



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

John Gage
National President

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National Secretary-Treasurer

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National Vice President for
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June 9, 2005

By Facsimile and Regular Mail

Ronald E. Cowles
Associate Deputy Assistant Secretary
for Labor-Management Relations
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Re: **National Grievance**

This is a National Grievance filed by the American Federation of Government Employees (AFGE) in accordance with Article 42, Section 11 of the Master Agreement between the Department of Veterans Affairs (VA) and AFGE signed March 21, 1997 (hereinafter, "Master Agreement"). Further, this National Grievance is filed against VA and any and all other associated VA officials for violations of Article 1 and 48 of the Master Agreement, VA Handbooks and Directives 5023, 5025/1 and 5025/2, and any other related laws and regulations or Articles of the Master Agreement with respect to its publicly "holding out" to VA employees that the Nurses Organization of Veterans Affairs (NOVA) represents its VA nurses and by allowing NOVA (a non-union professional association) access and the ability to use the Federal government electronic mail system (e-mail) to deliver e-mail, including, but not limited to non-VA related and non-Federal government related communications to VA employees. (*See attachment*).

On May 13, 2005, VA announced in its "VACO (VA Central Office) Broadcast" that NOVA "represents more than 36,000 nurses as they lead the nation in improving professional education, working conditions and the status of nurses everywhere." (*See attachment*)¹. Thereafter, on May 13, 2005, William Wetmore, 3rd Executive Vice President, AFGE-NVAC had a telephonic conversation with John Haltigan (due to your unavailability) of your office regarding the NOVA message. Mr. Wetmore told him that it had come to the attention of the National VA Council (NVAC) that a notification had been electronically mailed to all of VA that day informing everyone that NOVA "represents more than 36,000 nurses as they lead the nation in improving professional education, working conditions and the status of nurses everywhere."

¹ The e-mail reveals that it was printed at the Salisbury VA Medical Center and sent to "COX, JEFFREY D NURSE" from "POSTMASTER.FORUM@FORUM.VA.GOV" (*See attachment*).

On May 16, 2005, Mr. Wetmore sent a memo to you asking that VA retract this, provide a posting stating that NOVA does not represent the bargaining unit, and that the anniversaries of AFGE and NVAC be announced in the same national email format as was given to NOVA. That memo was delivered May 16 by email and hand-delivered later that day. Subsequently, Mr. Wetmore requested an extension; however, a response was not received.

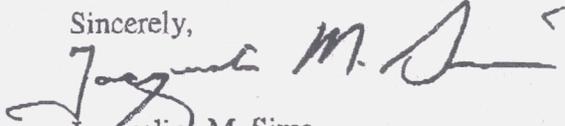
AFGE-NVAC maintains that this notification has all of the appearance of advising nurses, and other employees, that NOVA functions as a union in VA. While we do not know how other unions in VA regard this matter, AFGE-NVAC regards this as an unacceptable public position, and more directly, a clear violation of Article 1 of the Master Agreement, VA Handbooks and Directives 5023, 5025/1 and 5025/2 and any and all other relevant laws and regulations.

To remedy this matter, AFGE-NVAC requests that: 1) VA cease and desist from allowing NOVA access and the ability to use the Federal government electronic mail system (e-mail) to deliver e-mail, including, but not limited to, non-VA related and non-Federal government related communications to VA employees; 2) VA retracts the above-noted announcement in the same forum in which it was issued (VACO Broadcast message); 3) VA posts the retraction on all bulletin boards for 30 days, in size 14 print, in an unobstructed view; and 4) VA posts on all bulletin boards for 30 days, in size 14 print, in an unobstructed view; in every facility where nurses are represented by AFGE, that AFGE is the exclusive representative of nurses at that facility, that NOVA is not a labor union and does not represent nurses in that facility, and that AFGE is the sole exclusive representative of the nurses at that facility. We request that this posting remain unaltered, clearly visible and in place on every bulletin board for 60 days in an area that nurses work.

Finally, we request that the anniversaries of AFGE and the NVAC be announced in the same laudatory manner and method as chosen to announce and laud NOVA ("the Nurses Organization of Veterans Affairs (NOVA) celebrates its 25th anniversary"), with future announcements pertaining to NOVA not including any reference to the idea that NOVA represents VA nurses in any manner comparable to the representation afforded by AFGE. (See attachment).

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 202-639-6524.

Sincerely,



Jacqueline M. Sims
Assistant General Counsel, AFGE-NVAC

cc: Alma L. Lee, President, AFGE-NVAC
J. David Cox, 1st Executive Vice President, AFGE-NVAC
William Wetmore, Chairman, Grievance
and Arbitration Committee, AFGE-NVAC