN 18, signed the VISN 18 LMF Charter (“the Charter”). (See Attachment A). Among the provisions of the Charter was Section 7, which provided that the Forum would hold regularly scheduled meetings once per quarter. Further, its explicit statement that teleconferencing is available for those that cannot be present in person directly implies that the meetings are in-person.

The VISN had a quarterly meeting scheduled for January 29-30, 2013. On January 7, 2013, Jane Medina, VISN 18 HRO, sent an email to the LMF members stating that they had not received permission for the LMF to convene in January and that she was attempting to receive permission for the last week in February. (See Attachment B). As of February 14, 2013, they still had not received approval for the February dates. Specifically, Ms. Medina stated that the approval was “still sitting at the VHA level.” (See Attachment C).

II. Violation

The VA improperly failed to timely approve the funding of the VISN 18 LMF quarterly meeting, as scheduled in January, and rescheduled due to its failure in February. The NVAC is also anecdotally aware of other LMF labor partners being denied travel expenses for in person attendance.

III. Remedy Requested

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

- (1) To agree to timely approve funding, so as to avoid delay or cancellation of scheduled meetings as prescribed by LMF Charters and Agreements that predate any relevant VA processes; and
- (2) 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

ATTACHMENT

A

Department of Veterans Affairs
Veterans Integrated Service Network (VISN) 18
Labor-Management Forum
Charter

Preamble: As the President declared in Executive Order 13522, dated December, 9 2009, *Creating Labor-Management Forums to Improve Delivery of Government Services*, Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the Veterans of America. A non-adversarial forum for managers, employees, and employees' union representatives to discuss Government operations promotes positive labor relations and improves the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will encourage managers, employees, and employees' union representatives to collaborate in continuing to deliver the highest quality services to the Veterans of America. Before proposing to union representatives a management-developed solution to a workplace challenge or problem so that labor may engage in bargaining, management will utilize the Forum to discuss with labor workplace challenges and problems to endeavor to develop solutions jointly.

Details of the VISN 18 Labor-Management Forum Charter Agreement: The management of VISN 18 and the exclusive representatives of its Employees, AFGE and NFFE embrace these ideas and adopt the following charter for VISN 18 and its employees:

1. We agree that there will be established a VISN 18 Labor-Management Forum (hereinafter referred to as Forum), which will discuss and propose solutions upon matters of VISN-wide significance. To the extent permitted by law, the Forum will:
 - a. Support the creation of new as well as the maintenance of existing labor-management agreements and promote labor-management partnership efforts at all organized levels of VISN 18;
 - b. Develop suggested measurements and metrics for the evaluation of the effectiveness of the Forum in order to promote consistent, appropriate, and administratively efficient measurement and evaluation. The Forum will incorporate nationally-mandated metrics as well as incorporate local metrics as determined by the Forum. For example, a reduction in the number of grievances and ULPs, reduction in time necessary to implement changes in the workplace and improvement in scores of the All Employee Survey. In addition, it would be expected that EEO complaints will decrease and the utilization of ADR will increase;
 - c. Collect and disseminate information about, and provide guidance on, labor-management relations improvement efforts in the VISN, including the results achieved;

d. Utilize the expertise of individuals both within and outside the Forum to foster successful labor-management relations, including the use of facilitators and subject matter experts;

e. Develop recommendations for innovative ways to improve the delivery of services for Veterans while cutting costs and advancing employee interests; and

2. We agree that employees and their union representatives will have pre-decisional involvement in all workplace matters, without regard to whether those matters are subjects of bargaining under 5 U.S.C. 7106; (Section 3(a)(ii)). Nothing in this charter shall be construed to impair or otherwise affect the authority granted by law to the management of VISN 18.

3. We agree that management will provide adequate information on such matters expeditiously to Forum members, in order for the Forum to collectively arrive at a solution, where not prohibited by law.

4. We agree to make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), through discussions in the Forum. The goal is to minimize the need for bargaining, thereby lessening the time and costs of implementation. Agreements made by the Forum will not replace traditional bargaining at the appropriate level.

5. We agree to evaluate and document, consistent with the purposes of the Executive Order 13522 (Order) and any further guidance provided by the National Council on Federal Labor-Management Relations, changes in employee satisfaction, manager satisfaction, and organizational performance resulting from the Forum.

6. We agree that the Forum will be comprised of 18 members as well as an equal number of alternates, all of whom must be employees of VISN 18.

The Forum members are as follows:

- a. Human Resources Officer, VISN 18 (Co-Chair)
- b. Union Representative designated by labor members of the Forum (Co-Chair)
- c. AFGE Representatives from Amarillo, Albuquerque, Big Spring, El Paso, Phoenix, Prescott, and Tucson
- d. Member of Management from Amarillo, Albuquerque, Big Spring, El Paso, Phoenix, Prescott, and Tucson
- e. NFFE Representative, Amarillo

f. Quality Management Officer, VISN 18

g. Deputy Network Director, VISN 18

7. We agree that the Forum will hold regularly scheduled meetings once a Quarter. Teleconferencing will be available for those members not able to be present in person.

8. We agree that the Forum members may change the frequency, location, and length of the Forum meetings. Meetings may be extended by consensus of the members.

9. When a Forum member is unable to attend, their alternate may attend in their place.

10. We agree that the Forum will not hold meetings in the absence of a quorum. A quorum consists of at least 10 members or alternates, 5 Labor and 5 from management.

11. We agree that the Forum will appoint a secretary, not a member of the committee, to record and distribute the minutes, prepare and distribute the agenda, and to be the recipient of subcommittee reports. The Forum secretary will provide a written summary of the meeting to the Forum members for their review, including proposed agenda items for the next meeting within 2 weeks of the previous meeting.

12. General Guidelines:

a. No grievances shall be discussed and no bargaining shall take place.

b. Topics that could lead to grievances may be discussed.

c. Each person wishing to speak shall be recognized by the Co-Chairs prior to speaking.

d. The Chairs shall recognize a motion by either party to take it to further study.

e. All recommendation made by the Forum, by itself and/or its subordinate entities shall be arrived at by the process of mutual consensus. There shall never be a vote taken by the Forum.

f. Each topic shall be discussed fully and action reached before proceeding to another topic. Topics requiring further study may be tabled. When agreement is not reached, the topic shall be cancelled, reverting to its proper place in the labor/management relationship, for instance, grievance procedure, negotiations, etc.

13. Nothing in this agreement shall abrogate any collective bargaining agreements in effect on the date of this order.

14. This Charter is a living document and will be reviewed periodically to evaluate the effectiveness of the Forum, but no later than once a year, unless the parties agree

otherwise. In the event Executive Order 13522 expires or is rescinded at a later date, the Labor-Management Forum charter will no longer be in effect.

<u>Jeffrey Sladek</u>	<u>9/16/11</u>	<u>Signed by Bowers</u>	
Jeffrey Sladek	Date	Susan P. Bowers	Date
President,		Network Director,	
AFGE NVAC District 13		VHA VISN 18	

Attachment B

From: Medina, Jane
Sent: Monday, January 07, 2013 10:22 AM
To: VHA V18 HR Chiefs; Sladek, Jeffrey C.; Rael, Steven V.; Pearson, Vance L;
Smith, Kay; Florez, Paul; Bean, Terry; Curry, Louis Cc: Niethammer, Holley B.
(VISN 18); Hines, Regina; Hardy, Neil; Schaefer, Jean
Subject: Labor Management Forum (LMF)

Please adjust your busy calendars. We have not received permission for the VISN 18 LMF to convene this month. I'm hoping to have permission by February. Please reserve time the last week of February—and cross your fingers.

Jane Medina
VISN 18 HRO
480 325-3118

Attachment C

From: Medina, Jane
Sent: Wednesday, March 06, 2013 1:21 PM
To: Sladek, Jeffrey C.
Subject: RE: Labor Management Forum (LMF)

Yes sir. We are sir. Our inquiry of 2-14-2013, resulted in the information that the request for the approval of the Labor Management Forum to convene quarterly is "still sitting at the VHA level".

Jane Medina
VISN 18 HRO
480 325-3118

Please take a few moments to complete the HR Customer Service Quick Card and let us know how your HR service was today. Select VISN 18 and Station 494 when responding. Thank you.

From: Sladek, Jeffrey C.
Sent: Wednesday, March 06, 2013 1:17 PM
To: Medina, Jane
Subject: RE: Labor Management Forum (LMF)

Jane for clarification purposes would you please clarify that we are still waiting for VHA approval in order to conduct our labor management forum face to face meeting?

Jeffrey Sladek
President AFGE Local 495
President AFGE NVAC District 13
NVAC Mid Term Title 38 and 5
520-792-1450-5916