



Out of Many/One Union
AFGE/NRA/CA/PL/CIO

April 2, 2004

**NATIONAL VETERANS
AFFAIRS COUNCIL**
American Federation of Government Employees
AFFILIATED WITH THE AFL-CIO
NATIONAL GRIEVANCE

Ronald Cowles
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Washington, D.C. 20420

1. This is a National Grievance filed under Article 42, Section 11 of the Master Agreement between the Department of Veterans Affairs (VA) and the American Federation of Government Employees (AFGE), signed March 21, 1997 (MCBA).
2. This grievance is filed because the Chief Negotiator for VA refused to sign Article 30 - Staff Lounges when presented to her on April 1, 2004.
3. The facts surrounding this grievance may be readily set forth. The Memorandum of Understanding regarding the Ground Rules pertaining to the renegotiation of the Master Agreement was signed on July 17, 2003 (GRCBA). The GRCBA provides at Section II "Procedures," paragraph G "The Chief Negotiators are jointly responsible for the following:" third bullet "Initialing-off on all Articles to which the Master Negotiating Committee has reached consensus."
4. The above provision requires that when the Master Negotiating Committee has reached agreement as to an Article, both the Chief Negotiators are required to sign off, or "initial-off." It is our position that no other interpretation may be assigned to this provision.
5. Management moved to open the current negotiations. The proposal at issue, that AFGE has asked VA to sign, is the language VA offered on this article. After consideration, AFGE accepted the article as proposed, signed it, and offered it to VA for signature.
6. Since the GRCBA is so definite, the refusal of the Chief Negotiator for VA to sign is a failure to comply with the GRCBA.
7. At the time following the refusal, the Chief Negotiator for VA offered as an explanation for her action the view that AFGE had not given VA all of the AFGE Proposed Articles. That concern is irrelevant to the refusal to abide by the clear provision of the GRCBA in this matter. Moreover, AFGE responds now by noting that when AFGE was provided a copy of "Article 2A—Management Rights," we were informed that VA would be providing us with additional articles. Under the ground rules, neither party has the option

to refuse to sign an agreed upon article because other proposed articles may be forthcoming from the other party.

8. The Remedies sought include the Chief Negotiator for VA properly executing the agreed to copy of Article 30. An additional remedy is that VA post on all bulletin boards and broadcast to all employees by electronic mail, the following statement in Times New Roman, font 30 or more, the following admission: "VA has FAILED to COMPLY with the agreement regarding ground rules for negotiations of the Master Agreement between VA and AFGE (the UNION) by refusing to sign an article to which both sides had agreed."



Alma Lee

Chief Negotiator/ President, NVAC

CC: Anthony Principi, Secretary of Veterans Affairs
Nora Egan, Chief of Staff, VA
Robert Roswell, M.D., Undersecretary for Health
Daniel Cooper, Admiral, Undersecretary for Benefits
J. W. "Jack" Nicholson, General, Undersecretary for Memorial Affairs
John Gage, National President, AFGE