

NATIONAL GRIEVANCE

Date: February 22, 2008

To: Meghan Serwin-Flanz, Deputy Assistant Secretary for Labor-Management Relations,
Department of Veterans Affairs (VA)

Re: Official Time for those attending the American Federation of Government
Employees (AFGE) Legislative Conference (LegCon) in 2008.

From: Bill Wetmore, Chair, Grievance and Arbitration Committee, National Veterans
Affairs Council, #53, (NVAC), AFGE

1. This is a National Grievance (NG) filed under the provisions of Article 42, Section 11 of the Master Agreement between the Department of Veterans Affairs and the American Federation of Government Employees, signed March 21, 1997 (MCBA).
2. The facts of this matter include one that VA was advised by AFGE as to the agenda of the LegCon. Further, that agenda, provided in the same format as in the past, was previously accepted by VA as sufficient to grant official time for the LegCons that have previously occurred. Unfortunately, this time, there were continued requests from VA for AFGE to provide more information, although the nature of that information was never specified beyond providing more detail.
3. In fact, VA was informed as to all the particulars before the LegCon began but has not yet actually granted the appropriate amount of official time for several NVAC participants.
4. To review the information provided, the morning session on Monday consisted of speeches from Representatives Bob Filner and Ike Skelton, chairmen of the House Veterans Affairs and the House Armed Services Committees, respectively. The balance of the general session would be presentations by AFGE staff with respect to the matters that would be lobbied the following two days. This session lasted from 9 to 11:45 AM. That afternoon, classes involving workshops to further hone the lobbying points were conducted from 2:30 to 5 PM.
5. Tuesday and Wednesday were devoted to actual meetings with elected representatives and their staff. Tuesday began with breakfasts at 7:30 AM and ended for the day at 5 PM. Wednesday began with appointments at 9 that were scheduled to end at 5 PM.
6. A review of the above times shows that official time for actually participating in the LegCon should be 2.75 hours for Monday morning, 2.5 hours for Monday afternoon, 8 hours for Tuesday and 8 hours for Wednesday. Further, for those

who had to travel, as much as 8 hours of travel time should be added. Thus, the final tally of official time that ought to be granted would be 28.25 hours.

7. The MCBA provides at Article 45 for official time to be given for appropriate lobbying functions. This seems demonstrably to be an appropriate lobbying function. Further, it can hardly be done without traveling to Washington, DC in this case. It was scheduled to begin on Monday morning so people would travel on Saturday or Sunday, depending on whether they attended the VA issue session that occurred Sunday morning and included Veterans Service Officers and congressional staff people from both houses of congress. This was a crowded agenda from the beginning in order that union representatives would be as effective as reasonably possible in addressing their elected representatives. To deny official time for their activities seems not only a violation of the MCBA provisions but also of Chapter 71 of 5 USC(Statute), which also provides that official time shall be granted for appropriate lobbying functions. (See 5 USC 7102)
8. To date, I have been advised that some people have been granted a total of 15.5 hours, based on advice received from VA Central Office (VACO) or Ms. Bonnie Kerber, Human Resources Consultant for the Veterans Health Administration.
9. The appropriate remedy is a restoration of any leave taken that does not comport with the above calculation and that the affected attendees to the LegCon be made whole otherwise.