

Douglas H. H.

NATIONAL GRIEVANCE  
NG-07/30/2012

**Date:** July 30, 2012

**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 67 concerning the use of two monitors for Skills Certification testing for employees who have been using two monitors for their work and delaying grade promotions based on the results.

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 67 concerning the use of two monitors for Skills Certification testing for employees who have been using two monitors for their work and delaying grade promotions based on the results.

Specifically, on or about February 9, 2012 and continuously thereafter, the VA, by and through its representatives and/or agents, has:

- (1) Administered the Skills Certification test on a single monitor for employees who have been using dual monitors for their work.
- (2) Issued an email prohibiting the provision of dual monitors for testing of these employees.
- (3) Delayed grade promotions to GS-11 RVSRs for failing the test.

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

- (1) Sections 4 and 7 of Article 67; and
- (2) Any and all other relevant articles, laws, regulations, customs and past practices not herein specified.

## STATEMENT OF THE CASE:

### **I. Background**

On February 9, 2012, Agency Head Review was completed on Article 67. Notice of the article went out on March 20, 2012. Section 4 requires that "employees who have been using two monitors for their work will have two monitors for the testing, when they are available in the testing environment nationwide." All Skills Certification testing occurs at the same site where the employee normally works. However, since the Article's effective date, Veterans Service Representatives (VSRs) and Ratings Veterans Service Representatives (RVSRs) who normally work with dual monitors have been required to use a single monitor for testing. On top of this, failing the test triggered a delay in grade promotion for GS-11 RVSRs.

Under Article 67 Section 1(d), GS-10 VSRs are automatically promoted to GS-11 upon passing the test; if they fail it three times, they must apply for the promotion. To minimize failure, AFGE Local 1969 in Minneapolis, MN had secured an agreement with its Local Facility for an additional 30 monitors to implement dual monitor testing for VSRs that work with dual monitors. The Facility later repudiated that agreement citing a June 19, 2012 email from Jennifer Bover of VBA Office of Field Operations, stating that "dual monitors may not be used" because "dual monitor testing is not available nationwide." As a result, these employees are required to test on a single monitor.

Under Article 67 Section 7, GS-11 RVSRs were to be promoted to GS-12 on the first day of the pay period after the implementation of the Article. AFGE Local 25 in Washington, DC has several GS-11 RVSRs who normally work with dual-monitors and were required to test with a single monitor. At least two of those employees failed and, as a result, were required by their Local Facility to wait two pay periods for their GS-12 promotion.

VSRs and RVSRs continue to be required to single-monitor test regardless of whether they use dual monitors for their work.

### **II. Violation**

The email of June 19, 2012 appears, on its face, to be in violation of the language found in Article 67, Section 4. Further, the VA improperly failed to allow dual monitor testing for those employees that work with two monitors. In addition, the VA unlawfully conditioned grade promotion from GS-11 to GS-12 for RVSRs on the results of the test.

### **III. Remedy Requested**

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

- (1) To agree to immediately allow the use of two monitors for Skills Certification testing for all employees who use two monitors for their work;

- (2) To agree to void all previous failing results for employees who use two monitors for their work but not provided with two monitors for Skills Certification testing;
- (3) To agree to make whole any and all GS-11 RVSRs who were improperly delayed a grade promotion based on failing the Skills Certification test; and
- (4) 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